

INTRODUCTION

Purpose and Structure

The Legislature, by s. 35.93 and ch. 227, Stats., directed the publication of the rules of executive agencies having rule-making authority in a loose-leaf, continual revision system known as the Wisconsin Administrative Code. The Code is kept current by means of new and replacement pages. The pages are issued monthly, together with notices of hearings, notices of proposed rules, emergency rules, instructions for insertion of new material, and other information relating to administrative rules. This service is called the Wisconsin Administrative Register, and comes to the subscriber near the middle and at the end of each month. Code pages are issued to subscribers only with the end of the month Register. The editing and publishing of the Register and Code is done by the Revisor of Statutes Bureau, Suite 800, 131 W. Wilson St., Madison, Wisconsin, 53703. (608-266-7275).

Availability

The complete code and the upkeep service are distributed to the county law libraries; to the libraries of the University of Wisconsin Law School and Marquette University Law School; to the State Historical Society; to the Legislative Reference Bureau and to the State Law Library, and to certain designated public libraries throughout the state.

The sale and distribution of the Register, Code and of its parts is handled by Department of Administration, Document Sales, P.O. Box 7840, Madison, Wisconsin 53707. (608-266-3358 information) (1-800-362-7253 or 608 264-9419 charge card orders).

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Each code with more than one chapter will have a table of chapters. After the title of each chapter will be the page numbers on

which the chapter begins. Each chapter will have a table of sections.

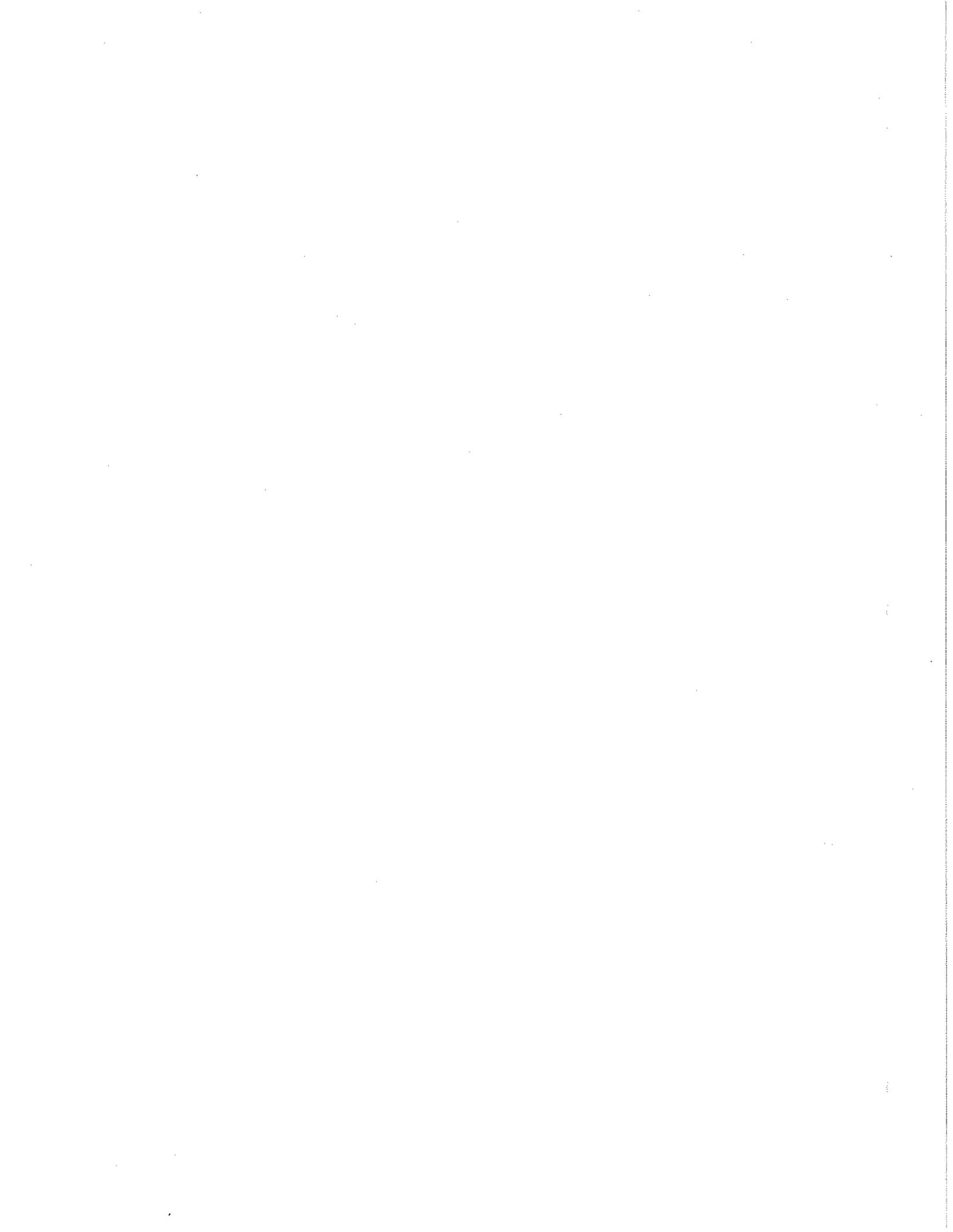
History Notes

Each page of the code as it was originally filed and printed pursuant to the 1955 legislation, had a date line 1-2-56. A rule which is revised or created subsequent to the original printing date is followed by a history note indicating the date and number of the Register in which it was published and the date on which the revision or creation of the rule became effective. Additions to a section's history note will be shown in **bold face** when those affected code sections are first released. The absence of a history note at the end of a section indicates that the rule has remained unchanged since the original printing in 1956. The date line at the bottom of the page indicates the month in which the page was released, but does not necessarily mean a substantive change has occurred on that page. Some common abbreviations used in the history notes are: cr. -- created, am. -- amend, r. -- repeal, recr. -- recreate, renum. -- renumber, eff. -- effective and emerg. -- emergency.

In some instances an *entire* chapter has been repealed and recreated or renumbered subsequent to the original printing date. When this occurs a note has been placed at the beginning of the chapter after the table of sections to contain this information. A separate history note appears after each section indicating the date when the revision or creation became effective.

Index

The index for the complete Wisconsin Administrative Code will be found in the last volume of the complete set. It will be recompiled, reprinted and distributed at least 3 times a year. Some codes have a separate index prepared by the agency involved. See the Uniform Dwelling Code (chs. ILHR 20-25) and the Building and Heating Code (chs. ILHR 50-64) as examples.



Chapter Comm 14

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Note: Chapter Ind 65 as it existed on April 30, 1989 was repealed and a new chapter ILHR 14 was created effective May 1, 1989; Chapter ILHR 14 as it existed on March 31, 1992 was repealed and a new chapter ILHR 14 was created effective April 1, 1992. Chapter ILHR 14 was renumbered to chapter Comm 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1996, No. 492.

Subchapter I— Purpose and Scope

Comm 14.001 Purpose. The purpose of this chapter is to protect the health, safety and welfare of the public and employes by establishing minimum standards for the prevention of fire.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.002 Scope. (1) GENERAL. The provisions of this chapter shall apply to all public buildings and places of employment.

(2) EXEMPT BUILDINGS. The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this chapter:

(a) One- and 2-family dwellings and outbuildings in connection with the dwellings, including but not limited to, barns and private garages;

(b) Buildings used exclusively for farming as specified in s. 102.04 (3), Stats.;

Note: A reprint of s. 102.04 (3), Stats., is included in the Appendix.

(c) Buildings used primarily for housing livestock or for other agricultural purposes, located on research or laboratory farms of public universities or other state institutions;

(d) Temporary buildings, used exclusively for construction purposes, not exceeding 2 stories in height, and not used as living quarters;

(e) Buildings located on Indian reservation land held in trust by the United States;

(f) Buildings owned by the federal government. Buildings owned by other than the federal government and leased to the federal government are not exempt;

(g) Bed and breakfast establishments; and

(h) Community-based residential facilities located in existing buildings and providing care, treatment and services to 3 to 8 unrelated adults.

(3) RETROACTIVITY. (a) Except as provided in par. (b), the provisions of this chapter shall apply to all public buildings and places of employment, whether constructed before, on or after May 1, 1989.

(b) 1. Paragraph (a) does not apply to any provision in this chapter that specifically excludes retroactive application of that provision.

2. Those provisions of this chapter which cross-reference provisions of other Wisconsin administrative code chapters shall be applied as specified in the scope and application provisions of the chapter which is cross-referenced.

Note: For example, the scope and application provisions of the Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, chs. ILHR 50-64, indicate that the building must be constructed and maintained in accordance with the code in effect at the time of construction. Subsequent alterations, remodeling or additions must conform to the code in current effect at the time of their construction.

(4) APPLICATION. Where different provisions of this chapter specify different requirements, the most restrictive requirement shall govern.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter II— Definitions

Comm 14.01 Definitions. In this chapter:

(1) "Approved" means acceptable to the department or to the fire chief having jurisdiction.

(2) "Automatic fire sprinkler system" means an integrated system of underground and overhead piping for fire protection purposes, designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(3) "Automatic fire suppression system" means a mechanical system designed and equipped to detect a fire, actuate an alarm and suppress or control a fire using water, water spray, foam, carbon dioxide, halogenated agent or other approved suppression agent.

(4) "Bed and breakfast establishment" means any place of lodging that provides 8 or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

(5) "Bonfire" means a large open-air fire kindled to mark a public event, victory celebration or similar occurrence where dry, combustible material such as wood, paper and similar items are burned.

(6) "Building" or "structure" means a public building or place of employment.

(7) "Decorative material" means all materials such as curtains, draperies, streamers, and surface coverings that are applied

over the building finish for decorative, acoustical or other effect. Also included are cloth, cotton batting, straw, vines, leaves, trees and moss used for decorative effect.

(8) "Department" means the department of commerce.

(9) "Existing" means completed or in use or occupied prior to the effective date of applicable provisions of this chapter.

(10) "Family" means 2 or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this chapter, a group of not more than 4 persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

(11) "Fire chief" means the chief or authorized representative of the fire department serving the unit of government having authority over the public building or place of employment. Fire chief also means the representative designated by the local unit of government to carry out the duties of this chapter.

(12) "Flammable" means subject to easy ignition and rapid-flaming combustion.

(13) "Listed" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(14) "Open burning" means a controlled, limited size open-air fire except for outdoor cooking, campfires, burning for the purpose of land clearing, burning related to fire department training or similar purposes.

(15) "Place of employment" means every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming.

(16) "Public building" means any structure, including exterior parts of the structure, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter III— Administration and Enforcement

Comm 14.02 Duties of the fire department.

(1) AUTHORIZED DEPUTY OF THE DEPARTMENT. The fire chief of the fire department in every city, village or town, except cities of the first class, is a duly authorized deputy of the department.

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

(b) *Determining the number of buildings to be inspected.* The fire chief shall be responsible for determining the number of public buildings and places of employment to be inspected for each municipality for which the fire department has responsibility.

(c) *Scheduling of inspections.* Except as provided in par. (d), fire prevention inspections shall be conducted at least once in each nonoverlapping 6-month period per calendar year, or more often if ordered by the chief of the fire department, in all territory served by the fire department.

(d) *Exceptions.* 1. In first class cities, the fire chief may establish the schedule of fire inspections. The fire chief shall base the frequency of the inspections on hazardous 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.

2. In municipalities other than first class cities, the following types of occupancies shall be inspected at least once per year:

a. Offices, outpatient clinics and dental clinics, if less than 3 stories in height.

b. Telephone exchange complexes.

c. Places of worship that do not have a rental hall, child day care facility or preschool to 12th grade instruction within the immediate church building.

d. School buildings at colleges and universities, if used exclusively for classroom lecture or offices.

Note: School buildings containing rooms such as laboratories, chemical storage and industrial arts would require 2 inspections per year.

e. Libraries, museums and art galleries.

f. Hotels and motels, if less than 3 stories in height.

g. Townhouses and rowhouses, if less than 3 stories in height.

h. Condominiums and apartments, if there are less than 5 units under one roof.

i. Convents and monasteries.

j. Detention and correctional facilities.

k. Garages for storage only.

l. Specialty occupancies covered under ch. ILHR 62.

3. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subsection.

(e) *Written reports.* 1. Written reports of inspections shall be made and kept on file in the manner and form required by the department.

Note: The fire department inspection report forms (SBD-2113, SBD-5295 and SBD-10264) are available from the department at the Safety and Buildings Division, Customer Service Center, P.O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

Note: The department is participating in the National Fire Incidence Reporting System (NFIRS), and all fire departments are encouraged to submit fire incidence reports to the department on NFIRS forms provided by the department.

2. Written fire incidence reports shall be submitted to the department at least annually. The reports shall be submitted to and received by the department no later than January 15 for the previous year.

Note: It is recommended that fire incidence reports be submitted monthly to facilitate the processing of the reports and the preparation of the annual state Fire Statistics Report.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; am. (2) (a), r. and recr. (2) (c) and (d), Register, August, 1993, No. 452, eff. 9-1-93.

Comm 14.03 Public fire education services. Fire departments shall provide public fire education services. The services may be selected from the following public fire education-related activities, or other activities may be completed if developed in consultation with the department:

(1) **FIRE INSPECTOR TRAINING.** All fire department personnel directly involved in conducting fire inspections are authorized by the department and by the fire chief to conduct the inspections upon completion of required training approved by the department and by the fire chief.

(2) **FIRE PREVENTION WEEK PROGRAM.** Fire departments complete any combination of the following activities during national fire prevention week: children's poster contest; fire department open house; school visits to teach children fire safety; fire department fire safety demonstrations, including but not limited to fire fighting demonstrations, fire extinguisher and smoke detector demonstrations, "stop/drop/roll" demonstrations; or an activity

that specifically ties in with the national fire prevention week theme.

(3) **RESIDENTIAL FIRE INSPECTION PROGRAM.** Fire departments advertise and conduct residential fire inspections on a request basis or in response to local ordinance.

(4) **BUILDING PLAN REVIEW PROGRAM.** Fire departments conduct plan reviews prior to construction of public buildings and places of employment.

(5) **SCHOOL EDUCATION PROGRAM.** Fire departments conduct approved fire safety education programs in the school districts for which they have responsibility.

(6) **CONTINUING PUBLIC FIRE EDUCATION PROGRAM.** Fire departments conduct public fire education programs. The programs may include monthly public service announcements for radio or television, monthly newspaper articles, booths at fairs, demonstrations at shopping centers, billboards with fire safety messages and similar activities acceptable to the department.

(7) **PUBLIC FIRE EDUCATION SPEAKING BUREAU.** Fire departments organize a group of speakers to make public fire education presentations to civic organizations, professional organizations, school organizations and similar groups.

(8) **YOUTH FIRE AWARENESS PROGRAM.** Fire departments conduct youth fire awareness programs, including but not limited to skill award and merit badge clinics for scouts, junior fire marshal program, juvenile fire starter program, first aid and CPR training and related activities.

(9) **FIRE EXTINGUISHER TRAINING PROGRAM.** Fire departments conduct training programs for the public or industry regarding the operation of fire extinguishers. Industrial fire brigade training programs may be conducted to complete this activity.

(10) **OCCUPANCY INSPECTION PROGRAM.** Fire departments conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. Written documentation of the inspections are kept by each fire department.

(11) **SMOKE DETECTOR AWARENESS PROGRAM.** Fire departments conduct programs to inform people regarding the effectiveness and proper installation of smoke detectors in residential buildings, public buildings and places of employment.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; r. and recr., Register, August, 1993, No. 452, eff. 9-1-93.

Comm 14.04 Record keeping. (1) GENERAL. The following records shall be generated and maintained by each fire department:

(a) Current roster of active fire department members;

(b) Date and location of the fire prevention inspections conducted, violations found and corrective actions taken;

(c) Time, date and location of fires, and number of fire department members responding;

(d) Number and duration of, and attendance at, fire department meetings;

(e) Number and duration of, topic of and attendance at fire department training sessions; and

(f) Number, type, and duration of and attendance at public fire education related activities.

(2) **AVAILABILITY OF RECORDS.** The records specified in sub. (1) shall be made available upon request to the fire department.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.05 Local regulations. This chapter shall not limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this chapter or with any other rule of the department or law.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.06 Revocation of approval. The department or authority having jurisdiction may revoke any approval, issued

under the provisions of this chapter, for any false statements or misrepresentation of facts on which the approval was based.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.07 Appeals. Any person affected by any local order as defined in s. 101.01 (1) (f), Stats., which is in conflict with a rule of the department may petition the department for a hearing on the grounds that the local order is unreasonable or in conflict with the rule of the department or both.

Note: Section 101.01 (1) (f), Stats., 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, 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.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92, correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1993, No. 452.

Comm 14.08 Petition for variance. (1) PROCEDURE. The department shall consider and may grant a variance to a provision of this chapter upon receipt of a fee, a completed petition for variance form from the owner, and a position statement from the fire department having responsibility and an interest in the provision, provided an equivalency is established in the petition for variance which meets the intent of the provision being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employees or the public. Violation of any condition under which the petition for variance is granted constitutes a violation of this chapter.

Note: The petition for variance application form (SBD-9890) is available from the Safety and Buildings Division, Customer Service Center, P.O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

Note: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.09 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02, Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter IV— General Precautions Against Fire

Comm 14.12 Open burning. (1) PRIOR APPROVAL. (a) Except as provided in par. (b), all persons shall obtain authorization from the fire chief before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the limits of any incorporated city or village.

(b) The following open burning shall be permitted without authorization from the fire chief:

1. Outdoor cooking;
2. Campfires; and
3. Burning related to training for fire departments.

Note: Burning outside the incorporated limits of cities and villages is regulated by the department of natural resources under ch. NR 30—Forest Fire Control and ss. 26.11 to 26.13, Stats.

(2) OTHER REGULATIONS. Open burning shall also be subject to the administrative rules of the department of natural resources

and ordinances or regulations of the local authority having jurisdiction.

(3) PROHIBITION. Outdoor burning shall be prohibited when local circumstances make the fires potentially hazardous. Local circumstances include, but are not limited to, thermal inversions, wind, ozone alerts, and very dry conditions.

Note: Outdoor burning may be prohibited by the department of natural resources due to air quality considerations.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.13 Bonfires. (1) PRIOR APPROVAL. All persons shall obtain authorization from the fire chief before kindling or maintaining any bonfire or authorizing the kindling or maintaining of any bonfire on any premises.

(2) QUANTITY OF MATERIAL TO BE BURNED. The allowable quantity of material to be burned shall be determined by the fire chief and shall be based upon the fire safety considerations of the situation and the desired duration of burn.

(3) MATERIAL FOR BURNING. (a) Fuel for bonfires shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

(b) Material for bonfires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(4) OTHER REGULATIONS. Persons kindling or maintaining bonfires or authorizing the kindling or maintenance of bonfires shall be subject to the ordinances and regulations of the fire department having jurisdiction.

Note: See ch. NR 30—Forest Fire Control and ss. 26.11 to 26.13, Stats., for regulations pertaining to burning in areas outside the incorporated limits of cities and villages.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.14 Kindling of fire. The kindling of fire shall comply with ss. 941.11, 943.02 and 943.03, Stats.

Note: See Appendix for reprint of ss. 941.11, 943.02 and 943.03, Stats.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.15 Handling of burning material. The handling of burning material shall comply with ss. 941.10 and 943.05, Stats.

Note: See Appendix for reprint of ss. 941.10 and 943.05, Stats.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.16 Hot ashes and other dangerous materials. (1) GENERAL. Except as provided in sub. (2), no person may deposit hot ashes or cinders, smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle or place these materials within 15 feet of any combustible materials.

(2) METAL OR NONCOMBUSTIBLE RECEPTACLES. Hot ashes or cinders, smoldering coals or greasy or oily substances liable to spontaneous ignition placed in metal or noncombustible, covered receptacles are exempt from the provisions of sub. (1), providing the following conditions are satisfied:

(a) The receptacle is resting upon a noncombustible floor or on the ground outside the building or is placed on a noncombustible stand; and

(b) The receptacle is kept at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.17 Use of incinerators prohibited. If the fire chief determines that burning in an incinerator during a period of high fire hazard weather conditions will create an undue fire hazard, use of the incinerator shall be prohibited.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.18 Miscellaneous use of torches and welding equipment. (1) GENERAL. Any person using a torch

or other flame-producing device for removing paint from any building or structure within the scope of this chapter or for sweating pipe joints, cutting, heat welding seams, thawing pipes, building construction or demolition shall provide at least one approved minimum 2-A water type fire extinguisher, minimum 4-A dry chemical type fire extinguisher, or minimum 1/2-inch diameter water hose connected to the water supply at the site where the burning is done.

Note: See Appendix for a reprint of Section 1926.352 of the Federal Occupational Safety and Health Administration regulations, relating to the use of welding and cutting equipment.

(2) **ATTENDANCE.** A firewatch shall be maintained in effect for at least 1/2 hour after each use of the torch or flame-producing device under sub. (1).

(3) **ELECTRIC WELDING.** The provisions of subs. (1) and (2) shall apply to the uses specified in sub. (1) applicable to electric welding equipment.

(4) **STORAGE.** Storage of fuel gases, oxygen and calcium carbide for gas welding and cutting shall satisfy the following requirements:

(a) All gas cylinders shall be secured to prevent falling.

(b) Cylinders stored outside shall be protected from accumulations of ice and snow.

(c) Cylinders stored inside of buildings shall be segregated from highly combustible materials and operations likely to cause an excessive rise in temperature or mechanical damage.

(d) Inside storage of fuel gases and oxygen shall be separated by a minimum of 20 feet or by a 1/2-hour fire-resistive partition.

(5) **HAND TRUCKS.** Hand trucks for portable gas welding and cutting equipment shall be provided with chains or steadying devices to prevent cylinders from being knocked over while being moved or while in use.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; cr. (4) and (5), Register, August, 1993, No. 452, eff. 9-1-93.

Comm 14.19 Asphalt or tar kettles. (1) PROHIBITED LOCATIONS. (a) Subject to par. (b), an asphalt or tar kettle may not be used inside of or on the roof of any building.

(b) Asphalt or tar kettles may be used on the roofs of buildings in excess of 60 feet in height if all of the following conditions are met:

1. The asphalt or tar kettle is taken to the roof outside the building;

2. All roof scuppers are closed during the roofing or repair operation;

3. The asphalt or tar kettle is located on a noncombustible platform surface which is a minimum of 8 inches above the roof surface and which extends at least 2 feet beyond the exterior of the asphalt or tar kettle;

4. A source of water of at least 25 gallons per minute is available on the roof; and

5. The asphalt or tar kettle is empty, or the heat source is shut off and the contents solidified, while hoisting.

(2) **FIRE EXTINGUISHERS.** There shall be at least one approved fire extinguisher of a minimum 20-B:C classification within 30 feet of each asphalt or tar kettle during the period that the kettle is in use.

Note: See ch. Comm 11 and NFPA Standard 58 for additional rules pertaining to LP-fired asphalt or tar kettles.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.20 Accumulation of waste. (1) GENERAL. Accumulations of litter or combustible or flammable waste may not be permitted to remain longer than 24 hours in any court, yard, vacant lot, alley, parking lot or open space unless in closed metal, noncombustible or other approved containers.

(2) **VEGETATION.** All weeds, grass, vines or other growth which endanger property through the spread of fire shall be cut down and removed.

(3) **STORAGE WITHIN BUILDINGS.** (a) All combustible rubbish or waste material not stored in approved covered, metal or non-combustible containers and not located in rooms of at least one-hour rated fire-resistive construction shall be removed from the building at least once every 24 hours.

Note: This rule is not intended to apply to storage of waste paper at individual work stations for recycling purposes.

(b) Oily waste and oily rags, when not in actual use, shall be kept in listed self-closing metal waste cans, set firmly on 3-inch legs or approved noncombustible containers and located at least 10 feet from any combustible materials.

(c) All chemically-soiled wastes with the potential for spontaneous combustion shall be kept in listed self-closing metal waste cans until removed from the building.

(4) **NUISANCE OR HAZARD.** Storage of waste may not produce conditions which in the opinion and judgment of the fire chief will tend to create a nuisance or a hazard to the public safety.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.21 Handling and storage of combustible materials.

(1) **HANDLING.** Any person making, using, storing or having under their control any flammable or combustible materials shall, at the close of each day, cause all material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in a single portable metal bin of a size for one day's supply; in metal-lined, covered portable receptacles or bins; or in a hazard enclosure as specified in s. ILHR 54.14.

(2) **INSIDE STORAGE.** (a) Combustible storage in buildings shall be orderly, shall be more than 2 feet from the ceiling, and shall be so located as not to endanger exit from the building. A minimum of 18 inches clearance shall be maintained between the top of storage and ceiling sprinkler deflectors.

(b) Clearances between combustible materials and electric equipment shall be as specified in section 110.16 of the National Electric Code as adopted by reference in ch. Comm 16.

(3) **OUTSIDE STORAGE.** (a) Outside storage shall be so located as not to constitute a hazard to adjacent buildings or property and shall be compact and orderly.

(b) Individual piles shall not exceed 20 feet in height and shall be located at least 30 feet from buildings and so as to provide at least 15-foot wide driveways between piles.

(c) Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is provided.

Note: See Appendix for diagram of acceptable sample layout of piles and driveways.

(d) Outside storage shall be prohibited within 3 feet of any property line and may not exceed 6 feet in height when within 15 feet of the property line, except where no hazard or menace of fire to adjoining property is created.

(e) Storage or accumulation of combustible waste matter, which constitutes a hazard or menace of fire, shall be removed within 24 hours.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.22 Cleanliness. Every public building and place of employment, including connecting yards, courts, passages, areas or alleys, shall be kept clean and orderly, and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.23 Prohibition of smoking. (1) GENERAL. Smoking or carrying of lighted smoking materials shall be prohibited in public buildings and places of employment where flammable materials are handled, sold or stored.

(2) **DESIGNATED SAFE LOCATIONS.** The fire chief may designate specific safe locations in any building, structure or place in which smoking may be permitted.

(3) **"NO SMOKING" SIGNS.** "No Smoking" signs shall be posted in each building, structure, room or place in which smoking is prohibited.

(4) **REMOVAL OF SIGNS PROHIBITED.** No person may obscure, remove, deface, mutilate or destroy a posted "No Smoking" sign.

(5) **COMPLIANCE WITH "NO SMOKING" SIGNS.** No person may smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

(6) **ASH TRAYS.** Noncombustible ash trays shall be provided at locations where smoking is permitted. The ash trays shall be of a design and construction to prevent smoking materials from falling out of the ash tray.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.24 Open flame or light. (1) GENERAL. No person may take an open flame or nonapproved light into any room or area, or other place where flammable, highly combustible or explosive material is kept.

(2) **OPEN FLAME CANDLES AND FIXTURES.** (a) Except as provided in par. (b), the use of open flame candles or open flame fixtures in public buildings and places of employment shall be prohibited.

(b) 1. Open flame candles or open flame fixtures may be used in churches, fraternal lodges and other buildings as part of a religious, fraternal, or ceremonial ritual.

2. Candles may be used in restaurants, supper clubs and similar occupancies provided the candle is enclosed on all sides with glass or similar noncombustible material and the enclosure extends at least one inch above the tip of the flame.

3. Open flame candles and open flame fixtures may be used in the seating areas of public assembly buildings provided the following conditions are satisfied:

a. The stand upon which the candle is placed is a nontipping weighted stand or is securely attached to the end of fixed seating in at least 2 places;

b. The base of the candle is at least 78 inches from the floor;

c. The candle is guarded on top and sides at all times; and

Note: Compliance with this subparagraph may be attained by the use of a glass chimney and a perforated metal cap.

d. The aisle where the candles are placed is at least 5 feet wide.

4. Open flame food warming candles may be used in restaurants, supper clubs and similar occupancies.

5. The use of decorative or other lights, which are fueled by flammable or combustible liquids, may be used provided they are self-extinguishing.

(c) The use of open flames other than those uses specified in par. (b) shall be subject to the approval of the fire chief.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.25 Matches. The manufacture, storage and distribution of matches shall comply with s. 167.07, Stats.

Note: See Appendix for reprint of s. 167.07, Stats.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.26 Dilapidated or vacant buildings.

(1) **DILAPIDATED BUILDINGS.** (a) Any building which for any reason is especially liable to fire and which is so located as to endanger other buildings or property shall be repaired and put in safe and sound condition or shall be torn down and all materials removed.

(b) Conditions considered especially liable to fire shall include, but are not limited to, the following:

1. Missing or rotten shingles or similar defects on the roof;

2. Loose, missing or rotten siding;

3. Unnecessary wall openings;

4. Broken plastering;

5. Holes in floors, ceilings or partitions;

6. Cracked or defective chimneys; and

7. Other conditions determined hazardous by the fire chief.

(c) The kind, form, manner or extent of repairs may be authorized by local ordinance when a building is damaged from any cause to an extent of more than 50% of its assessed value.

(d) Within 30 days of written notification, the owner of a dilapidated building as specified in par. (a) shall decide whether to repair or tear down the building. Within 30 days of the decision, the building shall be repaired or torn down and all materials removed.

Note: Section 66.05, Stats., addresses the topic of razing buildings.

(2) **VACANT BUILDINGS.** (a) Upon vacating or abandoning any premises, the owner shall remove any and all noxious and hazardous material or waste matter and the premises shall be left in a clean and neat condition.

(b) Every person owning or in charge of or control of any vacant building shall remove all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade or otherwise secure all doors, windows and other openings.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.27 Extension cords. (1) DEFINITION. In this section, "extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.

(2) **GENERAL.** (a) Extension cords shall be listed by Underwriters Laboratories or other approved nationally recognized testing agency.

Note: See Underwriters Laboratories standard UL 817-Cord Sets and Power Supply Cords for additional information.

(b) The current-carrying capacity of the extension cord shall not be exceeded.

(c) Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.

(d) Extension cords may not be multiplied or plugged into one another, except for temporary wiring at construction sites complying with Article 305 of the National Electrical Code as adopted by reference in ch. Comm 16.

(3) **APPLICATION.** (a) Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.

(b) Extension cords shall be permitted only with portable appliances, hand tools or fixtures.

(c) Except for listed multitap extension cords with built-in overcurrent protection, each extension cord shall serve only one portable appliance, hand tool or fixture.

(d) Extension cords shall not be attached to structures or extended through walls, ceilings, floors, under or through doors, or floor coverings. Extension cords shall not be subject to environmental damage or physical impact.

(e) Extension cords may be used for temporary wiring at construction sites complying with Article 305 of the National Electrical Code as adopted by reference in ch. Comm 16.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter V— Building Components and Construction

Comm 14.31 Chimneys and heating appliances.

(1) **INSTALLATION AND MAINTENANCE.** (a) All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outside and the stoves, furnaces, incinerators or boilers to which they are connected shall be constructed in accordance with ss. ILHR 64.45 to 64.50 and shall be maintained so as not to create a fire hazard.

(b) Chimneys or vents and connectors serving solid-fuel-burning appliances shall be cleaned and inspected for damage annually. The fire chief may require verification of cleaning and inspection in writing.

(c) Chimneys and vents, which have been subjected to a chimney fire, shall not be reused until inspected and repaired, if necessary.

(2) EXISTING INSTALLATIONS. (a) 1. Existing masonry chimneys which upon inspection are found to be without flue liners and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous shall be made safe by means of a fire-clay liner, fire-brick, a corrosion-resistant metal pipe or other approved materials and otherwise repaired. If necessary, the chimney shall be removed or the chimney openings shall be effectively sealed to prevent further use.

2. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue, and the entire space between the metal liner and the walls of the chimney shall be filled with cement mortar.

(b) Existing chimneys and vents of metal, which are corroded or improperly supported, shall be repaired or replaced.

(c) Existing chimney and vent connectors of metal, which are corroded or improperly supported, shall be replaced.

(3) FOOD PREPARATION EQUIPMENT. (a) Exhaust systems provided for food preparation equipment shall be maintained in a manner so as not to create a hazardous condition.

Note: See s. ILHR 64.67 (6) for additional information. The effective date for s. ILHR 64.67 (6) requiring automatic fire suppression systems for exhaust hoods was July 1, 1983.

(b) Hoods, grease removal devices, fans, ducts and other devices shall be inspected and cleaned semi-annually or more often as needed to remove grease and deposits of residues. The fire chief may require verification of cleaning and inspection in writing.

(c) 1. Self-contained fire extinguishing systems for food preparation equipment shall be inspected semi-annually and checked for proper operation by a trained person who has undergone the instructions necessary to perform the maintenance and recharge service reliably, and who has and follows the applicable manufacturer's installation and maintenance manual and service bulletins. Inspections shall include a check that the supply of extinguishing agent in the system is adequate, and all actuation components are operating satisfactorily.

Note: For water-based fire extinguishing systems, see s. Comm 14.36.

2. Fusible links shall be replaced at least annually.

3. A copy of the semi-annual inspection report shall, upon request, be sent to the fire department having jurisdiction.

(d) Instructions for manually operating the fire extinguishing system shall be posted conspicuously in the kitchen, and employees shall be trained in operating procedures.

(e) Any fire dampers, if employed, shall be tested semi-annually to insure proper functioning of all parts.

(4) UNSAFE HEATING APPLIANCES. (a) Any existing stove, oven, furnace, incinerator, boiler or any other heat producing device or appliance found to be defective or in violation of code requirements may not be used. The fire chief shall order the discontinuation of use with a written notice to the owner, firm, agent or operator of the equipment to cease use immediately.

(b) The fire chief shall take appropriate action when inspection shows the existence of an immediate fire hazard or that a device or appliance imperils life.

(c) The defective appliance shall remain withdrawn from service until all necessary repairs or alterations have been made.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; am. (3) (b), Register, August, 1993, No. 452, eff. 9-1-93; am. (3) (c) 1., Register, December, 1996, No. 492, eff. 1-1-97.

Comm 14.32 Service equipment areas. (1) ILLUMINATION. Illumination shall be provided for all service equipment areas, motor control centers and electrical panelboards.

(2) CLEARANCE. (a) Clearance of not less than 36 inches shall be provided between all electrical service equipment and storage.

(b) Clearances to heat producing equipment shall be provided as specified in the listing for the equipment.

(3) STORAGE PERMITTED. Storage shall be permitted in the isolation of hazard rooms specified in chs. ILHR 54 to 62 provided the clearances to heat producing equipment as specified in sub. (2) (b) and in NFPA Standard 211 as adopted by reference in chs. ILHR 50 to 64 are maintained.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.33 Interior finishes and flammable and decorative materials. (1) INTERIOR FINISH MATERIALS. Interior finish materials installed in public buildings and places of employment since January 1, 1982, shall comply with the provisions of s. ILHR 51.07.

Note: Section ILHR 51.07 became effective on January 1, 1982 and applies only to finish materials installed after the effective date.

(2) THEATERS AND ASSEMBLY HALLS. (a) Fabric decorations used in theaters and assembly halls shall be flameproofed.

(b) For fabrics treated on or after May 1, 1989, a tag or similar indication shall be affixed to the fabric and include the following information:

1. Date of flameproofing treatment;
2. Period of time for which the treatment is effective or expiration date when flameproofing is no longer effective; and
3. Name of person or firm responsible for the flameproofing treatment.

(c) Paper decorations and flammable decorative material used in theaters and assembly halls shall be flameproofed.

(3) CHRISTMAS TREES. Artificial Christmas trees, except those within individual living units, shall be flame retardant or nonflammable. Natural Christmas trees, except those within individual living units, shall have the trunk sawed off at least one inch above the original cut end and shall be cut immediately prior to being placed in a water-bearing stand. The water level shall always be above the cut.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.34 Fire-resistive construction and components. (1) GENERAL. Fire division walls, fire separation walls, occupancy separations and all other fire-resistive rated construction and components required by the provisions of chs. ILHR 50 to 64 shall be maintained.

(2) OPENINGS. (a) 1. Except as provided in subd. 2., all openings for doors and windows in required fire-rated construction shall be protected by fire door or fire window assemblies as specified in ss. ILHR 51.047 and 51.048, respectively.

2. Openings in the fire-resistive rated walls and partitions that are not firewalls need not be protected by fire door or fire window assemblies, as specified in s. ILHR 51.02 (5) and Table 51.03-B.

(b) All hardware needed for proper operation of fire door and fire window assemblies shall be maintained in good working order.

(c) The use of door stops, wedges and other nonapproved hold-open devices shall be prohibited on fire doors.

(d) No fire door may be blocked or obstructed or otherwise made inoperable.

(e) Approved hold-open devices and automatic door closers, if used, shall be maintained in good working order. During any period when the hold-open device or automatic door closer is out of service for repairs, the door it operates shall remain in the closed position.

(f) 1. Except as provided in subd. 2., all doors serving smoke-proof stair towers or interior enclosed stairways shall be equipped with a self-closing device or an automatic self-closing device actuated by products of combustion other than heat.

2. The self-closing device may be actuated by a rate-of-rise heat detector in those locations with smoke- or contaminated-filled environments.

(g) The doors protecting openings in vertical division walls of ch. ILHR 57 buildings and located in public corridors shall be held open and equipped with an automatic closing device activated by products of combustion other than heat.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter VI—

Fire Prevention, Detection and Protection Systems

Comm 14.35 General requirements. All fire prevention, detection and protection systems, including automatic fire sprinkler systems, automatic fire suppression systems, standpipe systems, manual fire alarm systems, smoke detection systems, smoke detectors, heat detection systems, heat detectors, portable fire extinguishers and related systems shall be designed, installed, maintained and tested as specified in this subchapter and chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.36 Automatic fire sprinkler systems. Automatic fire sprinkler systems shall be tested, inspected and maintained as specified in NFPA No. 25—Inspection, Testing and Maintenance of Water-based Fire Protection Systems, as adopted by reference in chs. ILHR 50 to 64.

Note: See ILHR 51.23 (6) for specific requirements relating to the inspection, testing and maintenance of automatic fire sprinkler systems and the qualifications of the persons performing the inspection, testing and maintenance.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; am. Register, December, 1996, No. 492, eff. 1-1-97.

Comm 14.37 Standpipe systems. Standpipe systems shall be tested, inspected and maintained as specified in s. ILHR 51.21.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.38 Manual fire alarm systems. Manual fire alarm systems shall be tested, inspected and maintained as specified in NFPA No. 72—Installation, Maintenance and Use of Protective Signaling Systems, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; am. Register, December, 1996, No. 492, eff. 1-1-97.

Comm 14.39 Smoke detection systems, heat detection systems, smoke detectors and heat detectors. Smoke detection systems, heat detection systems, smoke detectors and heat detectors shall be tested, inspected and maintained as specified in NFPA No. 72E—Automatic Fire Detectors and NFPA No. 74—Household Fire Warning Equipment, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.40 Portable fire extinguishers. Portable fire extinguishers shall be tested, inspected and maintained as specified in NFPA No. 10—Portable Fire Extinguishers, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.41 Other fire safety devices. Special fire safety devices, including automatic smoke removal and control equipment, emergency generators and any other special fire safety equipment shall be operated at least semi-annually or in accordance with the manufacturer's recommendations by the owner or an authorized representative.

Note: See NFPA 92A—Recommended Practice for Smoke Control Systems, for further explanatory information.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.42 Test records. A complete written record of all tests and inspections required under this subchapter shall be maintained on the premises by the owner or occupant in charge of the premises, and all such records shall be submitted to the fire chief when requested for inspection and evaluation.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.43 Servicing of fire protection systems. (1) GENERAL. Except as provided in sub. (2), when any required fire alarm, fire communication, fire extinguishing, fire detecting, first-aid fire fighting system, device or unit, or part becomes inoperative and affects the fire safety of a building or structure or the occupants, the fire chief may order the building or structure or portion vacated until the inoperative system, device or unit is repaired and returned to full service.

(2) EXCEPTION. Buildings may be occupied during servicing of the systems specified in sub. (1) provided safety alternatives approved by the fire chief are utilized until the system is placed back in operation.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.44 Buildings under construction. (1) GENERAL. During the construction of a building and until the permanent fire-extinguishing system has been installed and is in service, fire protection shall be provided in accordance with this section.

(2) WHERE REQUIRED. (a) Every building 6 stories or more in height shall be provided with not less than one Class I standpipe for use during construction.

(b) The standpipes shall be installed when the progress of construction is not more than 50 feet in height above grade.

(c) The standpipe shall be provided with fire department inlet connections at accessible locations adjacent to usable stairs.

(d) The standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

(e) On each floor there shall be provided a 2 1/2-inch valve outlet for fire department use. Where construction height requires installation of a Class II standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

(3) TEMPORARY STANDPIPES. (a) Temporary standpipes may be provided in place of permanent systems if they are designed to furnish 500 gallons of water per minute at 50 pounds per square inch pressure with a standpipe size of not less than 4 inches.

(b) All outlets shall be not less than 2 1/2 inches.

(c) Pumping equipment sufficient to provide the pressure and volume specified in par. (a) shall be available at all times when a Class III standpipe system is required.

(4) DETAILED REQUIREMENTS. Standpipe systems for buildings under construction shall be installed as required for permanent standpipe systems.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.45 Vacant buildings. (1) GENERAL. Except as provided in sub. (2), the owner of vacant or unoccupied buildings, or portions of the buildings, shall maintain all required sprinkler and standpipe systems and all component parts in a workable condition at all times. Fire alarm systems shall be maintained in operating condition at all times.

(2) EXCEPTION. (a) If the building is vacated for periods of time of more than one week, the fire alarm systems may be rendered inoperable. Before the building is occupied, the fire alarm system shall be restored and tested in the presence of the fire chief.

(b) In vacant or unoccupied buildings, where the fire chief determines the type of construction, fire separation and security

of the building is not a fire hazard, the fire chief may permit the fire protection systems to be taken out of service in a manner and for a time as the chief specifically prescribes.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.46 Buildings under demolition. Prior to a building being demolished, an acceptable fire-safety plan designed to meet fire prevention needs may be required by the fire chief.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter VII— Means of Egress

Comm 14.47 General requirements. All means of egress in public buildings and places of employment shall be provided and maintained as specified in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter VIII— Flammable and Combustible Liquids

Note: See NFPA No. 30 and related standards as adopted by reference in ch. ILHR 10—Flammable and Combustible Liquids Code and the text of ch. ILHR 10.

Subchapter IX— Oil-Burning Equipment

Note: See ch. ILHR 10—Flammable and Combustible Liquids Code.

Subchapter X— Organic Coatings

Note: See NFPA No. 35 as adopted by reference in ch. ILHR 10—Flammable and Combustible Liquids Code.

Subchapter XI— Hazardous Materials and Chemicals

Note: See NFPA No. 45 as adopted by reference in ch. ILHR 10—Flammable and Combustible Liquids Code.

Subchapter XII— Application of Flammable Finishes

Note: See NFPA Nos. 33 and 34 as adopted by reference in ch. ILHR 10—Flammable and Combustible Liquids Code.

Note: See s. 1910.147 for the federal Occupational Safety and Health Administration standards for requirements dealing with spray booths.

Subchapter XIII— Service Stations and Garages

Note: See NFPA No. 30A as adopted by reference in ch. ILHR 10—Flammable and Combustible Liquids Code and the text of ch. ILHR 10.

Subchapter XIV— Liquefied Petroleum Gases

Note: See NFPA Nos. 54, 58, 59 and 501C as adopted by reference in ch. Comm 11—Liquefied Petroleum Gases and the text of ch. Comm 11.

Subchapter XV— Liquefied Natural Gas

Note: See NFPA No. 59A as adopted by reference in ch. ILHR 12—Liquefied Natural Gas and the text of ch. ILHR 12.

Subchapter XVI— Compressed Natural Gas

Note: See NFPA No. 52 as adopted by reference in ch. ILHR 13—Compressed Natural Gas and the text of ch. ILHR 13.

Subchapter XVII— Public Buildings and Places of Employment

Comm 14.48 General requirements. All public buildings and places of employment shall be designed, constructed, operated and maintained as specified in chs. ILHR 50 to 64 and as specified in this chapter.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter XVIII— Bowling Establishments

Comm 14.49 Prior notification. The fire chief shall be notified when bowling lanes are to be resurfaced.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.50 Prohibitions during lane resurfacing operations. (1) **BUSINESS HOURS.** Resurfacing of bowling lanes may not be carried on while the establishment is open for business.

(2) **RECIRCULATION OF AIR.** Heating, ventilating or cooling systems employing recirculation of air may not be operated during resurfacing of bowling lanes or within one hour following the application of flammable finishes to the lanes.

(3) **SOURCES OF IGNITION.** All electric motors or other equipment in the area of the bowling lanes which might be a source of ignition shall be shut down, and all smoking and use of open flames shall be prohibited during the application of flammable finishes to the lanes and for one hour thereafter.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter XIX— Tents and Air-Supported Structures

Comm 14.51 General requirements. (1) **TENTS.** Tents shall comply with the provisions of this subchapter and of ch. ILHR 62, subch. III.

(2) **AIR-SUPPORTED STRUCTURES.** Air-supported structures shall comply with the provisions of chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.52 Parking of vehicles. Automotive equipment that is used in connection with any tent may not be parked within 20 feet of the tent except by special permission of the fire chief. No other automotive equipment or internal combustion engines may be parked or located within 50 feet of the tent except upon a public street.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.53 Flame retardant treatment. (1) **GENERAL.** (a) The side wall, drops and top of all tents shall be of flame-retardant material or shall be made fire retardant in a manner approved by the department.

(b) All bunting and other flammable decorations or effects shall be treated with a flame-retardant solution. Sawdust and wood chips may be used on floors and passageways if kept damp.

(2) **AFFIDAVIT.** An affidavit or affirmation shall be retained at the premises on which the tent is located, attesting to the following information relative to the flame-retardant treatment of the fabrics:

(a) The date the fabric was last treated with flame-retardant solution;

(b) The trade name or kind of chemical used in treatment;

(c) The name of person or firm treating the material; and

(d) The name and address of the owner of the tent.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.54 Smoking and open flame. (1) **SMOKING.** Smoking shall be prohibited in any tent or in any adjacent areas where hay, straw, alfalfa, sawdust or other highly combustible materials are kept or stored. Approved "No Smoking" signs shall be conspicuously posted.

(2) **OPEN FLAME.** No fireworks, open flame or other device emitting flame or fire may be used in or immediately adjacent to any tent while open to the public, except upon special permission from the fire chief.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.55 Fire extinguishers and other fire protection equipment. (1) **FIRE EXTINGUISHERS.** Fire extin-

guishers and other fire protection equipment shall be provided in every tent as follows:

(a) One 2-A type extinguisher shall be provided in every tent having a floor area of more than 500 square feet but less than 1000 square feet and also one in each adjacent tent. One additional 2-A type extinguisher shall be provided for each additional 2000 square feet or fraction thereof.

(b) At least one 10-B:C type fire extinguisher shall be provided for each eating area, power generator or transformer and at locations where flammable or combustible liquids are used, stored or dispensed.

(c) At least one 40-B:C type fire extinguisher shall be provided for each kitchen.

(2) OTHER EQUIPMENT. Fire hose lines, water supplies and other auxiliary fire equipment shall be maintained at the site in such numbers and sizes as may be required by the fire chief.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.56 Abatement of special fire or panic hazards. Any unforeseen condition that presents a fire hazard or would contribute to the rapid spread of fire, or would delay or interfere with the rapid exit of persons from the tent, or would interfere with or delay the extinguishment of a fire and which is not otherwise covered by this subchapter shall be immediately abated, eliminated or corrected as ordered by the fire chief.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.57 Flammable and combustible liquids.

(1) GENERAL. Flammable or combustible liquids may not be stored in a tent nor less than 50 feet from any tent used for public assemblage.

(2) STORAGE AND DISPENSING. The storage and dispensing of flammable or combustible liquids shall be in accordance with ch. ILHR 10.

(3) LIQUEFIED PETROLEUM GASES. Liquefied petroleum gas may not be stored or used in connection with any tent unless the storage containers, equipment, fittings and appliances, and the placement, use and operation of the equipment comply with ch. Comm 11.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.58 Housekeeping. (1) WEEDS AND VEGETATION. All weeds and flammable vegetation shall be removed from the premises adjacent to or within 35 feet of any tent.

(2) COMBUSTIBLE MATERIAL. Hay, straw, trash and other flammable material may not be stored less than 35 feet from any tent, except upon special permission from the fire chief.

(3) COMBUSTIBLE WASTE. The grounds both inside and outside of tents shall be kept free and clear of combustible waste. The waste shall be stored in approved containers or removed from the premises.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter XX— Dry Cleaning Plants

Note: See ch. ILHR 15—Cleaning and Dyeing.

Subchapter XXI— Lumber Yards

Comm 14.59 Open yard storage and driveways.

Open yard storage and driveways in lumberyards shall comply with s. Comm 14.21 (3).

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.60 Operational fire hazards. (1) BURNING OF REFUSE MATERIALS. Where approved by the department of natural resources and the fire chief, the burning of shavings, sawdust and refuse materials shall be only in boilers, furnaces, incinerators or refuse burners, safely constructed and located.

(2) SPARK PROTECTION. Stacks shall be provided with approved spark arresters having openings not greater than 3/4-inch, or other effective means provided, such as an expansion chamber, baffle walls or other effective arrangement, which will eliminate the danger from sparks.

(3) STORAGE FACILITY. At the boiler or other points where sawdust or shavings are used as fuel, a storage bin of noncombustible construction with raised sill shall be provided.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.61 Smoking prohibited. Smoking shall be prohibited except in specified safe locations in buildings. "No Smoking" signs shall be posted on exterior building walls and at the edges of driveways. "No Smoking" signs shall be posted throughout all buildings except in specific locations designated as safe for smoking purposes.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.62 Yards. Weeds shall be kept down throughout the entire yard and shall be sprayed, cut or dug out. Dead weeds shall be removed.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.63 Removal of debris. Debris, such as sawdust, chips and scrap pieces shall be removed regularly from piling areas and not less frequently than quarterly. Proper housekeeping shall be maintained at all times.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.64 Fire extinguishing equipment. All fork lifts and industrial trucks operating in lumberyards shall be equipped with a minimum 4-A:40-B:C type fire extinguisher. All other trucks operating in the yard shall be equipped with a minimum 2-A:20-B:C type fire extinguisher.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter XXII— Woodworking Plants

Comm 14.65 Scope. This subchapter shall apply to woodworking plants or machines that are directly related to the main operation or product of the building or company.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.66 Refuse removal. (1) REMOVAL SYSTEM OR BINS. Sawmills, planing mills and other woodworking plants shall either:

(a) Be equipped with refuse removal systems which will collect and remove sawdust and shavings as produced; or

(b) Have suitable metal or metal-lined bins, provided with normally closed covers or automatically closing covers, installed at or near such machines. Shavings and sawdust shall be swept up and deposited in the bins at sufficiently frequent intervals as to keep the premises clean.

(2) BLOWERS AND EXHAUST SYSTEMS. Blower and exhaust systems shall be installed in accordance with nationally recognized good practice.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.67 Fire protection. Fire fighting equipment, either portable fire extinguishers or minimum 1/2-inch diameter hose supplied from a water system, shall be provided near any machine producing shavings or sawdust.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter XXIII— Fireworks

Note: See ch. Comm 9—Manufacture of Fireworks.

Subchapter XXIV— Explosives, Ammunition and Blasting

Note: See ch. Comm 7—Explosive Materials.

Subchapter XXV— Combustible Fibers

Comm 14.68 Scope. The equipment, processes and operations for handling, storage or use of combustible vegetable or animal fibers, including but not limited to readily ignitable and free burning fibers such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers and cloth in the form of scraps and clippings, shall comply with the provisions of this subchapter.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.69 Storage. (1) LOOSE STORAGE. (a) Except as provided in pars. (b) to (f), loose combustible fibers not in bales or packages, whether housed or in the open, may not be stored within 100 feet of any building.

(b) Up to 100 cubic feet of loose combustible fibers may be kept in any building, provided storage is in a metal or metal-lined bin equipped with a self-closing cover.

(c) Quantities exceeding 100 cubic feet of loose combustible fibers, but not exceeding 500 cubic feet, may be stored in rooms or compartments having floor, walls and ceiling with a fire-resistance rating of not less than one hour. Each opening into the rooms or compartments from other parts of the building shall be protected by an approved $\frac{3}{4}$ -hour rated fire door assembly.

(d) Quantities exceeding 500 cubic feet of loose combustible fibers may be stored in an approved 2-hour rated fire-resistive enclosure.

(e) Pars. (b) to (d) shall not apply to buildings completely protected by an approved automatic fire suppression system.

(f) A maximum of 2,500 cubic feet of loose combustible fibers may be stored in a detached storage building located with openings properly protected against entrance of sparks. The storage building may not be used for any other purpose.

(2) BALED STORAGE. (a) A single block or pile may not contain more than 25,000 cubic feet of fiber exclusive of aisles or clearances.

(b) Blocks or piles of baled fiber shall be separated from adjacent storage by aisles not less than 5 feet wide, or by flash fire barriers consisting of continuous sheets of noncombustible material extending from the floor to a height of at least one foot above the highest point of piles and projecting at least one foot beyond the sides of the piles.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.70 Special baling conditions. (1) GENERAL. Sisal and other fibers in bales bound with combustible tie

ropes, and jute and other fibers liable to swell when wet, shall be stored to allow for expansion in any direction without endangering building walls, ceilings or columns.

(2) MINIMUM DISTANCE. (a) Except as provided in par. (b), a minimum 3-foot clearance shall be left between walls and sides of piles.

(b) A one-foot clearance at side walls shall be sufficient if the storage compartment is not more than 30 feet in width and if a center aisle not less than 5 feet wide is maintained.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Subchapter XXVI— Dust Explosion Hazards

Comm 14.71 General requirements. (1) APPLICATION. Equipment and processes in plants where dust hazards exist shall comply with the requirements of this subchapter. Where specific requirements are not otherwise established, plants producing dusts shall comply with nationally recognized good practice.

(2) MACHINE ENCLOSURES. All dust-producing or dust-agitating machinery such as grinding mills and separators, and all elevators, elevator legs, spouts, hoppers and other conveyors shall be provided with casing or enclosures maintained as dust-tight as possible.

(3) SEPARATORS. Approved magnetic or pneumatic separators shall be installed ahead of all shellers, crackers, crushers, grinding machines, pulverizers and similar machines in which the entrance of foreign materials may cause sparks to be generated.

(4) DUST COLLECTORS. Dust collecting equipment shall be installed on all dust-producing machinery, and accumulation of dust shall be kept at a minimum in the interior of buildings.

(5) GROUNDING. All machinery and metal parts of the crushing, drying, pulverizing and conveying systems shall be electrically grounded.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Comm 14.72 Fire safety requirements. (1) SOURCES OF IGNITION. Smoking and the carrying of matches, the use of heating or other devices employing an open fire, or use of any spark producing equipment shall be prohibited in areas containing dust-producing or dust-agitating operations.

(2) LIGHTING AND ELECTRICAL EQUIPMENT. Artificial lighting in areas containing dust-producing or dust-agitating operations shall be by electricity. All wiring and electrical equipment shall be installed in accordance with the applicable provisions of ch. Comm 16.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

CHAPTER Comm 14

APPENDIX

The material contained in this appendix is for clarification purposes only. The notes, illustrations, etc. are numbered to correspond to the number of the rule as it appears in the text of this code.

A14.002 (2) (b) Exempt buildings. The text of this section refers to s. 102.04 (3), Stats., as it relates to the definition of farming. The following is a reprint of s. 102.04 (3), Stats.:

102.04 (3) As used in this chapter "farming" means the operation of farm premises owned or rented by the operator. "Farm premises" means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants. "Farmer" means any person engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. The operation for not to exceed 30 days during any calendar year, by any person deriving the person's principal income from farming, of farm machinery in performing farming services for other farmers for a consideration other than exchange of labor shall be deemed farming. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator.

A14.14 Kindling of fire. The following is a reprint of ss. 941.11, 943.02 and 943.03, Stats.:

941.11 Unsafe burning of buildings. Whoever does either of the following is guilty of a Class D felony:

(1) Intentionally burns his or her own building under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or

(2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreasonable

risk of death or great bodily harm to another or serious damage to a third person's property.

943.02 Arson of buildings; damage of property by explosives. (1) Whoever does any of the following is guilty of a Class B felony:

(a) By means of fire, intentionally damages any building of another without the other's consent; or

(b) By means of fire, intentionally damages any building with intent to defraud an insurer of that building; or

(c) By means of explosives, intentionally damages any property of another without the other's consent.

(2) In this section "building of another" means a building in which a person other than the actor has a legal or equitable interest which the actor has no right to defeat or impair, even though the actor may also have a legal or equitable interest in the building. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.

943.03 Arson of property other than building. Whoever, by means of fire, intentionally damages any property (other than a building) of another without the person's consent, if the property is of the value of \$100 or more, is guilty of a Class E felony.

A14.15 Handling of burning material. The following is a reprint of ss. 941.10 and 943.05, Stats.:

941.10 Negligent handling of burning material. (1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.

(2) Burning material is handled in a highly negligent manner if handled with criminal negligence under s. 939.25 or under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

943.05 Placing of combustible materials an attempt. Whoever places any combustible or explosive material or device in or near any property with intent to set fire to or blow up such property is guilty of an attempt to violate either s. 943.01, 943.012, 943.013, 943.02, 943.03 or 943.04, depending on the facts of the particular case.

A14.18 Miscellaneous use of torches and welding equipment. The following is a reprint of section 1926.352 of the OSHA regulations:

1926.352 Fire prevention.

(a) When practical, objects to be welded, cut, or heated shall be moved to a designated safe location or, if the objects to be welded, cut, or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place, or otherwise protected.

(b) If the object to be welded, cut, or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting, or heating shall be done where the application of flammable paints, or the presence of other flammable compounds, or heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed, and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

(f) When welding, cutting, or heating is performed on walls, floors, and ceilings, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent area, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) For the elimination of possible fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch period. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be

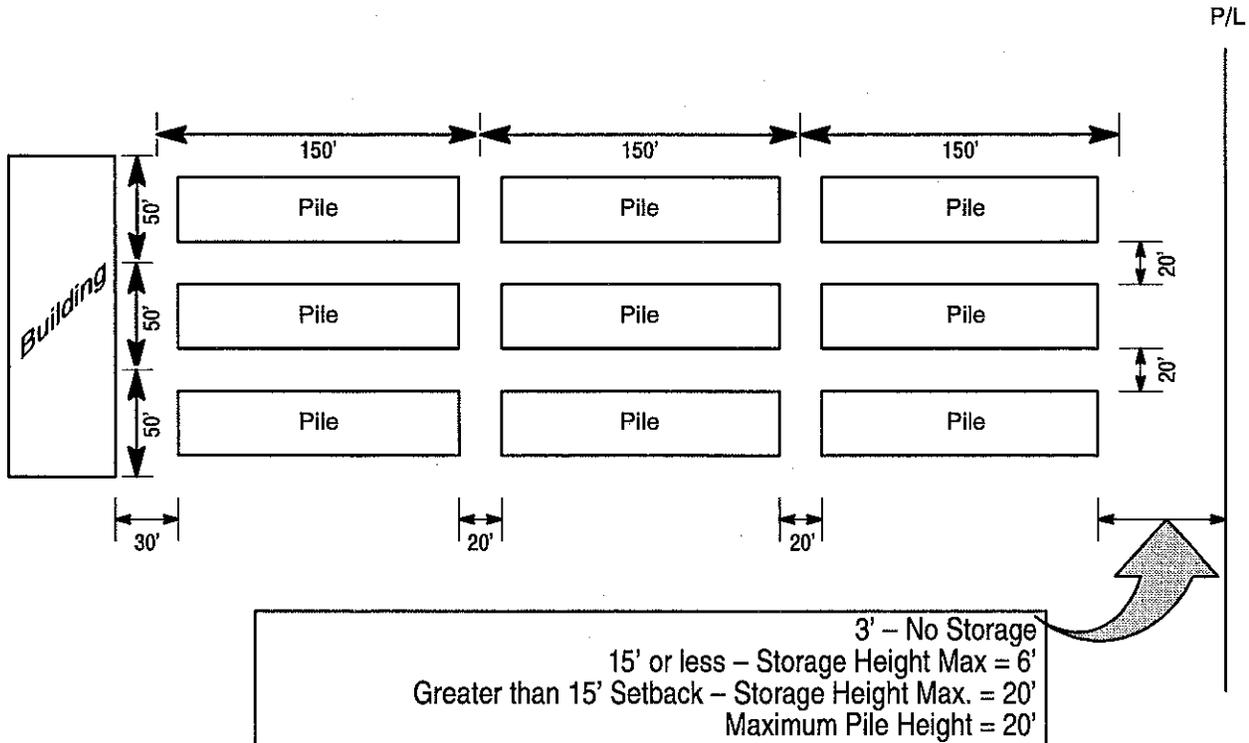
immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

(h) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations or open flames.

(i) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested. For welding, cutting, and heating on steel pipelines containing natural gas, the pertinent portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, 49 CFR Part 192, Minimum Federal Safety Standards for Gas Pipelines, shall apply.

(j) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

A14.21 (3) (c) Outside storage. The following diagram illustrates a typical sample layout of piles and driveways that satisfies the requirement.



A14.25 Matches. The following is a reprint of s. 167.07, Stats.:

167.07 Manufacture, storage and distribution of matches.
(1) No person, association or corporation shall manufacture, store, offer for sale, sell, or otherwise dispose of or distribute white phosphorous, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches;" nor manufacture, store, sell, offer for sale, or otherwise dispose of or distribute white phosphorous, double-dipped strike-anywhere matches, or other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, nonignitable on an abrasive surface; nor manufacture, store, sell, offer for sale, or otherwise dispose of or distribute matches which, when packed in a carton of five hundred approximate

capacity and placed in an oven maintained at a constant temperature of two hundred degrees F., will ignite in eight hours; nor manufacture, store, offer for sale, sell or otherwise dispose of or distribute Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.

(2) No person, association or corporation shall offer for sale, sell or otherwise dispose of or distribute any matches, unless the package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trademark under which such matches are sold, disposed of or distributed; nor shall more than one case of each brand of matches of any type or manufacture be opened at any one time in the retail store where matches are sold or otherwise disposed of; nor shall loose boxes or paper-wrapped pack-

ages of matches be kept on shelves or stored in such retail stores at a height exceeding five feet from the floor; all matches, when stored in warehouses, excepting manufacturers' warehouses at a place of manufacture, when such warehouses contain automatic sprinkler equipment, must be kept only in properly secured cases, and not piled to a height exceeding ten feet from the floor; nor be stored within a horizontal distance of ten feet from any boiler, furnace, stove or other like heating apparatus, nor within a horizontal distance of twenty-five feet from any explosive material kept or stored on the same floor; all matches shall be packed in boxes or suitable packages, containing not more than seven hundred matches in any one box or package; provided, however, that when more than three hundred matches are packed in any one box or package, the said matches shall be arranged in two nearly equal portions, the heads of the matches in the two portions shall be placed in opposite directions, and all boxes containing three hundred and fifty or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than one and one-quarter inches wide; said strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

(3) All match boxes or packages shall be packed in strong shipping containers or cases; maximum number of match boxes or packages contained in any one shipping container or case, shall not exceed the following number:

<i>Number of Boxes</i>	<i>Nominal Number of Matches per Box</i>
<i>One-half gross</i>	700
<i>One gross</i>	500
<i>Two gross</i>	400
<i>Three gross</i>	300
<i>Five gross</i>	200
<i>Twelve gross</i>	100
<i>Twenty gross</i>	over fifty and under 100
<i>Twenty-five gross</i>	under 50

(4) No shipping container or case constructed of fiber board, corrugated fiber board, or wood, nailed or wirebound, shall exceed a weight, including its contents, of 75 pounds; and no lock-cornered wooden case containing matches shall have a weight, including its contents, exceeding 85 pounds; nor shall any other article or commodity be packed with matches in any such container or case; and all such containers and cases in which matches are packed shall have plainly marked on the outside of the container or case the words 'Strike-Anywhere Matches' or 'Strike-on-the-Box Matches.'

(5) Any person, association or corporation violating this section shall be fined for the first offense not less than \$5 nor more than \$25, and for each subsequent violation not less than \$25.

