

## Comm 14 Technical/Substantive Changes 2008-2009 Editions

| Department Action   | NFPA 1 Text Modified  | Comments                      |      |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
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| <b>Global Overview.</b>   |   |                               |      |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
| <p><b>Clearinghouse Rule No.:</b> 09-104</p> <p><b>Statutes Interpreted.</b><br/>Sections 19.21 (4) (b); 101.02 (15) (j); 101.12 (3); 101.14 (1) (a), (am) and (b) and (2) (c) 1.; 101.141, and 101.63 (1).</p> <p><b>Statutory Authority.</b><br/>Sections 101.02 (15) (j), 101.14 (1) and (2) (c) 1., 101.63 (1), and 227.11 (2) (a).</p> <p><b>Wisconsin Department of Commerce proposes an order to Repeal:</b> Comm 14.001 (2) (b); 14.01 (2) (a) 1. (intro.) and a., (5), (7) (b) Note, and (9) (a) and (b)</p> <p><b>Renumber:</b> Comm 14.01 (1) (c) 1. to 4., 6. and 7., (2) (a) 3., (c), (d) and (f) (title), 1., 3. and 4., (4) (title), (a) 2. and 3. and (b), (6) and Note [2], (7) to (10), (11) (title), (intro.), (a), (b) (title), 1., 2., 4., 5. (intro.) and a. to r., 6. (title) and a. and 8. to 10., (c) and (d) and (12) (title), (intro.), (a) (title), 1. b. and 2. b., (b), (c), (d) (title), 1. and 3., (e) and (f) (title), 1. and 2.; 14.03 (intro.), (1) to (5) and (8) to (10); 14.10 (2); 14 Appendix section A–14.01 (6)</p> <p><b>Renumber and Amend:</b> Comm 14.001 (2) (a); 14.01 (1) (a) and (c) (intro.), 5. and Note, (2) (intro.), (a) 1. b., 2. and Note and 4., (e) and (f) (intro.), 2. and Note, (3) and Note, (4) (a) 1., (6) Note [1], (11) (b) 3., 5. (title), r. Note and s., 6. b. and c., 7. and Note, 9. Note and (e), and (12) (a) 1. a. and 2. a., (c) 1. Note, (d) 2. and Note and (f) 1. Note and 2. Note; 14.03 (6) and (7)</p> <p><b>Amend:</b> Comm 14 subchapter I (title); 14.001 (1) (a) and Note and (b); subchapter II (title) and Note; 14.01 (1) (e) and (f); 14.10 (1) Note; 14.13 (4) Note; 14.20</p> <p><b>Repeal and Recreate:</b> Comm 14.01 (1) Note [3], (7) Note and (9) (a) and (b) and to create Comm 14.01 (1) (a) Note, (c) 2. and (g) and Notes, (2) (a) 4., (b) (intro.) and 4. Note, (3) (intro.), (4) Note [2], (6) (title) and (intro.), (9) (b) Note, (11) (a) and (b), and (13) (b) 3. Note and 6. and Note; 14.10 (2) and Note and (3) and Note; 14.34; 14.50; 14.53; 14 Appendix sections A–14.01 (2) (b) 4., (9) (b) and (13); 22.01 (1) Note [2]</p> <p><b>Summary of Proposed Comm 14 Rule.</b><br/>(1) The proposed rules primarily update the incorporated National Fire Protection Association® NFPA® 1 fire prevention code from the 2006 edition to the 2009 edition, with the approval of</p> | <p>NFPA has created a <a href="http://www.nfpa.org">free access web link www.nfpa.org</a>.</p> <p>Additional extracts and references from NFPA codes and standards that are essential to a code official's use of the document were added, bringing the <b>number of referenced NFPA codes and standards to over 125.</b></p> <p><b>A reference in brackets [ ]</b> following a section or paragraph indicates material that has been extracted from another NFPA document.</p> <p>As an aid to the user, the complete <b>title and edition of the source documents for extracts in mandatory sections of the document are given in Chapter 2.</b></p> <p>Extracts in <b>informational sections</b> are given in Annex S.</p> <p><b>Editorial changes</b> to extracted material consist of revising references to an appropriate division in this document or the inclusion of the document number with the division number when the reference is to the original document.</p> <p><b>Requests for interpretations or revisions of extracted text</b> shall be sent to the technical committee responsible for the source document.</p> <p style="text-align: center;"><b>Example of Number of Extracts in 2009 NFPA 1</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">NFPA</td> <td style="width: 15%;">10</td> <td style="width: 60%;">Fire Extinguishers</td> <td style="width: 10%; text-align: right;">132</td> </tr> <tr> <td>NFPA</td> <td>25</td> <td>Maint. of Water Based Systems</td> <td style="text-align: right;">78</td> </tr> <tr> <td>NFPA</td> <td>30</td> <td>Flammable Liquids</td> <td style="text-align: right;">506</td> </tr> <tr> <td>NFPA</td> <td>58</td> <td>Propane</td> <td style="text-align: right;">397</td> </tr> <tr> <td>NFPA</td> <td>72</td> <td>Fire Alarm</td> <td style="text-align: right;">144</td> </tr> <tr> <td>NFPA</td> <td>101</td> <td>Life Safety Code</td> <td style="text-align: right;">1507</td> </tr> </table> | NFPA                          | 10   | Fire Extinguishers | 132 | NFPA | 25 | Maint. of Water Based Systems | 78 | NFPA | 30 | Flammable Liquids | 506 | NFPA | 58 | Propane | 397 | NFPA | 72 | Fire Alarm | 144 | NFPA | 101 | Life Safety Code | 1507 | <p>The Department and the Advisory Comm 14 Code Council has tried to keep the Wisconsin amendments to a minimum. Amendments were necessary to incorporate a unified code implementation and enforcement policy with other codes and to accommodate Wisconsin statutory requirements.</p> <p>See the Advisory Comm 14 Code Council progress reports for further intent, justification, and guidance behind the proposed code changes. The 2004-2010 <b>reports are posted at <a href="http://commerce.wi.gov/SB/SB-CodeCouncilsCom14Sum.html">http://commerce.wi.gov/SB/SB-CodeCouncilsCom14Sum.html</a></b></p> <p>All references to the 2006 <b>2009</b> edition of NFPA® 1, <b>Uniform Fire Code</b>, as adopted and modified in this chapter have been amended.</p> <p>All references to the commercial building code chapters <b>Comm 60 61 to 66</b> have been amended.</p> <p>The <b>design requirements</b> in NFPA 1 and in any standard or code adopted therein that apply to public buildings or places of employment <b>are not included as part of this chapter, except as specified in chapter 18.</b> Sections 18.2.3 and 18.3 are not retroactive [fire department access roads and water supply].</p> <p>All references to the design <b>and construction</b> requirements have been amended.</p> <p>Numerous Sections <b>renumber</b> Comm 14 and the referenced NFPA 1 to improve the numbering and clarity of some Comm 14 modifications by moving some of the administration and application requirements in section Comm 14.01 to correspond with topic areas in subsequent NFPA 1 sections.</p> <p><b>Department directive statements:</b></p> <ol style="list-style-type: none"> <li>1. This is a department rule <b>in addition to</b> the requirements in NFPA 1 section XXXX:<br/>Means: All text in this section has been adopted without modification, but Wisconsin has some additional requirements.</li> <li>2. <b>Substitute</b> the following wording for the requirements in NFPA 1 section XXXX:<br/>Means: New text is completely replacing existing text.</li> <li>3. This is a department <b>informational note</b> to be used under NFPA 1 section XXXX:</li> </ol> |
| NFPA  | 10  | Fire Extinguishers            | 132  |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
| NFPA  | 25  | Maint. of Water Based Systems | 78   |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
| NFPA  | 30  | Flammable Liquids             | 506  |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
| NFPA  | 58  | Propane                       | 397  |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
| NFPA  | 72  | Fire Alarm                    | 144  |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |
| NFPA  | 101   | Life Safety Code              | 1507 |                    |     |      |    |                               |    |      |    |                   |     |      |    |         |     |      |    |            |     |      |     |                  |      |  |

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| <p>the Attorney General.</p> <p>(2) An expanded scope of the chapter so that only buildings, structures, or situations which are sovereignly controlled are excluded from the chapter.</p> <p>(3) The information that all fire departments must report to the United States Fire Administration for all fires.</p> <p>(4) An occupancy period of no more than six months, for seasonal occupancies to be eligible for being inspected only once per calendar year.</p> <p>(5) An exception that allows fire departments in non-first-class cities to reduce their inspection frequency in low-use buildings, based on the same criteria applied in first-class cities.</p> <p>(6) A time period of at least seven years, for cities, villages and towns to retain records for fire prevention inspections and fire dues entitlement.</p> <p>(7) The maximum size and usage, and minimum record keeping, for a mobile kitchen that is allowed to not have an exhaust hood and corresponding automatic fire suppression system</p> <p>(8) That the requirements in NFPA 1 chapter 53 for mechanical refrigeration do not apply.</p>   |                      | <p>Means: The only addition to this section is a note which may be a cross reference or an example or which conveys a statutory requirement.</p> <p>4. The requirements in NFPA section XXXX are <b>not included</b> as part of this code.<br/>Means: The section has not been adopted; no text is replacing or substituting for this section.</p> <p>5. This is a <b>department exception</b> to the requirements in NFPA 1 section XXXX:<br/>Means: An exception is being added to the section where none exists.</p> |
| <p><b>Comm 14.01 Administration.</b></p>   |                      |   |
| <p>SECTION 1. Comm 14 subchapter I (title) and 14.001 (1) (a) and Note and (b) are amended to read:</p> <p><b>Comm 14 Subchapter I (title) – Adoption and Application of NFPA<sup>®</sup> 1, <i>Uniform Fire Code</i></b></p> <p><b>Comm 14.001 (1)</b></p> <p>(a) <i>Adoption of model fire code.</i> NFPA 1, <i>Uniform Fire Code</i><sup>™</sup> – <del>2006</del> 2009, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.</p> <p><b>Note:</b> A copy of NFPA 1, <i>Uniform Fire Code</i>, is on file in the offices of the <del>department</del> Department and the <del>legislative reference bureau</del> Legislative Reference Bureau. Copies of NFPA 1, <i>Uniform Fire Code</i>, may be purchased from the National Fire Protection Association; at 1 Batterymarch Park, Box 9101, Quincy, MA, 02269-9101; and may be purchased <b>or accessed free of charge at <a href="http://www.nfpa.org">www.nfpa.org</a>.</b></p> <p>(b) <i>Application of model fire code.</i> The <b>use, operation and maintenance</b> of public buildings and places of employment shall comply with <b>NFPA 1 as referenced in par. (a), except as otherwise</b> provided in this chapter.</p> |                      | <p>NFPA free access web link <a href="http://www.nfpa.org">www.nfpa.org</a> inserted into Comm 14.</p> <p>Clarification to clarify the Comm 14 provisions modify NFPA 1.</p>  |

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| <p>SECTION 2. Comm 14.001 (2) (a) is renumbered Comm 14.001 (2) and amended to read:<br/> <b>Comm 14.001 (2)</b> Where a municipality has by ordinance adopted requirements of the <i>International Fire Code</i>® – 2006 2009 and any additional requirements, that, in total, are equivalent to NFPA 1 as referenced in sub. (1) and subch. II, the department will not consider that ordinance to be in conflict with sub. (1) and subch. II; and property owners or managers, or employers, need only comply with that ordinance.</p> |                      | <p>The Council opposed continuation of the alternate-code option. Under the text, the local municipality would review and determine equivalency, but that determination could be reviewed some time later by the Department, such as in response to a complaint or an appeal. Where the IFC is adopted by a local ordinance, local resources will support it. The Department will not provide any 2% resources or assistance to support the IFC.</p> <p>The deleted text [and subch. II] is redundant. "NFPA 1" means the 2009 edition of NFPA 1, Fire Code, as adopted and modified in Comm 14. Local IFC ordinances can not be less stringent than NFPA 1 and the Comm 14 modifications.</p> |
| <p>SECTION 3. Comm 14.001 (2) (b) is repealed.<br/> <del>Comm 14.001 (2) (b) Any special order granted by the department prior to March 1, 2008, that authorized a municipality to use the <i>International Fire Code</i> – 2000 in lieu of NFPA 1 and subch. III of a previous edition of this chapter shall terminate on March 1, 2008.</del></p>   |                      | <p>All Department special orders for reduced inspection frequencies expire on the effective date of the new code. See section 31.</p>  |
| <p>SECTION 4. Comm 14 subchapter II (title) and Note are amended to read:<br/> <b>Comm 14 Subchapter II (title) – Modifications of NFPA 1, <i>Uniform Fire Code</i></b><br/> <b>Note:</b> The sections in this subchapter are generally numbered to correspond to the chapter and section numbering of NFPA 1, <i>Uniform Fire Code</i>; e.g., s. section Comm 14.01 contains modifications of NFPA 1, chapter 1.</p>   |                      |  |
| <p>SECTION 5. Comm 14.01 (1) (a) is renumbered Comm 14.01 (1) (a) 1. and amended to read:<br/> <b>Comm 14.01 (1) (a) 1.</b> Except as provided in pars. (b) to (f), this chapter applies to all public buildings and places of employment that exist on or after [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], except as provided in pars. (b) to (d).</p>  |                      | <p>“Exist on or after” means retroactive except as provided in pars. (b) to (d).</p>   |
| <p>SECTION 6. Comm 14.01 (1) (a) Note is created to read:<br/> <b>Comm 14.01 (1) (a) Note:</b> As established in section Comm 14.01 (2) (a) 1., this chapter does not prescribe how to design public buildings. However, this chapter includes requirements that may apply during the construction of a public building, such as the safeguards in NFPA 1 chapter 16 for fire safety during construction. See chapters Comm 61 to 66 for design requirements for public buildings and places of employment.</p>                           |                      | <p>Note clarifies NFPA 1 chapter 16 does include safeguard requirements for fire safety during construction.</p>   |

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| <p>SECTION 7. Comm 14.01 (1) (c) (intro.) to 7. are renumbered Comm 14.01 (1) (c) 1. and 3. to 9., and Comm 14.01 (1) (c) 1. and 7. and Note, as renumbered, are amended to read:</p> <p><b>Comm 14.01 (1) (c) 1.</b> This chapter does not apply to <del>all</del> <b>any of the following types of buildings, structures or situations: specified in subds. 3. to 5.</b></p> <p>7. A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a <del>child caring institution having residential care center for children and youth that has a capacity for 8 or fewer children,</del> all as defined in s. 48.02, Stats.</p> <p><b>Note:</b> The definitions in <del>s. section 48.02, Stats., of the Statutes</del> limit foster homes to no more than 4 children unless <del>all</del> the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the <del>department</del> <b>Department of health Children and family Families</b> services, a group home or a <del>child caring institution having residential care center for children and youth that has a capacity for 8 or fewer children may be located in a one- and 2-family dwelling</del> as a community living arrangement, as defined in <del>s. section 46.03 (22), Stats., of the Statutes.</del></p> |                      | <p>Comm 14 does not apply to <b>any</b> of the <b>Indian or federal facilities</b> buildings, structures or situations - <u>specified in subds. 3. to 5.</u></p> <p>Adds the words <b>residential care center for children and youth.</b><br/>Under section 48.02, “Residential care center for children and youth” means a facility operated by a child welfare agency <b>licensed under s. 48.60</b> for the care and maintenance of children residing in that facility.</p> <p>Adds the words <b>Department of Children and Families</b> to reflect the new state agency responsible.</p> |
| <p>SECTION 8. Comm 14.01 (1) (c) 2. is created to read:</p> <p><b>Comm 14.01 (1) (c) 2.</b> All of the buildings, structures or situations in subds. 3. to 9. <b>are neither public buildings nor places of employment</b> under this chapter.</p>   |                      | <p>All the buildings, structures or situations in subds. 3. to 9. <b>are neither public buildings nor places of employment</b> under this chapter.</p>   |
| <p>SECTION 9. Comm 14.01 (1) (e) and (f) are amended to read</p> <p><b>Comm 14.01 (1) (e) 1.</b> The requirements in sub. <del>(9)</del> <b>(11)</b> apply to <b>all fire responses</b>, rather than only to fire responses for public buildings and places of employment.</p> <p>2. The requirements in sub. <del>(11)</del> <b>(13)</b> (d) 2. apply to fire responses to <b>first alarms for all buildings</b>, rather than only for public buildings.</p> <p>(f) <b>Except for facilities as that are exempted</b> from this <del>code</del> chapter under par. (c) <del>1- 3. to 3- 5.</del> – and <del>notwithstanding</del> <b>regardless of</b> pars. (b), (c) <del>4- 6. to 7- 9.</del> and (d) – <del>this code chapter applies to all facilities and structures which exist on or after March 1, 2008 [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], and which involve flammable-, combustible- or hazardous-liquid storage, transfer or dispensing.</del></p>   |                      | <p>NFPA 1 as modified by Comm 14 applies to <b>all facilities and structures which involve flammable-, combustible- or hazardous-liquid storage, transfer or dispensing</b> except Indian and federal facilities.</p>  |
| <p>SECTION 10. Comm 14.01 (1) Note [3] is repealed and recreated to read:</p> <p><b>Note:</b> See the annotations under section 101.11 (3) of the Statutes for <b>further guidance in determining which facilities are or are not places of employment.</b></p> <p><b>Note:</b> The scope of NFPA 1, <i>Uniform Fire Code</i> is broader than</p>  |                      | <p>See Section 11 for broad authority to abate fire hazards.</p> <p>See statute annotations for <b>further guidance in determining which facilities are or are not places of employment.</b></p>   |

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| <p>the scope of this chapter. For example, that code contains requirements for premises which do not include a public building or place of employment and which do not store flammable, combustible or hazardous liquids. Any requirements which are beyond the scope of this chapter cannot be enforced under this chapter, but may be adopted by local ordinances. Those ordinances may be adopted under statutory authority that is separate from the department's statutory authority.</p>  |  |  |
| <p>SECTION 11. Comm 14.01 (1) (g) and Notes are created to read:<br/> <b>Comm 14.01 (1) (g) 1.</b> Except for facilities that are exempted from this code chapter under par. (c) 4- 3, to 3- 5, – and notwithstanding regardless of pars. (b), (c) 4- 6, to 7- 9, and (d) – the department or its deputies may apply this chapter to any building or other structure or premises or public thoroughfare, which exists on or after [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], and which has either of the following characteristics:<br/> a. It is especially liable to fire and is so situated as to endanger other buildings or property.<br/> b. It contains combustible or explosive material or inflammable conditions that are dangerous to the safety of any building or premises or the occupants thereof, or endangering or hindering fire fighters in case of fire.<br/> 2. The purpose of applying this chapter under this paragraph is to cause correction of any of the following:<br/> a. A condition liable to cause damaging fire.<br/> b. A violation of any law or order relating to fire hazards or to the prevention of fire.<br/> <b>Note:</b> See sections 101.14 (1) (a) to (bm) of the Statutes for the authorization to apply this chapter in this manner, and for limitations on entry into the interior of private dwellings.<br/> <b>Note:</b> Under section 101.14 (2) (a) of the Statutes, and as referenced in section Comm 14.01 (13) (a), “The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department.”<br/> <b>Note:</b> See section 66.0413 of the Statutes for (1) the authority of municipalities to order removal or repair of buildings that are dangerous, unsafe, unsanitary or otherwise unfit for human habitation and (2) extensive criteria relating to executing this authority, such as for dilapidated buildings.</p> |  | <p>Reflects long standing statute authority [since 1907] to cause correction of any condition liable to cause damaging fire or violation of any law or order relating to fire hazards or to the prevention of fire. Applies to all facilities and structures except Indian and federal facilities.</p> |
| <p>SECTION 12. Comm 14.01 (2) (intro.) is renumbered Comm 14.01 (2) (a) (intro.) and amended to read:<br/> <b>Comm 14.01 (2) (a) General.</b> Substitute the following wording for the requirements in NFPA 1 section 1.3.2.4 sections 1.3.2.4.1 to 1.3.2.4.3:</p>  | <p><b>1.3.1</b> This Code shall apply to both new and existing conditions.<br/> <del><b>1.3.2.4 Retroactivity of Referenced Standards to Existing Conditions.</b></del><br/> Unless otherwise specified by 1.3.2.4.1 through</p> | <p>NFPA 1 as modified by Comm 14 is retroactive to both new and existing conditions.<br/><br/> NFPA 1 and the referenced standards in chapter 2, and any additional standards which are subsequently referenced in those referenced</p>  |

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|  | <p>1.3.2.4.3, the current provisions of the reference standards shall not apply to facilities, equipment, structures, or installations that existed or were approved for construction or installation prior to the effective date of this Code.</p> <p><del>1.3.2.4.1</del> Where specified by a reference standard for existing occupancies, conditions, or systems, the provisions of the referenced standards shall be retroactive.</p> <p><del>1.3.2.4.2</del> Facilities, equipment, structures, and installations, installed in accordance with a reference standard, shall be maintained in accordance with the edition of the standard in effect at the time of installation.</p> <p><del>1.3.2.4.3</del> In those cases where the AHJ determines that the existing situation constitutes an imminent danger, the AHJ shall be permitted to apply retroactively any portions of the current referenced standards deemed appropriate.</p> | <p>standards, apply to the prescribed extent of each such reference, except as modified by Comm 14.</p>                                  |
| <p>SECTION 13. Comm 14.01 (2) (a) 1. (intro.) and a. are repealed.</p> <p><del>Comm 14.01 (2) (a) General.</del> 1. This chapter applies to all of the following unless specifically stated otherwise in this chapter:</p> <p>a. The use and operation of all public buildings and places of employment that exist on or after March 1, 2008.</p>  |  | <p>Redundant language. Use and operation of public buildings and places of employment is addressed in Section 1 Comm 14.001 (1) (b).</p> |
| <p>SECTION 14. Comm 14.01 (2) (a) 1. b. is renumbered Comm 14.01 (1) (a) 2. and amended to read:</p> <p><b>Comm 14.01 (1) (a) 2.</b> This chapter applies to the inspection, testing and maintenance of all fire safety features as specified in this chapter, for all public buildings and places of employment, that exist on or after March 1, 2008 [the effective date of this paragraph ... LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], except as provided in pars. (b) to (d).</p> |  | <p>“That exist on or after” means retroactive.</p>   |

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| <p>SECTION 15. Comm 14.01 (2) (a) 2. to 4. are renumbered Comm 14.01 (2) (a) 1. to 3., and Comm 14.01 (2) (a) 1. and Note and 3., as renumbered, are amended to read:</p> <p><b>Comm 14.01 (2) (a) 1.</b> The design and construction requirements in NFPA 1, <i>Uniform Fire Code</i> and in any standard or code adopted therein that apply to public buildings or places of employment are not included as part of this chapter, except as specified in subd. 4. 3. a. and 4.</p> <p><b>Note:</b> Because of this subdivision, this chapter does not prescribe how to design public buildings. However, this chapter includes requirements that may apply during the construction of a public building, such as the safeguards in NFPA 1 chapter 16 for fire safety during construction. See <del>chs. chapters</del> Comm 60 61 to 66 for design and construction requirements for public buildings and places of employment.</p> <p>3. a. The design and construction requirements in NFPA 1 chapter 18 for fire department access and water supply are included as part of this chapter.</p> <p>b. The requirements in NFPA 1 sections 18.2.3 and 18.3 do not apply to buildings constructed prior to March 1, 2008 [the effective date of this subdivision . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE].</p> | <p><b>Chapter 18 Fire Department Access and Water Supply</b></p> <p><b>18.1.1 Plans.</b></p> <p>18.1.1.1 Fire Apparatus Access.</p> <p>18.1.1.2 Fire Hydrant Systems.</p> <p><b>18.2 Fire Department Access.</b></p> <p>18.2.2* Access to Structures or Areas.</p> <p>18.2.2.1 Access Box(es).</p> <p>18.2.2.2 Access to Gated Subdivisions or Developments.</p> <p>18.2.2.3 Access Maintenance.</p> <p><b>18.2.3 Fire Department Access Roads.</b></p> <p>18.2.3.1 Required Access.</p> <p>18.2.3.2 Access to Building.</p> <p>18.2.3.3 Multiple Access Roads.</p> <p>18.2.3.4 Specifications.</p> <p>18.2.3.4.1 Dimensions.</p> <p>18.2.3.4.2 Surface.</p> <p>18.2.3.4.3 Turning Radius.</p> <p>18.2.3.4.4 Dead Ends.</p> <p>18.2.3.4.5 Bridges.</p> <p>18.2.3.4.6 Grade.</p> <p>18.2.3.4.7 Traffic Calming Devices.</p> <p>18.2.3.5 Marking of Fire Apparatus Access Road.</p> <p><b>18.2.4* Obstruction and Control of Fire Department Access Road.</b></p> <p>18.2.4.2 Closure of Accessways.</p> <p><b>18.3 Water Supplies and Fire Hydrants.</b></p> <p>18.3.4.1 Clear Space Around Hydrants.</p> <p><b>18.4 Fire Flow Requirements for Buildings.</b></p> | <p>Note refers to using the safeguards in NFPA 1 chapter 16 for fire safety during construction. Also see sections 6 and 15.</p> <p>NFPA 1 sections 18.2.3 and 18.3 are not retroactive. For buildings constructed between March 1, 2008, and the new effective date of Comm 14 see the 2006 NFPA 1 sections 18.2.3 and 18.3. For buildings constructed between July 1, 2002 and March 1, 2008, see Comm 62.0500. For buildings constructed before July 1, 2002, see Comm 50-64.</p> |
| <p>SECTION 16. Comm 14.01 (2) (a) 4. and (b) (intro.) and 4. Note are created to read:</p> <p><b>Comm 14.01 (2) (a) 4.</b> The design requirements in NFPA 1 sections 50.2.1.1 and 50.4 for an exhaust hood and an automatic fire suppression system are included as part of this chapter, for mobile kitchens only.</p> <p>(b) Substitute the following wording for the requirements in NFPA 1 sections 1.3.3 to 1.3.5:</p> <p>4. <b>Note:</b> See Appendix for a list of tanks, containers, tank systems and facilities that are not regulated by chapter Comm 10.</p>  | <p><del><b>1.3.3 Conflicts.</b></del></p> <p><del>1.3.3.1 When a requirement differs between this Code and a referenced document, the requirement of this Code shall apply.</del></p> <p><del>1.3.3.2 When a conflict between a general requirement and a specific requirement occurs, the specific requirement shall apply.</del></p> <p><b>50.2.1.1</b> Cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of this chapter. [96:4.1.1]</p> <p><b>50.4 Fire-Extinguishing Equipment.</b></p>  | <p>Codifies the 2007 Wisconsin Act 173 requirements and SECTION 101.14 (1) (am) of the statutes for mobile kitchens only. Also see Section 42.</p> <p>New Section substitutes wording for the conflict requirements in NFPA 1.</p> <p>Adds list of tanks, containers, tank systems and facilities that are not regulated by chapter Comm 10 to the Appendix. Many are now regulated under Comm 14 and NFPA 1. Also see section 44.</p>   |
| <p>SECTION 17. Comm 14.01 (5), (7) (b) Note, and (9) (a) and (b) are repealed.</p> <p><b>Comm 14.01 (5) FEES.</b> This is a department rule in addition to the requirements in NFPA 1 chapter 1: Fees for petitions for variance and for inspection of buildings, structures, and premises shall be</p>   |   | <p>Fees for petition for variance has been relocated to Section 22.</p> <p>The definition of “local order” has been relocated to Sections 26 and 46.</p>   |

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| <p>submitted as specified in ch. Comm 2.</p> <p><b>Comm 14.01 (7) (b) Note:</b> Section 101.01 (8), Stats., defines <b>“local order”</b> as any ordinance, order, rule or determination of any common council, board of alders, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.</p> <p><b>Section 101.02 (7) (e), Stats., reads:</b> <b>“Upon receipt of such petition</b> the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.”</p> <p><b>Comm 14.01 (9) FIRE INCIDENT REPORTS.</b> Substitute the following wording for the requirements in NFPA 1 section 1.11.3.2: (a) Except as provided in par. (b), each fire chief shall submit written or electronic-based fire incident reports to the department no later than April 1, for the previous year. The reports shall contain the fire response information specified in NFPA 1 section 1.11.3.1.</p> <p>(b) Electronic-based fire incident reports that are submitted directly to and in compliance with the National Fire Incident Reporting System are not required to be submitted to the department.</p> |                      | <p>The process upon receipt of a petition for variance has been relocated to Section 46.</p> <p>Fire incident report language is deleted as a result of the 2007 Wisconsin Act 75 and Section 101.141 of the statutes which require the fire department to file a fire report within 60 days after the fire to the National Fire Incident Reporting System maintained by the U.S. Fire Administration. Also see Section 26.</p> |
| <p>SECTION 18. Comm 14.01 (11) (title), (intro.), (a), (b) (title), 1. to 5. and 6. to 10. and (c) to (e) and (12) are renumbered Comm 14.01 (13) (title), (intro.), (a), (b) (title), 1. to 5. and 7. to 11. and (c) to (e) and (14).</p>   |                      |   |
| <p>SECTION 19. Comm 14.01 (2) (c) to (f) and 14.01 (3), (4) and (6) to (10) are renumbered to Comm 14.01 (6) (a) and (b), (3) and (5) (intro.) to (d), and 14.01 (4) and (7) to (12).</p>  |                      |   |

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| <p>SECTION 20. Comm 14.01 (3), as renumbered in SECTION 19, is amended to read:<br/> <b>Comm 14.01 (3)</b> <u>Substitute the following wording for the requirements in NFPA 1 section 1.4.1:</u> Nothing in this chapter is intended to prohibit or discourage the <b>design and use of new</b> materials or components, or <b>new</b> processes, elements or systems, provided <b>written approval from the department or AHJ</b> is obtained first.</p>  | <p><b>1.4.1 Equivalencies.</b> Nothing in this Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this Code, provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.</p>  | <p>AHJ has been added and authorized to approve only <b>new</b> materials or components, or <b>new</b> processes, elements or systems.</p>   |
| <p>SECTION 21. Comm 14.01 (4) and Note, as renumbered in SECTION 19, are amended to read:<br/> <b>Comm 14.01 (4)</b> <u>Substitute the following wording for the requirements in NFPA 1 section 1.4.3 sections 1.4.2 to 1.4.6:</u> The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.<br/> <b>Note:</b> Chapter <b>Comm 3</b> requires the <b>submittal of a petition for variance form (SBD-9890)</b> and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter <b>Comm 3</b> also requires the <b>department</b> Department to process regular petitions within 30 business days and priority petitions within 10 business days. The <b>SBD-9890 form is available in the Appendix or from the Department's Web site at www.commerce.wi.gov</b>, through links to Safety and Buildings Division forms.</p> | <p><b>1.4.2 Alternatives.</b> The specific requirements of this Code shall be permitted to be <b>altered by the AHJ</b> to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the <b>judgment of the AHJ</b>, that which would be provided by compliance with the provisions contained in this Code.<br/> <b>1.4.3 Modifications.</b> The <b>AHJ is authorized to modify</b> any of the provisions of this Code upon application in writing by the owner, a lessee, or a duly authorized representative where there are <b>practical difficulties</b> in the way of carrying out the provisions of the Code, provided that the intent of the Code shall be complied with, public safety secured, and <b>substantial justice done.</b><br/> <b>1.4.4 Buildings with equivalency, alternatives, or modifications, approved by the AHJ</b> shall be considered as conforming with this Code.<br/> <b>1.4.5</b> Each application for an <b>alternative fire protection feature</b> shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The <b>AHJ shall keep a record of actions</b> on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.<br/> <b>1.4.6 Approval.</b> The AHJ shall approve such alternative construction systems, materials, or methods of design when it is substantiated that the standards of this Code are at least equaled. If, <b>in the opinion of the AHJ</b>, the standards of this Code shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to <b>test or prototype installations.</b></p> | <p>The modification limits approval of all alternatives and modifications to the Department; whereas the adopted NFPA 1 sections 1.4.1 to 1.4.6 have the conflicting effect of limiting such approvals to the AHJ. <b>The proposed section eliminates this conflict, but may not prevent uncertainties from arising about whether a fire chief can then issue these approvals as a deputy of the Department. One or more Q &amp; A's on this topic may be helpful.</b></p> |
| <p>SECTION 22. Comm 14.01 (4) Note [2] is created to read:<br/> <b>Comm 14.01 (4) Note:</b> See chapter <b>Comm 2</b> for the fee that must be included when submitting a <b>petition for variance.</b></p>  |   | <p>See chapter Comm 2 for petition for variance fees.</p>  |

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| <p>SECTION 23. Comm 14.01 (5) (intro.) and (b) and Note, as renumbered in SECTION 19, are amended to read:</p> <p><b>Comm 14.01 (5) TEMPORARY USE.</b> <u>These are department rules in addition to the requirements in NFPA section 1.4:</u> A municipal fire or building code official may allow a building or a portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:</p> <p>(b) <del>Except as provided in subd. 3., buildings</del> Buildings or spaces considered for temporary use shall conform to the requirements of this chapter as necessary to ensure the public safety, health and general welfare, except as provided in par. (c).</p> <p><b>Note:</b> The department Department and other state agencies may have additional rules that affect the design, construction, inspection, maintenance and use of public buildings, places of employment and premises, including <del>chs. chapters</del> Comm 5, Licenses, Certifications, and Registrations Credentials; Comm 7, Explosives and Fireworks; Comm 10, Flammable, Combustible and Hazardous Liquids; Comm 16, Electrical; Comm 18, Elevators, Escalators and Lift Devices; Comm 40, Gas Systems; Comm 41, Boilers and Pressure Vessels; Comm 43, Anhydrous Ammonia; Comm 45, Mechanical Refrigeration; Comm 60 61 to 66, Commercial Building Code; Comm 75 to 79, Buildings Constructed Prior to 1914; Comm 81 to 87, Plumbing; Comm 90, Public Swimming Pools and Water Attractions; and Comm 91, Sanitation. The department's Department's Safety and Buildings Division administers all of these listed codes except <del>ch. chapter</del> Comm 5, which is jointly administered with the department's Department's Environmental and Regulatory Services Division, and <del>ch. chapter</del> Comm 10, which is administered by that Division.</p> | <p>Also see section 20 Comm 14.01 (3) and section 21 Comm 14.01 (4).</p> <p><b>1.4.1 Equivalencies.</b> Nothing in this Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this Code, provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.</p> <p><b>1.4.2 Alternatives.</b> The specific requirements of this Code shall be permitted to be altered by the AHJ to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the judgment of the AHJ, that which would be provided by compliance with the provisions contained in this Code.</p> <p><b>1.4.3 Modifications.</b> The AHJ is authorized to modify any of the provisions of this Code upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the Code, provided that the intent of the Code shall be complied with, public safety secured, and substantial justice done.</p> <p><b>1.4.4 Buildings with equivalency, alternatives, or modifications, approved by the AHJ shall be considered as conforming with this Code.</b></p> <p><b>1.4.5</b> Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.</p> <p><b>1.4.6 Approval.</b> The AHJ shall approve such alternative construction systems, materials, or methods of design when it is substantiated that the standards of this Code are at least equaled. If, in the opinion of the AHJ, the standards of this Code shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to test or prototype installations.</p> | <p>Adds additional department rules to NFPA 1 section 1.4. The NFPA 1 section 1.4 is adopted and not turned off. Sections Comm 14.01 (3) and Comm 14.01 (4) and Note substitutes wording for the requirements in NFPA 1 section 1.4.</p> <p>Comm 14.01 (5) authorizes "the fire code official" to handle a temporary-use request. It is not mandatory that a AHJ do so. If an AHJ declines to exercise their authority given under Comm 14.01 (5) a temporary use is not permitted. If a local fire code official declines to exercise their authority the temporary use could be permitted by a Department-level code official</p> |
| <p>SECTION 24. Comm 14.01 (6) (title) and (intro.) are created to read:</p> <p><b>Comm 14.01 (6) (title) INTERPRETATIONS.</b> These are department rules in addition to the requirements in NFPA section 1.7.3:</p>   | <p><b>1.7.3 Interpretations.</b></p> <p><b>1.7.3.1</b> The AHJ is authorized to render interpretations of this Code and to make and enforce rules and supplemental regulations in order to carry out the application and intent of</p>   | <p>Also see Section 19 for renumbering current Comm 14.01 (2) (c) (c) Department authority. Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or</p>  |

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|   | <p>its provisions.</p> <p><b>1.7.3.2</b> Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this Code and shall be available to the public during normal business hours.</p>  | <p>standard.</p> <p>(d) <b>Local ordinances.</b> 1. Pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive requirements for public buildings and places of employment, provided the requirements do not conflict with this chapter.</p> <p>2. Nothing in this chapter affects the authority of a municipality or county to enact and enforce requirements for fire districts, land use, or zoning under ss. 59.69, 60.61, 60.62, 61.35, and 62.23 (7), Stats.</p> |
| <p>SECTION 25. Comm 14.01 (7) (a) 1. and (8) Note [1], as renumbered in SECTION 19, are amended to read:</p> <p><b>Comm 14.01 (7) (a) 1.</b> The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2 to 1.9.3, and 1.10.</p> <p><b>(8) Note:</b> Pursuant to <del>s. section</del> 101.11 (2) (a), <del>Stats. of the Statutes</del>, no employer or owner, or other person may hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which fail to provide for making the same safe. See the annotations under section 101.11 (3) of the Statutes for substantial additional information relating to the duties of owners and employers to provide and maintain places of employment and public buildings that are safe.</p> | <p><del><b>1.7.10.2 Evidence.</b> The AHJ shall have the authority to take custody of all physical evidence relating to the cause of the fire, explosion, release of hazardous materials, or other hazardous condition.</del></p> <p><del><b>1.7.10.4 Trade Secret.</b> Information that could be related to trade secrets or processes shall not be made part of the public record except as could be directed by a court of law.</del></p> <p><del><b>1.9 Liability.</b></del></p> <p><del><b>1.9.1</b> The AHJ, and other individuals charged by the AHJ, or the incident commander of emergency operations, charged with the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.</del></p> <p><del><b>1.9.2</b> The fire department and AHJ, acting in good faith and without malice in the discharge of the organizations' public duty, shall not thereby be rendered liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of such duties.</del></p> <p><del><b>1.9.3</b> Any suit brought against the AHJ, the incident commander, or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.</del></p> <p><b>1.9.4</b> This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent</p> | <p>NFPA 1 sections are not adopted and no text is replacing or substituting for these sections.</p>   |

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|   | <p>jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.</p> <p><del>1.10 Board of Appeals.</del></p> |  |
| <p>SECTION 26. Comm 14.01 (9) (b) Note and (11) (a) and (b) are created to read:</p> <p><b>Comm 14.01 (9) (b) Note:</b> See Appendix for a reprint of section 101.02 (7) (c) of the Statutes, which addresses the Department's response to a petition received under this paragraph; and for the definition of "local order," from section 101.02 (8) of the Statutes.</p> <p><b>(11) (a) 1.</b> For each fire, a record shall be compiled by a fire department serving the municipality in which the fire occurred.</p> <p>2. The record in subd. 1. shall include all applicable information specified in s. 101.141 (2), Stats., shall be filed with the federal agency specified in s. 101.141 (1), Stats., and shall be filed no later than the deadline specified in s. 101.141 (1), Stats.</p> <p><b>Note:</b> Section 101.141 of the Statutes reads as follows: "<b>Record keeping of fires.</b> (1) Each city, village, and town fire department shall file a report for each fire that involves a building and that occurs within the boundaries of the city, village, or town with the U.S. fire administration for placement in the fire incident reporting system maintained by the U.S. fire administration. The report shall be filed within 60 days after the fire occurs.</p> <p>(2) Each report filed under sub. (1) shall include all of the following information:</p> <p>(a) The age of the building.</p> <p>(b) The purpose for which the building was used at the time of the fire.</p> <p>(c) If the building was used as a home, whether the building was a multifamily dwelling complex, a single-family dwelling, or a mixed-use building with one or more dwelling units.</p> <p>(d) The number of dwelling units in the building, if the building was a multifamily dwelling complex or a mixed-use building.</p> <p>(e) Whether the building had an automatic fire sprinkler system at the time of the fire and, if so, whether the system was operational.</p> <p>(f) Whether the building had a fire alarm system at the time of the fire and, if so, whether the system was operational.</p> <p>(g) The cause of the fire.</p> |   | <p>Codifies the requirements of 2007 Wisconsin Act 75 and Section 101.141 of the Statutes.</p> <p>The initial goal of the Department under is to publicize the requirements and to encourage volunteer compliance.</p> <p>Only the age of the portion of the building where the fire occurred is required, and this age may be estimated. Various software programs for reporting the information under this section may accommodate reporting only as a note in a narrative.</p> <p>Either assessed values or expected replacement costs may be used, and either an estimated dollar loss or an estimated percentage of the building that is damaged may be used. Various software programs for reporting the information under this section may accommodate reporting only as a note in a narrative.</p> <p>Prior to correcting or updating any report filed the department shall obtain the consent of the chief of that fire department.</p> |

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| <p>(gg) An estimate of the amount of damages to the building as a result of the fire.</p> <p>(gm) The number of human deaths due to the fire, if any.</p> <p>(gr) The number of human injuries due to the fire, if any.</p> <p>(h) Any other relevant information concerning the building, as determined by the fire department.</p> <p>(3) The department may review, correct, and update any report filed by a fire department under this section.”</p> <p>(b) 1. In reporting the age of a building under par. (a), only the age of the portion of the building where the fire occurred is required, and this age may be estimated.</p> <p><b>Note:</b> Various software programs for reporting the information under this section may accommodate reporting a building’s age only as a note in a narrative.</p> <p>2. In reporting the amount of damages to a building under par. (a), either assessed values or expected replacement costs may be used, and either an estimated dollar loss or an estimated percentage of the building that is damaged may be used.</p> <p>3. Prior to correcting or updating any report filed by a fire department under s. 101.141, Stats., the department shall obtain the consent of the chief of that fire department.</p> |                      |  |
| <p>SECTION 27. Comm 14.01 (13) (b) 3., as renumbered in SECTION 18, is amended to read:</p> <p><b>Comm 14.01 (13) (b) 3.</b> ‘Scheduling of inspections.’ <del>Except as provided in subds. 4. to 6., fire</del> Fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department, <del>except as provided in subds. 4. to 7.</del></p>   |                      | <p>The standard inspection frequency is two inspections per calendar year, or more often if ordered by the fire chief:</p> <p>January 1<sup>st</sup>. to June 30<sup>th</sup>.</p> <p>July 1<sup>st</sup>. to December 31<sup>st</sup>.</p> <p>The <b>four exceptions</b> are:</p> <ul style="list-style-type: none"> <li>Exception for first class cities. <ul style="list-style-type: none"> <li>Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.</li> </ul> </li> <li>General exception for other municipalities. <ul style="list-style-type: none"> <li>Once per calendar year, provided the interval between those inspections does not exceed 15 months.</li> </ul> </li> <li>Discretionary exception for other municipalities. <ul style="list-style-type: none"> <li>Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.</li> </ul> </li> <li>Local ordinance. <ul style="list-style-type: none"> <li>Once per calendar year, provided the interval between those inspections does not exceed 15 months.</li> </ul> </li> </ul> |
| <p>SECTION 28. Comm 14.01 (13) (b) 3. Note is created to read:</p> <p><b>Comm 14.01 (13) (b) 3. Note:</b> The Department of Health Services may require <b>additional fire inspections for nursing homes.</b></p>  |                      | <p>The duty to ensure additional fire inspections for nursing homes are provided is placed upon the owner, not the fire department. If the fire department cannot or will not perform the fire inspection the owner must contract with a private certified fire inspector to do the DHS required fire inspection.</p>  |

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| <p>SECTION 29. Comm 14.01 (13) (b) 5. (title), r. Note and s., as renumbered in SECTION 18, are amended to read:<br/> <b>Comm 14.01 (13) (b) 5.</b> (title) ‘<del>Exception</del> <b>General exception</b> for other municipalities.’<br/> r. <b>Note:</b> Fully-sprinklered buildings are protected throughout by an automatic fire sprinkler system as specified in NFPA 13 or 13R, as referenced in <del>chs. chapters</del> Comm <del>60</del> <b>61</b> to 66.<br/> s. Seasonal or periodic occupancies, provided at least one interior inspection is conducted during an occupancy period <b>and provided the occupancy does not extend beyond 6 months in any calendar year.</b></p>   |                      | <p>Further clarifies the <b>conditions for seasonal and periodic occupancies</b> “and provided the occupancy does not extend <b>beyond 6 months in any calendar year.</b>”</p> |
| <p>SECTION 30. Comm 14.01 (13) (b) 6. and Note are created to read:<br/> <b>Comm 14.01 (13) (b) 6.</b> ‘<b>Discretionary exception</b> for other municipalities.’<br/> a. For <b>low-use buildings or places of employment, including those specified in subd. 6. b. to f., in lieu of the inspection frequency specified in subd. 3. or 5.,</b> the fire chief may <b>base the frequency of the inspections on</b> hazard classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. <b>Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.</b><br/> b. <b>Seasonal</b> occupancies.<br/> c. <b>Temporary-occupancy uses</b> – such as farm structures temporarily used for winter storage, horse stables or riding arenas.<br/> d. <b>Home-occupation accessory</b> buildings used as businesses.<br/> e. <b>Seldom or infrequently occupied</b> buildings.<br/> f. <b>Unoccupied</b> buildings.<br/> <b>Note:</b> To reduce the potential for difficulties to arise during the audits addressed in section Comm 14.01 (15) (d), fire chiefs who exercise this discretion should either declare the corresponding buildings and inspection frequency in advance, or maintain a corresponding list of buildings to be inspected and their inspection frequency.</p> |                      | <p>Adds a new inspection frequency exception category to give other municipalities discretionary authority similar to what Milwaukee has been authorized since 1988.</p>       |

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| <p>SECTION 31. Comm 14.01 (13) (b) 7. b. and c., 8. and Note and 10. Note and (e), as renumbered in SECTION 18, are amended to read:</p> <p><b>Comm 14.01 (13) (b) 7. b.</b> Any local ordinance adopted under subd. <del>6. 7.</del> a. shall be made available to the department during an audit conducted under sub. <del>(42)</del> (14) (d).</p> <p>c. <b>Any special order granted</b> by the Department prior to <del>March 1, 2008</del> [the effective date of this subdivision <del>6 7. c. . . .</del> LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], that authorized a city, village or town to reduce the number of required inspections <b>shall remain in effect until the expiration expire by that date specified in that order.</b></p> <p>8. <b>Inspection reports.</b> <del>Except in first class cities, the</del> The fire chief shall make and keep on file reports of fire prevention inspections. <del>In, except in</del> first class cities the commissioner of the building inspection department shall make and keep the reports. <b>For at least 7 years, the reports shall be maintained in written form or in another form capable of conversion into written form within a reasonable amount of time.</b></p> <p><b>Note:</b> The <del>department</del> <b>Department has developed fire inspection report forms</b> that may be used by fire departments. The fire inspection report forms (SBD-10615A and SBD-5295) are available from the Safety and Buildings Division through one or more of the following means: <b>in the Appendix;</b> at P.O. Box 7839, Madison, WI 53707-7839; or at the <b>Department's Web site at www.commerce.wi.gov,</b> through links to Safety and Buildings Division forms.</p> <p>10. <b>Note:</b> Under <del>s. section</del> 101.14 (2) (a), <del>Stats. of the Statutes,</del> and as referenced in <del>s. section</del> Comm 14.01 <del>(14)</del> (14) (a), "The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department."</p> <p>(e) <b>Availability of records.</b> For at least <b>7 years,</b> the records specified in par. (d) shall be <b>maintained in written form or in another form capable of conversion into written form within a reasonable amount of time;</b> and shall be <b>made available to the department and to the public, upon request</b> to the fire department.</p> |                      | <p>All Department special orders for reduced inspection frequencies expire on the effective date of the new code.</p> <p>Inspection reports shall be maintained for 7 years.</p> <p>Department fire inspection forms are accessible on the Department's web site.</p> <p>Inspection reports shall be made maintained and made available to the public for 7 years.</p> |

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| <p>SECTION 32. Comm 14.01 (14) (a) 1. a. and 2. a., (c) 1. Note, (d) 2. and Note and (f) 1. Note and 2. Note, as renumbered in SECTION 18, are amended to read:</p> <p><b>Comm 14.01 (14)</b> (a) 1. a. In order to be eligible to receive a fire department dues payment, a municipality shall be in substantial compliance with the requirements for fire protection and fire prevention services specified in ss. 101.14 (2) and 101.575, Stats., and this chapter, throughout the entire municipality.</p> <p>2. a. <del>Except as provided in subd. 2. b., the fire</del> Fire protection and fire prevention services shall be provided by the fire department, <del>except as provided in subd. 2. b.</del> A municipality not maintaining a fire department shall have the services provided through contract. A fire department may use mutual aid agreements as a means of providing fire protection services.</p> <p>(c) 1. <b>Note:</b> The <del>department</del> Department annually sends form SBD-10318 to the municipality. This form is also available from the Safety and Buildings Division through one or more of the following means: <u>in the Appendix</u>; at P.O. Box 7839, Madison, WI 53707-7839; <u>or at the Department's Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a></u>, through links to Safety and Buildings Division forms.</p> <p>(d) 2. The department shall periodically examine fire department dues entitlement records, including the records required in sub. <del>(11)</del> (13) (b) <del>7.</del> 8. and (d), and in NFPA 1 section 1.11.2, to verify that the required fire prevention and fire protection services were provided within the territory served by the fire department and, within first class cities, by the building inspection department. <b>Note:</b> The information required in the entitlement records is as specified in <del>ss. sections</del> sections 101.14 (2) and 101.575, <del>Stats of the Statutes.</del> Under those sections, the fire incident reports that are addressed in <del>sub. (9)</del> subsection (11), and any records of fire prevention inspections beyond public buildings and places of employment, are not fire dues entitlement records.</p> <p>(f) 1. <b>Note:</b> The <del>department</del> Department annually sends form SBD-10638 to the fire department. This form is also available from the Safety and Buildings Division through one or more of the following means: <u>in the Appendix</u>; at P.O. Box 7839, Madison, WI 53707-7839; <u>or at the Department's Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a></u>, through links to Safety and Buildings Division forms.</p> <p>2. <b>Note:</b> The <del>department</del> Department annually sends form SBD-10114 to the fire department. This form is also available from the Safety and Buildings Division through one or more of the following means: <u>in the Appendix</u>; at P.O. Box 7839, Madison, WI 53707-7839; <u>or at the Department's Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a></u>, through links to Safety and Buildings Division forms.</p> |                      | <p>The Department 2% self-certification forms will now be accessible three (3) ways: the Appendix, mail and the Department's web site.</p> <p>The annual fire department registration forms will now be accessible three (3) ways: the Appendix, mail and the Department's web site.</p> <p>The annual fire department update forms will now be accessible three (3) ways: the Appendix, mail and the Department's web site.</p> |

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| <b>Comm 14.03 Definitions.</b>  |  |  |
| SECTION 33. Comm 14.03 (intro.), (1) to (6), (7) and (8) to (10) are renumbered Comm 14.03 (1) (intro.), (a) to (f), (2) and (g) to (i); and Comm 14.03 (1) (f), as renumbered, is amended to read:<br><b>Comm 14.03 (1) (f)</b> “NFPA 1” means the <del>2006</del> 2009 edition of NFPA <sup>®</sup> 1, <b>Uniform Fire Code</b> , as adopted and modified in this chapter.  |  | The <b>NFPA 1 definition</b> applies wherever it is referenced in the code.  |
| SECTION 34. Comm 14.03 (2), as renumbered in SECTION 33, is amended to read:<br><b>Comm 14.03 (2)</b> <b>Substitute the following definition</b> for the definition in NFPA 1 section 3.3.170.20: <b>“One- and or 2-family dwelling”</b> has the meaning as defined for dwelling in s. 101.61 (1), Stats.   | <del><b>3.3.170.20 One- and Two-Family Dwelling.</b> One and two family dwellings include buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms.</del>  | This definition applies wherever <b>“One- and 2-family dwelling”</b> is referenced. Section 101.61 (1) of the statutes, “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. |
| <b>Comm 14.10 General Safety Requirements.</b>  |  |  |
| SECTION 35. Comm 14.10 (1) Note is amended to read:<br><b>Comm 14.10 (1) Note:</b> <del>As established in s. Under section</del> Comm 14.01 (2) (a) <del>2- 1,</del> the <b>design and construction requirements</b> that are included in NFPA 1, <i>Uniform Fire Code</i> , <b>either directly, or indirectly through cross-references to other standards and codes such as NFPA 101, are not included</b> as part of this chapter, <del>except as provided in sections</del> Comm 14.01 (2) (a) 3. a. and 4.  |  | See Sections 6 and 15 regarding using the safeguards in NFPA 1 chapter 16 for fire safety during construction.   |
| SECTION 36. Comm 14.10 (2) is renumbered Comm 14.10 (4)   |  |  |
| SECTION 37. Comm 14.10 (2) and Note and (3) and Note are created to read:<br><b>Comm 14.10 (2) EMERGENCY PLANS.</b> <b>Substitute the following wording</b> for the requirements in NFPA 1 section 10.9.2.3: Where required <b>by the AHJ</b> , emergency plans shall be submitted to the AHJ for review.<br><b>Note:</b> The Department of Health Services may have <b>additional rules requiring nursing home operators to have emergency plans that are reviewed by fire departments or other fire and safety experts.</b><br>(3) This is a department informational note to be used under NFPA 1 section 10.14:<br><b>Note:</b> <b>Guidance on use of natural-cut Christmas trees is available at the Department’s Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a>, through links to the Fire Prevention program in the Safety and Buildings Division.</b> | <del><b>10.9.2.3 Review.</b> When required, emergency plans shall be submitted to the AHJ for review.</del><br><br><b>10.14 Combustible Vegetation.</b><br><b>Table 10.14.1.1 Provisions for Christmas Trees by Occupancy</b><br><b>10.14.3* Provisions for Fire Retardance for Artificial Vegetation.</b><br><b>10.14.9 Provisions for Natural Cut Trees.</b><br><b>10.14.10 Exterior Vegetation.</b> | Emergency plans shall be submitted to the AHJ for review <b>only where required by the AHJ.</b><br><br>Where DHS requires emergency plans to be provided and reviewed the duty is placed upon the owner, not the fire department.  |
| <b>Comm 14.11 Building Services.</b>  |  |  |
| SECTION 38. Comm 14.11 Note is amended to read:<br><b>Comm 14.11 Note:</b> See <del>chs. chapters</del> Comm <del>60</del> <u>61</u> to 66 for requirements for other heating appliances.   |  |  |

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| <b>Comm 14.13 Fire Protection Systems.</b>   |   |  |
| SECTION 39. Comm 14.13 (4) Note is amended to read:<br><b>Comm 14.13 (4) Note:</b> Wisconsin has unique design and construction requirements for these manual wet systems, as established in <del>chs. chapters</del> Comm <del>60 61</del> to 66.   |   |  |
| <b>Comm 14.20 Occupancy Fire Safety.</b>   |   |  |
| SECTION 40. Comm 14.20 is amended to read:<br><b>Comm 14.20 Open flame devices and pyrotechnics.</b> Substitute the following wording for the introductory paragraph in NFPA 1 section <del>20.1.4.3</del> 20.1.5.3: No open flame devices or pyrotechnic devices may be used in <b>any occupancy</b> , unless otherwise permitted by the following:   | <del>20.1.5.3 Open Flame Devices and Pyrotechnics.</del> No open flame devices or pyrotechnic devices shall be used in <b>any assembly</b> occupancy, unless otherwise permitted by the following:  | NFPA 1 section 20.1.5.3 requirements apply to any occupancy.   |
| <b>Comm 14.34 General Storage.</b>   |   |  |
| SECTION 41. Comm 14.34 is created to read:<br><b>Comm 14.34 General storage.</b> The requirements in NFPA 1 section 34.1.1.2 (1) are not included as part of this chapter.   | <del>34.1.1.2 (1) Unsprinklered buildings, except certain rack storage arrangements protected by high expansion foam systems in accordance with this chapter</del>  | NFPA 1 chapter 34 general storage requirements will now apply to unsprinklered buildings.                              |
| <b>Comm 14.50 Commercial Cooking Equipment.</b>  |   |  |
| SECTION 42. Comm 14.50 is created to read:<br><b>Comm 14.50 Commercial cooking equipment for mobile kitchens.</b> This is a <b>department exception</b> to the requirements in NFPA 1 sections 50.2.1.1 and 50.4: <b>Neither an exhaust hood nor an automatic fire suppression system is required for a mobile kitchen where all of the following conditions are met:</b><br>(1) The kitchen is less than 365 square feet in size.<br>(2) The kitchen is <b>used on fewer than 12 days in a calendar year, for the purpose of cooking.</b><br>(3) The owner or operator of the kitchen <b>maintains a record demonstrating compliance</b> with sub. (2), retains the record with the kitchen, and makes the record available to an inspector upon request.<br><b>Note:</b> A Department form that can be used in complying with the recordkeeping requirements in this section is available at the Department's Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a> , through links to Safety and Buildings Division forms. | <del>50.2.1.1</del> Cooking equipment used in processes producing smoke or grease laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of this chapter. <del>[96:4.1.1]</del><br><del>50.4 Fire Extinguishing Equipment.</del> | Codifies the requirements of 2007 Wisconsin Act 73 and Section 101.14 (1) (am) of the statutes. See Section 16.        |
| <b>Comm 14.53 Mechanical Refrigeration.</b>  |   |  |
| SECTION 43. Comm 14.53 is created to read:<br><b>Comm 14.53 Mechanical refrigeration.</b> The requirements in NFPA 1 chapter 53 are not included as part of this chapter.<br><b>Note:</b> See chapter Comm 45 for requirements for mechanical refrigeration.   | <del>All of Chapter 53 Mechanical Refrigeration</del>   | NFPA 1 chapter 53 has not been adopted and no text is replacing or substituting for this section. See chapter Comm 45. |

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| <b>Chapter Comm 14 APPENDIX.</b>  |                      |   |
| <p>SECTION 44. Comm 14 Appendix section A-14.01 (2) (b) 4. is created to read:</p> <p><b>Comm 14 Appendix section A-14.01 (2) (b) 4.</b> The following tanks, containers, tank systems and facilities are not regulated by chapter Comm 10:</p> <ul style="list-style-type: none"> <li>(a) Underground storage tanks that have a capacity of less than 60 gallons.</li> <li>(b) Aboveground storage tanks and intermediate bulk containers that have a capacity of less than 110 gallons.</li> <li>(c) Tanks storing products regulated under ch. ATCP 33 that are located either at facilities which are also regulated under ch. ATCP 33 or on farm premises.</li> </ul> <p><b>Note:</b> Chapter ATCP 33 addresses bulk storage of pesticides and fertilizers.</p> <ul style="list-style-type: none"> <li>(d) Aboveground storage tanks storing liquids that are used in processes covered in any of the following standards: <ul style="list-style-type: none"> <li>1. NFPA 33 Spray Application Using Flammable or Combustible Materials.</li> <li>2. NFPA 34 Dipping &amp; Coating Processes Using Flammable or Combustible Liquids.</li> <li>3. NFPA 35 Manufacture of Organic Coatings.</li> <li>4. NFPA 45 Fire Protection for Laboratories Using Chemicals.</li> </ul> </li> <li>(e) Dedicated breakout tanks that are located at pipeline facilities.</li> <li>(f) Odorant or other additive injection tanks that are directly connected to a pipeline.</li> <li>(g) Contractor tanks that are mounted on pickup trucks.</li> <li>(h) Oil-filled electrical equipment and transformers.</li> <li>(i) Accumulator tanks.</li> <li>(j) Process tanks.</li> <li>(k) Product recovery tanks.</li> <li>(L) Service tanks.</li> <li>(m) Marine fueling facilities where fuel is stored and dispensed into the fuel tanks of marine craft of 300 gross tons or more.</li> <li>(n) Aboveground or underground tank systems that store nonflammable and noncombustible hazardous liquids in concentrations of less than 1 percent by volume.</li> </ul> <p><b>Note:</b> Material Safety Data Sheets (MSDS) should be consulted for flash point and concentration.</p> <ul style="list-style-type: none"> <li>(o) Aboveground tank systems which have a capacity of less than 5,000 gallons and which store nonflammable and noncombustible hazardous liquids in concentrations of 1 percent or more by volume.</li> </ul> <p><b>Note:</b> Material Safety Data Sheets (MSDS) should be consulted for flash point and concentration.</p> <ul style="list-style-type: none"> <li>(p) Tank systems that store a hazardous waste which is listed or identified under subtitle C of the federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated</li> </ul> |                      | <p>Identifies tanks, containers, tank systems and facilities that are excluded under Comm 10. Many are now regulated under Comm 14 and NFPA 1. Also see section 16.</p> |

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| <p>substances that is nonflammable and noncombustible.</p> <p>(q) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307 (b) or 402 of the federal Clean Water Act.</p> <p>(r) Underground storage tank systems that contain radioactive material which is regulated under the federal Atomic Energy Act of 1954.</p> <p><b>Note:</b> The Atomic Energy Act of 1954 is contained in 42 USC 2011 et seq.</p> <p>(s) Underground storage tank systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50 Appendix A.</p> <p>(t) Asphalt-plant AC tanks which are used as burner or material-supply tanks in the process of making asphalt and which comply with all of the following:</p> <ol style="list-style-type: none"> <li>1. Tank configurations are single-wall or double-wall, with or without heating coils.</li> <li>2. The products stored in the tank are Class II or III liquids ranging from heating oil to used oil, to #4 or #5 heavy oils.</li> <li>3. The asphalt process equipment and the tank are typically located at an isolated location, such as a quarry, and are generally relocated from year to year or every couple of years.</li> </ol> <p>(u) 1. Facilities located on Indian reservation land that are held either in trust by the United States, or in fee by the tribe or a tribal member.</p> <p>2. Facilities which are located on off-reservation Indian land that is held in trust by the United States – and which are held either in trust by the United States, or in fee by the tribe or a tribal member.</p> |                      |          |
| <p>SECTION 45. Comm 14 Appendix section A-14.01 (6) is renumbered Comm 14 Appendix section A-14.01 (8).</p>   |                      |          |

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| <p>SECTION 46. Comm 14 Appendix sections A-14.01 (9) (b) and (13) are created to read:<br/> <b>Comm 14 Appendix section A-14.01 (9) (b)</b> Section 101.02 (7) (c) of the Statutes reads as follows: <b>“Upon receipt of such petition</b> the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.”</p> <p>Section 101.01 (8) of the Statutes <b>defines “local order”</b> as any ordinance, order, rule or determination of any common council, board of alderpersons, board of trustees or the village board, of any village or city, a regulation or order of the local board of health, as defined in section 250.01 (3) of the Statutes, or an order or direction of any official of a municipality, upon any matter over which the Department has jurisdiction.</p> <p><b>(13)</b> The following pages contain the forms the Department has developed for use with this chapter, which are primarily intended for use by local fire departments. More-current versions of these forms may be available at the Department’s Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a>, through links to Safety and Buildings Division forms.</p> <p>[NOTE TO LEGISLATIVE REFERENCE BUREAU: The forms referenced in this section are included at the end of this document.]</p> |                      | <p>Adds explanatory material for clarification purposes only regarding receipt of a petition for variance.</p> <p>Adds explanatory material for clarification purposes only regarding the definition of a “local order.”</p> <p>Adds explanatory material for clarification purposes only regarding forms developed by the Department. More-current versions of these forms may be available at the Department’s Web site at <a href="http://www.commerce.wi.gov">www.commerce.wi.gov</a>, through links to Safety and Buildings Division forms.</p> |
| <p>EFFECTIVE DATE</p> <p>Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall become effective on the first day of the month commencing after publication in the Wisconsin administrative register.</p>  |                      | <p>Effective date approximately January 1, 2011.</p>   |