

*Comm. 14*  
*Fire Prevention Code*  
*Update*

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# Wisconsin Amendments

Comm 14 Advisory Committee goal was to keep the number of 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.**

# Comm 14 Advisory Council

See progress reports for further intent, justification, and guidance behind the proposed code changes.

The 2004-2010 progress reports are posted at:

<http://commerce.wi.gov/SB/SB-CodeCouncilsCom14Sum.html>

# Department Directive Statements - Refresher

“**in addition to**” means all text in this section has been adopted without modification, but Wisconsin has some additional requirements.

“**substitute**” means new text is completely replacing existing text.

“**note**” 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.

“**not included**” means the section has not been adopted; no text is replacing or substituting for this section.

“**exception**” means an exception is being added to the section where none exists.

# Wisconsin Amendments Renumbered

Some of the administration and application amendments in Comm 14.01 have been **renumbered to correspond with the topical areas** in the subsequent NFPA 1 sections.

# Adoption of Model Fire Code

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 the Attorney General.

**Section 1 14.001 (1).**

# Access to NFPA 1

Codes may be accessed **free of charge** at **[www.nfpa.org](http://www.nfpa.org)**. A subscription is needed to download material from this site.

**Section 1 14.001 (1).**

# Alternate Model Fire Code Option

Under the proposed text, the local municipality reviews, determines equivalency and adopts the 2009 IFC

The local determination could be reviewed some time later by the Department to determine whether conflict exists - - such as in response to a complaint or an appeal to a local order.

\* The Advisory Council opposed continuation of the alternate fire code option.

Section 2 Comm 14.001 (2)

# NFPA 1 vs. IFC

The deleted text [and subch. II] is redundant because of the NFPA 1 definition in Comm 14.

\* Local IFC ordinances can not be less stringent than NFPA 1 and the Comm 14 modifications.

Section 2 Comm 14.001 (2)

# IFC Support

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.

**Section 2 Comm 14.001 (2)**

# Comm 14 Scope

This chapter applies to all public buildings and places of employment that **exist on or after [January 01, 2011 ]** - - - **except** as provided in - - -

pars. (b) statutory exclusions and exemptions

Pars. (c) exempt buildings, structures or situations

Pars. (d) home occupations

**Section 5 Comm. 14.01 (1) (a) 1.**

# General Information

All references to the commercial building code have been amended to chapters **Comm 61 to 61**.

NFPA 1 chapter 16 is included for **fire safety** safeguard requirements that may apply **during construction**.

**Section 6 Comm 14.01 (1) (a) Note**

# Residential Care Center

This chapter does not apply to **any** of the following types of buildings, structures or situations: specified in subds. 3. to 5.  
7. A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a **residential care center for children and youth** that has a capacity for 8 or fewer children, all as defined in s. 48.02, Stats.

**Note:** The definitions in section 48.02 of the Statutes limit foster homes to no more than 4 children unless 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 Department of Children and Families, a group home or a 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 as a community living arrangement**, as defined in section 46.03 (22) of the Statutes.

**Section 7 Comm 14.01 (1) (c) 7.**

# General Information

Note: Chapter DCF 250, as administered by the Department of Children and Families, defines a “family child care center” as a being “a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 children who are not related to the provider.” Chapter DCF 250 applies various licensing and other requirements to these centers, including for fire protection and other aspects of the physical plant

Section 7 Comm 14.01 (1) (c) 8. Note

# Flammable & Combustible Liquids

NFPA 1 as modified by Comm 14 applies to all facilities and structures which involve flammable, combustible or hazardous liquid storage, transfer or dispensing **except Indian and federal facilities.**

**Section 9 Comm. 14.01 (1) (f)**

# Application

Comm. 14.01 An **expanded scope** of the chapter so that only buildings, structures, or situations which are sovereignly controlled are excluded from the chapter.

**Section 11 Comm 14.01 (1) (g)**

# Application

It is **especially liable to fire** and is so situated as to endanger other buildings or property.

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.

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**.

**Section 11 Comm 14.01 (1) (g)**

# Design Requirements

Substitute the following wording for the requirements in NFPA 1 sections 1.3.2.4. to 1.3.2.4.3:

\* Comm 14 text is completely replacing the specified NFPA 1 text.

Example: 1.3.2.4.3 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.

**Section 12 Comm 14.01 (2) (a)**

# Design Requirements

All references to the design (“**and construction**” **deleted**) requirements have been amended.

The design requirements in NFPA 1 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.

**Section 15 Comm 14.01 (2) (a)**

# Design Requirements

The design requirements in NFPA 1 chapter 18 **are included**. Sections 18.2.3 (**fire department access**) and 18.3 (**water supply**) are **not retroactive**.

For buildings constructed between:

03-01-08 – 01-01-11

see 2006 NFPA 1  
sections 18.2.3 and  
18.3

07-01-02 – 03-01-08

see Comm 62.0500.

< 07-01-02

see Comm 50-64.

**Section 15 Comm 14.01 (2) (a)**

# Design Requirements

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**.

**Section 16 Comm 14.01 (2) (a) 4.**

# Tanks, Containers, Tank Systems and Facilities

Note: **See Appendix** for a list of tanks, containers, tank systems and facilities that are not regulated by chapter Comm 10.

**\*Many of these tanks, containers, tank systems and facilities are now regulated under Comm 14 and NFPA 1.**

**Section 16 Comm. 14.01 (2) (b) 4. Note**

**and**

**Section 42 A-14.01 (2) (b) 4.**

# Equivalencies

Substitute the following wording for the requirements in NFPA 1 section 1.4.1: Nothing in this chapter is intended to prohibit or discourage the design and use of **new materials or components, or new processes, elements or systems**, provided written approval from the department **or AHJ** is obtained first.

**Section 20 Comm 14.01 (3)**

# Alternatives and Modifications Petition for Variance

Substitute the following wording for the requirements in NFPA 1 sections 1.4.2 to 1.4.6:

The proposed section eliminates the conflict as to who [Department or AHJ] approves owner requested modifications and alternatives, 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 & A's on this topic may be needed.

Section 21 Comm 14.01 (4)

# Duties of Owners and Employers

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.

**Section 25 Comm 14.01 (8) Note 1**

# National Fire Incident Reporting (NFIRS)

Each report shall include the age of the building, age may be estimated. Various software programs for reporting the information under this section may accommodate reporting only as a note in a narrative.

Section 26 Comm 14.01 (11)

# National Fire Incident Reporting (NFIRS)

Each report shall include an **estimate of the amount of damages** to the building as a result of the fire.

Either the **assessed value or the expected replacement cost** 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**.

**Section 26 Comm 14.01 (11)**

# National Fire Incident Reporting (NFIRS)

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.

**Section 26 Comm 14.01 (11)**

# Scheduling of Inspections

Fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period **per calendar year**

January 1st. to June 30th.

July 1st. to December 31st.

\* **or more often** if ordered by the fire chief

\* **except** as provided in subds. 4. to 7

**Section 27 Comm 14.01 (13) (b) 3.**

# Inspection Frequency Exceptions

## Exception for first class cities.

Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

## General exception for other municipalities.

\* See types of occupancies listed.

Once per calendar year, provided the interval between those inspections does not exceed 15 months.

## Local ordinance.

Once per calendar year, provided the interval between those inspections does not exceed 15 months.

## Discretionary exception for other municipalities.

Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

Section 27 Comm 14.01 (13) (b) 3.

# Nursing Home Fire Inspections

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.

**\* DHS 132.82 (3) (c) and DHS response to Comm 14 Code Council concerns.**

**Section 28 Comm 14.01 (13) (b) 3. Note**

# General Exception For Other Municipalities

- s. Seasonal or periodic occupancies, provided at least one interior inspection is conducted during an occupancy period **and provided the occupancy does not extend beyond 6 months in any calendar year.**

**Section 29 Comm 14.01 (13) (b) 5.**

# Discretionary Exception For Other Municipalities

Low-use buildings, based on the same criteria applied in first-class cities.

Seasonal occupancies.

Temporary-occupancy uses - such as farm structures temporarily used for winter storage, horse stables or riding arenas.

Home-occupation accessory buildings used as businesses.

Seldom or infrequently occupied buildings.

Unoccupied buildings.

**Note:** 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.**

**Section 30 Comm 14.01 (13) (b) 6.**

# Discretionary Exception For Other Municipalities

For 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., the fire chief may base the frequency of the inspections on 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:

Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

Section 30 Comm 14.01 (13) (b) 6.

# Special Orders

Any special order granted by the Department prior to [January 01, 2011], that authorized a city, village or town to reduce the number of required inspections shall expire by that date.

Section 31 Comm 14.01(13) 7.c.

# Records Retention

A time period of at least **seven (7) years**, for cities, villages and towns to retain records for fire prevention inspections and fire dues entitlement records.

**\* Corresponds to s. 19.21 (4), Stats.**

**Section 31 Comm 14.01 (13) 8.**

# Department Forms

All referenced Department forms are accessible three (3) ways: found in the Appendix; at P.O. Box 7839, Madison, WI 53707-7839; at the Department's web site [www.commerce.wi.gov](http://www.commerce.wi.gov)

Section 32 Comm 14.01 (14) (c)-(f) Notes

# Definitions

"NFPA 1" **means** the 2009 edition of NFPA® 1, *Fire Code*, as adopted **and modified** in this chapter.

\* The use of the term "means" in a definition limits the scope of the definition solely to the example or examples stated.

\* The NFPA 1 definition applies wherever it is referenced in the code.

Section 33 Comm 14.03 (1) (f)

# Definitions

**Substitute** the following definition for the definition in NFPA 1 section 3.3.170.20: “**One- and or 2-family dwelling**” has the meaning as defined for dwelling in s. 101.61 (1), Stats.

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.

\* **New text is completely replacing NFPA 1 text wherever “One- and 2-family dwelling” is referenced.**

**Section 34 Comm 14.03 (2)**

# Emergency Plans

**Substitute** the following wording for the requirements in NFPA 1 section 10.9.2.3: **Where required by the AHJ**, emergency plans shall be submitted to the AHJ for review.

**Note:** The Department of Health Services may have additional rules requiring nursing home operators to have emergency plans that are reviewed by fire departments **or other fire and safety experts**.

**\* Where DHS requires emergency plans to be provided and reviewed the duty is placed upon the owner, not the fire department.**

**Section 37 Comm 14.10 (2) and Note**

# Natural-cut Christmas Trees

**Note:** Guidance on use of natural-cut Christmas trees is available at the Department's Web site at [www.commerce.wi.gov](http://www.commerce.wi.gov), through links to the Fire Prevention program in the Safety and Buildings Division.

*\* A motion was made by Marty King and seconded by John Ashley that the Department issue a Q&A which*

- (1) explains how fire departments have become authorized to allow Christmas trees in assembly occupancies*
- (2) shows why fire departments are not violating Comm 14 by allowing the trees*
- (3) describes best practices that should be used with the trees.*

**Section 37 Comm 14.10 (3) Note**

# General Storage

The requirements in NFPA 1 section 34.1.1.2 (1) are **not included** as part of this chapter.

\* NFPA 1 chapter 34 general storage requirements will now apply to unsprinklered buildings.

Section 41 Comm. 14.34

# Mobile Kitchens

This is a **department exception** to the requirements in NFPA 1 sections 50.2.1.1 and 50.4: Neither an exhaust hood nor an automatic fire suppression system is required for a **mobile kitchen where all of the following conditions** are met:

- (1) The kitchen is **less than 365 square feet** in size.
- (2) The kitchen is used on **fewer than 12 days in a calendar year**, for the purpose of cooking.
- (3) The owner or operator of the kitchen **maintains a record** demonstrating compliance with sub. (2), retains the record with the kitchen, and makes the record available to an inspector upon request.

**Note:** 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 [www.commerce.wi.gov](http://www.commerce.wi.gov), through links to Safety and Buildings Division forms.

\* **Codifies the requirements of 2007 Wisconsin Act 73 and Section 101.14 (1) (am) of the statutes.**

**Section 42 Comm. 14.50**

# Mechanical Refrigeration

The requirements in NFPA 1 chapter 53 are **not included** as part of this chapter.

**Note:** See chapter Comm 45 for requirements for mechanical refrigeration.

**Section 43 Comm. 14.53**

# Local Order

Section 101.01 (8) of the Statutes defines "local order" 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.

Section 46 Comm A-14.01 (9) (b)



Questions?