

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 06-120		Hearing Location: Madison	
Rule Number: Chapters Comm 14 and Comm 60 to 66		Hearing Date: December 21, 2006	
Relating to: Fire Prevention Code and Commercial Building Code			
Speaker	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
2	Dave Lind, Fire Marshall North Shore Fire Department Bayside, WI	<p><i>[Excerpt of Comm 14 comments only]</i> As a whole supports the Comm 14 package as proposed with the following concerns:</p> <ul style="list-style-type: none"> • Believes that the language for an alternative fire code is not consistent with the department’s effort to adopt model codes and minimize Wisconsin modifications and fractionalizes the state. • Supports a one-stop shopping and questions the proposed deletions of NFPA 1 with regard to flammable and combustible liquids therein defaulting to ch. Comm 10. <p>Provided a copy of a previously raised questions and answers regarding the alternative fire code.</p> <ul style="list-style-type: none"> • How is a local municipality not able to accomplish their specific need for use of the International Fire Code (IFC) through local adoption? The stated goal of the Fire Code Council was to review and evaluate NFPA 1 UFC as the Fire Prevention Code of the State of Wisconsin. • How is the alternate adoption plan providing for a uniform fire prevention code throughout the state of Wisconsin? • Who will provide the training and the codebooks for the IFC option? The NFPA will be providing free codebooks and free 	<p>Support noted.</p> <p>Local adoption and administration of an alternate model fire code is not prohibited by statute, and is therefore consistent with the home-rule authority that local governments have under sections 59.03 and 66.0101 of the statutes.</p> <p>The draft rules have been revised to enable the requested one-stop shopping, and the deletions of NFPA 1 that relate to ch. Comm 10 have been reduced to consist only of those which are needed to prevent the requirements in ch. Comm 14 from being inconsistent with the requirements in ch. Comm 10. This prevention is similar to other provisions in ch. Comm 14 that prevent Comm 14 from being inconsistent with the requirements in chs. Comm 61 to 65. Inconsistent requirements among codes are unduly difficult for regulated parties to comply with.</p> <p>The current allowance for municipal adoption of the IFC in lieu of NFPA 1 is intended to serve municipalities that choose to administer the IFC as their base fire code. The state Fire Code will “stand down” where a municipality chooses to administer the IFC in lieu of NFPA 1. Some municipalities have felt better served by utilizing the IFC because of its integration and coordination with the International Building Code, IBC.</p> <p>The allowance for municipal adoption of the IFC in lieu of NFPA 1 reflects that ch. Comm 14 is not a uniform fire prevention code.</p> <p>Department staff provides training about state codes and policies; not about municipal ordinances. Department</p>

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	Lind continued	<p>training for AHJs as part of the adoption.</p> <ul style="list-style-type: none"> • Who within the Department of Commerce will be the ‘expert’ in answering questions arising out of the IFC? This question deals with areas not specifically related to construction i.e. fire alarms, sprinklers etc. If a user of the IFC has a question not related to the above will they need to direct that question to the ICC? Doesn’t the ICC require a membership number to get code related questions answered? • Has the IFC been looked (at) and reviewed to ensure that all the provisions within it are “no less” restrictive than those found in NFPA 1 UFC? There is already code text that states a municipality can adopt additional rules (codes) providing they are no less restrictive than the base document. Has analysis of the two documents been completed for consistency? If deficiencies have been or will be identified will there be references for deletion and cross-references made to the base document, NFPA 1 UFC? If so, haven’t we set up a situation of using both documents? The same situation as if a municipality adopts the IFC by ordinance. • If the idea of alternate Code adoptions is something the state (Department of Commerce) embraces as a good and positive idea, shouldn’t this extend to all the codes the state propagates? If code comparisons are not required for purposes of ensuring equity as it relates to safety and construction, why doesn’t the Wisconsin Commercial Building Code offer a similar option for any municipality that would rather use the NFPA suite of codes? Is the Fire Code any less important than the other codes? If alternate adoptions in lieu of local ordinance is the rule (rule because we are codifying it), then shouldn’t the same logic be applied to all or any code document(s) a municipality or enforcing agency may want to use? • The Department of Commerce has made clear during the Fire Code Council meetings that certain provisions of NFPA 1 UFC should be deleted because they may establish an unfunded mandate to the 	<p>staff has not been assigned to train about IFC requirements. The department has no experts assigned to answer questions about IFC requirements not related to construction. The department has no requirement whom must be consulted when a municipality has a question about implementing a municipal ordinance.</p> <p>The department understands that the IFC is substantially equivalent to NFPA 1 relative to fire prevention issues.</p> <p>Typically, the department develops codes that allow as many options as possible as long as the goal of protecting public health, safety and welfare can be accomplished. While it is unusual for the department to allow local adoption of an alternative code by municipal ordinance, this allowance was deemed appropriate in light of the integration and coordination between the IFC and IBC.</p> <p>While it is true that the cost of code books went up with the adoption of the ICC suite of model codes, such an increase was believed to be reasonable when the high</p>

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Relating to: Fire Prevention Code and Commercial Building Code			
Speaker	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Lind continued	<p>reader, i.e. permits and certificates of fitness. Why did the Department of Commerce establish an unfunded mandate to the Fire Service when it adopted the IBC and related documents? The construction of a building is a cradle to grave venture. It is normally understood that the Building Inspector plays the dominant role during construction and the Fire Inspector has primary responsibility for the maintenance of all the life safety systems designed into the building. The unfunded mandate, who is providing the current building code, related documents and training in these documents to the Fire Service to ensure all the life safety features that were part of the original design are being maintained? The answer, NO one. There are very few departments that have found the available budget monies to pay for books and training. The Fire Service is a partner in the construction and ultimate maintenance of buildings. The books and training, prior to the enrolled ICC Suite were provided to all fire departments free. When will unfunded mandate be addressed? When will the Fire Service receive the books and training it has asked for without sacrificing 2% dues or already overtaxed fire department budgets? When will this unfunded mandate be addressed?</p>	quality of the model codes was taken into consideration.
22	Bruce Fuerbringer Wisconsin Fire – EMS Legislative Leadership Coalition Eau Claire, WI	<p><i>[Excerpt of Comm 14 comments only]</i> Supports the proposal to adopt the 2006 edition of the NFPA 1 for the fire prevention code with the following considerations:</p> <ul style="list-style-type: none"> • Eliminate the option of the International Fire Code in order to promote the uniformity and application of fire codes, the option promotes confusion for designers and building community. • Limit modifications to NFPA 1 only as necessary to accommodate statutory language. • Allow the construction provisions of NFPA 1 to apply to the built environment, and any conflicts with the commercial building code should be addressed by the most restrictive provision that applies. 	<p>Support noted.</p> <p>See agency response under speaker #2.</p> <p>See agency response under speaker #2.</p> <p>See agency response under speaker #2.</p>
26	Dave Bloom Wisconsin State Fire Chiefs Association,	<p><i>[Excerpt of Comm 14 comments only]</i> Recommends that the 2006 edition of NFPA 1 should be adopted with minimal changes as outlined by Chief Fuerbringer.</p>	See agency response under speaker #2.

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Relating to: Fire Prevention Code and Commercial Building Code			
Speaker	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Madison, WI		
27	Tod Doebler Wisconsin Fire Inspectors Association Menomonee Falls, WI	<i>[Excerpt of Comm 14 comments only]</i> Supports the proposed code package. Requests that the modifications eliminating flammable and combustible liquid provisions under the adopted NFPA 1 and defaulting to ch. Comm 10 be realigned similar to other references for other codes. Requests elimination of the IFC option.	Support noted. See agency response under speaker #2. See agency response under speaker #2.

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Clearinghouse Rule Number: 06-120		Hearing Location: Mailed Comments	
Rule Number: Chapters Comm 14 and 60 to 66		Hearing Date:	
Relating to: Fire Prevention and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Russell Sanders, Central Regional Manager National Fire Protection Association (NFPA) Louisville, KY	Supports the adoption of the 2006 edition of the NFPA 1, <i>Uniform Fire Code</i> TM (UFC) as the basis for Comm 14.	Support noted.
193	Edwin J. Ruckriegel City of Madison Fire Department Madison, WI	<p><i>[Excerpt of Comm 1 and NFPA 1 comments only]</i></p> <p>Comm 14 repeal and recreation:</p> <ol style="list-style-type: none"> 1. Comm 14.001 (2) Alternate model fire code. Supports this section. The local adoption of an alternate model fire code supports the principles of the State’s Home Rule statutes. Local authorities should have the local option to manage fire prevention and fire safety requirements based on local needs and resources. 2. Comm 14.01 (1) (e) 1. and 14.01 (a) Fire Responses and Fire Incident Reports. Supports mandatory fire incident reporting of all fire responses. Fire response and incident data serve as valid evidence of the fire problems and solutions in our state. <p>Comm 60 to 66 revisions:</p> <ol style="list-style-type: none"> 1. Comm 62.0509. Opposes this code change. The current Comm 62.0509 addresses fire apparatus access, which is an integral component of safe buildings and structures. A safe building is a system of many code requirements working together. Removing the fire apparatus access requirements from the building code and deferring to the requirements in NFPA 1 will lead to problems in the design, construction, and approval of buildings. The requirements in NFPA 1, chapter 1 as included by Comm 14.01 (2) (a) 4. a. are too vague and allow for many decisions by the “authority having jurisdiction” (AHJ). The lack will negatively impact the design construction and approval of the buildings by allowing more than 800 AHJs to determine access requirements for new buildings. 	<p>Support noted.</p> <p>Support noted.</p> <p>Applying the National Fire Protection Association’s requirements for fire apparatus access, instead of modifying the model building code to include such access requirements and modifying the model fire prevention code to not include them, is preferred because it is consistent with the overriding interest to minimize modifications of these two codes. The local decisions associated with the NFPA 1 requirements are consistent with the home-rule authority that local governments have under sections 59.03 and 66.0101 of the statutes.</p>

File reference: Comm 14 & 61-65/Hearing Response c