

Update - Automatic Fire Sprinkler Systems in Multifamily Dwellings

Since the issuance of Attorney General Kaul's opinion (AG-04-20), the Department of Safety and Professional Services (Department) has fielded stakeholder comments and inquiries related to the enforcement of automatic fire sprinkler systems in multifamily dwellings. In response to those comments and inquiries, the Division of Industry Services staff and Department legal counsel have been working to determine, among other things, the application of the Attorney General's opinion to the automatic fire sprinkler systems code provisions that currently exist in Wisconsin's Commercial Building Code (Code).

It is important to note that following the 2017 AG opinion related to automatic fire sprinkler systems, which has been rescinded, DSPS revised a portion of the Code (Wis. Admin. Code SPS § 362.0903(5)). However, the Department did not remove the fire sprinkler systems requirement found in the 2015 International Building Code, which was adopted with very limited exceptions as set forth in Wis. Admin. Code ch. SPS 362.

In the interests of public safety, effective April 19, 2021, the Department (and its delegated agents) will again enforce the automatic fire sprinkler requirements as set forth in Wis. Admin. Code SPS § 362.0903 with respect to the review of building plans for multifamily dwellings.¹

Wisconsin's Commercial Building Code:

Wisconsin's Commercial Building Code (Code) adopts the 2015 International Building Code (IBC) as it relates to fire sprinkler systems with some enumerated exceptions as identified in Wis. Admin. Code ch. SPS 362. In regard to Group R (Residential) buildings, which includes multifamily dwellings, Wis. Admin. Code SPS § 362.0903 (5) outlines the exceptions to the 2015 IBC.² Wis. Admin. Code SPS § 362.0903(5) states the following:

(5) GROUP R. Substitute the following wording for the requirements in IBC section 903.2.8:

(a) Except as provided in pars. (b) to (cm), an automatic sprinkler system installed in accordance with IBC section 903.3 shall be provided throughout all buildings with a Group R fire area.

(b) An automatic sprinkler system installed in a multifamily dwelling may conform with sub. (10) provided the multifamily dwelling complies with all of the following:

- 1. The multifamily dwelling does not contain more than 20 dwelling units.*
- 2. The multifamily dwelling is not more than 2 stories above grade plane in height.*

¹ Multifamily dwelling is defined in Wis. Stat. § 101.01(8m) as "an apartment building, rowhouse, town house, condominium, or modular home, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units"

² IBC 903.2.8, which is referenced in the Code provision, states the following: "An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area."

3. The multifamily dwelling is not served by either a community water system or a municipal water system as defined under s. NR 811.02.³

(cm) An automatic sprinkler system installed in a building with a Group R-3 fire area may conform with sub. (10) provided the Group R-3 use complies with all of the following:

- 1. The Group R-3 use is limited to a single-room bunkhouse type sleeping unit.*
- 2. The fire area does not exceed 1,500 square feet.*
- 3. The fire area is not more than one story above grade plane in height.*
- 4. The fire area has an occupant load of 10 or less.*
- 5. The Group R-3 use is not served by either a community water system or a municipal water system as defined under s. NR 811.02.*

The main exceptions to the requirement found in the IBC related to residential occupancies and fire sprinkler systems are those enumerated in Wis. Admin. Code SPS § 362.0903(5)(b) and (cm).⁴ Wis. Admin. Code SPS § 362.0903(5)(b) establishes that the fire sprinkler system requirement can be met by installing a NFPA 13D sprinkler system if the multifamily dwelling meets certain criteria. This exception has limited applicability as one of the requirements is that the multifamily dwelling not be served by a community or municipal water system (again, it is defined below).⁵

The exception found in Wis. Admin. Code SPS § 362.0903(5)(cm) also has limited applicability as it only applies to Group R-3 type occupancies. The IBC defines Group R-3 as those occupancies which are primarily permanent in nature and not classified as Group R-1⁶, R-2⁷, R-4⁸, or I. R-3 occupancies include commercial buildings that do not contain more than two

³Under s. NR 811.02, "community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units or 10 or more condominium units shall be considered a community water system unless information is provided by the owners indicating that 25 year-round residents will not be served." Under s. NR 811.02, "municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing."

⁴ The only other exception outlined in SPS § 362.0903 is for single story Group R occupancy cabins or camp lodge buildings.

⁵ It is also important to note that the requirement in SPS § 362.0903(5)(b)1 was the provision of the Code that was revised to state 20 dwelling units after the issuance of the 2017 AG opinion. Prior to the 2017 AG opinion, the provision stated "[t]he multi-family dwelling does not contain more than 4 dwelling units."

⁶ Group R-1 encompasses sleeping units where the occupants are primarily transient in nature, such as hotels and motels.

⁷ Group R-2 encompasses sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, such as apartment houses, convents, dormitories, timeshare properties, fraternities and sororities, and hotels/motels (non-transient).

⁸ Group R-4 encompasses buildings such as alcohol and drug centers, assisted living facilities, group homes, and halfway houses where people reside.

dwelling units (which does not meet the definition of a multifamily dwelling as defined in Wis. Stat. § 101.01(8m)). Furthermore, this exception, much like the exception outlined above, does not eliminate the requirement for a fire sprinkler system, but allows for a different type of system (NFPA 13D) for an occupancy that is not served by a community or municipal water system and meets the other criteria outlined in the Code.

Should you have any questions regarding the applicability of Wis. Admin. Code § SPS 362.0903 to multifamily dwellings, please contact DSPS Commercial Plan Review Section Chief Justin Gavin at justin.gavin@wisconsin.gov.