

Comm 14 Wisconsin's & 2006 NFPA 1 Uniform Fire Code

Note: Red indented text identifies Wisconsin's that modify the 2006 NFPA 1 in black text.

* Note: Informational notes referring to Comm 14 Wisconsin's have been inserted according to NFPA 1 code format.

CHAPTER COMM 14

FIRE PREVENTION

Subchapter I - Adoption and Application of NFPA 1, Uniform Fire Code

Comm 14.001 (1) (a) Adoption of model fire code. NFPA 1, Uniform Fire Code™ – 2006, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

Note: A copy of NFPA 1, Uniform Fire Code is on file in the offices of the department and the revisor of statutes. Copies of NFPA 1, Uniform Fire Code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA, 02269-9101.

(b) Application of model fire code. The use, operation and maintenance of public buildings and places of employment shall comply with par. (a), except as provided in this chapter.

(2) Alternate model fire code.

(a) Where a municipality has by ordinance adopted requirements of the International Fire Code® - 2006 and any additional requirements, that, in total, are equivalent to sub. (1) and subch. II, the department will not consider that ordinance to be in conflict with sub. (1) and subch. II; and property owners or managers, or employers, need only comply with that ordinance.

(b) Any special order granted by the department prior to [the effective date of this section . . . Revisor inserts date] that authorized a municipality to use the International Fire Code® - 2000 in lieu of NFPA 1 and subch. III of a previous edition of this chapter shall terminate on [the effective date of this section . . . Revisor inserts date].

Subchapter II - Modifications of NFPA 1, Uniform Fire Code

Note: The sections in this subchapter are generally numbered to correspond to the chapter and section numbering of NFPA 1, Uniform Fire Code; e.g., s. Comm 14.01 contains modifications of NFPA 1, chapter 1.

2006 NFPA 1 Uniform Fire Code

NFPA 1 Chapter 1 Administration

1.1 Scope.

Comm 14.01 Administration.

(1) SCOPE. These are department rules in addition to the

requirements in NFPA 1 section 1.1:

(a) Except as provided in pars. (b) to (f), this chapter applies to all public buildings and places of employment.

(b) This chapter does not apply to buildings or situations listed under the exclusions in ss. 101.01 (11) and (12), Stats., or under the exemptions in s. 101.05, Stats.

Note: See Appendix for a reprint of the above-referenced sections of the Statutes.

(c) This chapter does not apply to all of the following types of buildings, structures or situations:

1. a. Buildings or structures located on Indian reservation land that are held either in trust by the United States, or in fee by the tribe or a tribal member.

b. Buildings or structures which are located on off-reservation Indian land that is held in trust by the United States – and which are held either in trust by the United States, or in fee by the tribe or a tribal member.

2. Buildings and portions of buildings that are exempted by federal statutes or treaties.

3. Portions of buildings leased to the federal government provided all of the following conditions are met:

a. A statement is recorded with the register of deeds that describes the steps necessary for compliance to this chapter if the space is converted to a nonexempt use.

b. The statement recorded with the register of deeds is recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located.

c. The owner of the building submits a copy of the recorded document to the department or its authorized representative.

4. Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, “substantially all” means at least 90 percent of the commodities were planted or produced on the farm premises.

Note: As referenced in par. (b) and Note, see Appendix for a reprint of the exclusions referenced in ss. 101.01 (11) and (12), Stats., which includes definitions of “farming” and “farm premises.”

5. A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a child caring institution having a capacity for 8 or fewer children, all as defined in s.

48.02, Stats.

Note: The definitions in s. 48.02, Stats., limit foster homes to no more than 4 children unless all the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the department of health and family services, a group home or a child caring institution having a capacity for 8 or fewer children may be located in a one- and 2-family dwelling as a community living arrangement, as defined in s. 46.03 (22), Stats.

6. A one- or 2-family dwelling in which a public or private day care center for 8 or fewer children is located.

7. That portion of or space within a one- or 2-family dwelling in which a home occupation is located.

(d) In this section, “home occupation” means any business, profession, trade or employment conducted in a person’s dwelling unit, that may involve the person’s immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

1. Explosives, fireworks or repair of motor vehicles.

2. More than 25% of the habitable floor area of the dwelling unit.

(e) 1. The requirements in sub. (9) apply to all fire responses, rather than only to fire responses for public buildings and places of employment.

2. The requirements in sub. (11) (e) 2. apply to fire responses to first alarms for all buildings, rather than only for public buildings.

(f) Except for facilities as exempted from this code under par. (c) 1. to 3. – and notwithstanding pars. (b), (c) 4. to 7. and (d) – this code applies to all facilities and structures which exist on or after [the effective date of this section . . . Revisor inserts date] and which involve flammable-, combustible- or hazardous-liquid storage, transfer or dispensing.

Note: Chapter Comm 5 regulates persons or businesses that are required or permitted to obtain licenses, certifications or registrations under chapters 101, 145 or 167 of the statutes. Chapter Comm 5 states that no person may inspect a tank system which has held or will hold flammable, combustible or hazardous liquids to determine compliance with chapter Comm 10 unless the person holds a certification issued by the department as a certified tank system inspector. Chapters Comm 5 and 10 do not preclude a fire inspector from conducting fire safety inspections involving flammable, combustible or hazardous liquids under chapter Comm 10; or from enforcing fire safety requirements under chapter Comm 14 or sections 101.14 (1) (a) or (b) or (2) of the statutes.

Note: In conjunction with addressing the quality and retail sales of petroleum products, chapter Comm 48 also regulates containers which have a capacity of under 275 gallons and which are used for storing gasoline or any other petroleum product that has a flash point of less than 100°F. Comm 48 requires these containers to be colored red and appropriately labeled, and prohibits using red containers for storing petroleum products that have a flash point of 100°F or more.

Note: The scope of NFPA 1, Uniform Fire Code is broader than the scope of this chapter. For example, that code contains

requirements for premises which do not include a public building or place of employment and which do not store flammable, combustible or hazardous liquids. Any requirements which are beyond the scope of this chapter cannot be enforced under this chapter, but may be adopted by local ordinances. Those ordinances may be adopted under statutory authority that is separate from the department’s statutory authority.

1.1.1 The scope includes, but is not limited to, the following:

(1) Inspection of permanent and temporary buildings, processes, equipment, systems, and other fire and related life safety situations

* See 1.3.1 - Comm 14.01 (2) (f) Temporary use.

(2) Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents

(3) Review of design and construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, and hazardous materials and other fire and life safety issues

(4) Fire and life safety education of fire brigades, employees, responsible parties, and the general public

(5) Existing occupancies and conditions, the design and construction of new buildings, remodeling of existing buildings, and additions to existing buildings

(6) Design, alteration, modification, construction, maintenance, and testing of fire protection systems and equipment

(7)* Access requirements for fire department operations

(8) Hazards from outside fires in vegetation, trash, building debris, and other materials

(9) Regulation and control of special events including, but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies

* See 1.3.1 - Comm 14.01 (2) (f) Temporary use.

(10) Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production

(11) Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids

(12) Storage, use, processing, handling, and on-site transportation of hazardous materials

(13) Control of emergency operations and scenes

(14) Conditions affecting fire fighter safety

1.1.2 Title. The title of this Code shall be NFPA 1, Uniform Fire Code, of the National Fire Protection Association (NFPA).

1.2* Purpose.

The purpose of this Code is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion,

and dangerous conditions.

1.3 Application.

1.3.1 ~~This Code shall apply to both new and existing conditions.~~

Comm 14.01 (2) APPLICATION. Substitute the following wording for the requirements in NFPA 1 section 1.3.1:

(a) General. 1. This chapter applies to all of the following unless specifically stated otherwise in this chapter:

- a. The use and operation of all public buildings and places of employment that exist on or after the effective date of this chapter.
- b. The inspection, testing and maintenance of all fire safety features as specified in this chapter, for all public buildings and places of employment, that exist on or after the effective date of this chapter.

2. The design and construction requirements in NFPA 1, Uniform Fire Code that apply to public buildings or places of employment are not included as part of this chapter, except as specified in subd. 4. a.

Note: See chs. Comm 60 to 66 for design and construction requirements for public buildings and places of employment.

3. The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

4. a. The design and construction requirements in NFPA 1 chapter 18 for fire department access and water supply are included as part of this chapter.

b. The requirements in NFPA 1 sections 18.2.3 and 18.3 do not apply to buildings constructed prior to the effective date of this subdivision.

(b) Conflicts. 1. Where any rule written by the department differs from a requirement within a document referenced in this chapter, the rule written by the department shall govern.

2. Where rules of the department specify conflicting requirements, types of materials, methods, processes or procedures, the most restrictive rule shall govern, except as provided in subds. 1., 3. and 4.

Note: If the most restrictive of two or more conflicting requirements is not readily apparent, a determination of which is more restrictive can be obtained from the department.

3. Where a rule prescribes a general requirement and another rule prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in subds. 1. and 4.

4. Where differences occur between the requirements of this chapter and ch. Comm 10, the requirements of ch. Comm 10 shall govern.

(c) Department authority. Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of

the adopted code or standard.

(d) Local ordinances. 1. Pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive requirements for public buildings and places of employment, provided the requirements do not conflict with this chapter.

2. Nothing in this chapter affects the authority of a municipality or county to enact and enforce requirements for fire districts, land use, or zoning under ss. 59.69, 60.61, 60.62, 61.35, and 62.23 (7), Stats.

(e) Alternatives. Nothing in this chapter is intended to prohibit or discourage the design and use of new materials or components, or new processes, elements or systems, provided written approval from the department is obtained first.

(f) Temporary use. A municipal fire or building code official may allow a building or a portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

1. The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

2. Except as provided in subd. 3., buildings or spaces considered for temporary use shall conform to the requirements of this chapter as necessary to ensure the public safety, health and general welfare.

3. The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.

4. The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

Note: The department and other state agencies may have additional rules that affect the design, construction, inspection, maintenance and use of public buildings, places of employment and premises, including chs. Comm 5, Licenses, Certifications, and Registrations; Comm 7, Explosives and Fireworks; Comm 10, Flammable and Combustible Liquids; Comm 16, Electrical; Comm 18, Elevators, Escalators and Lift Devices; Comm 40, Gas Systems; Comm 41, Boilers and Pressure Vessels; Comm 43, Anhydrous Ammonia; Comm 45, Mechanical Refrigeration; Comm 60 to 66, Commercial Building Code; Comm 75 to 79, Buildings Constructed Prior to 1914; Comm 81 to 87, Plumbing; Comm 90, Public Swimming Pools; and Comm 91, Sanitation. The department's Safety and Buildings Division administers all of these listed codes except ch. Comm 5, which is jointly administered by the department's Environmental and Regulatory Services Division, and ch. Comm 10, which is administered by that Division.

1.3.2* Referenced Standards.

1.3.2.1 Details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria contained in those codes and standards listed in Chapter 2 of this Code shall be considered a part of this Code.

* See 1.3.1 - Comm 14.01 (2) (a) 3. for application of codes and standards that are referenced in this chapter.

1.3.2.2 Where no applicable codes, standards, or requirements are set forth in this Code or contained within other laws, codes, regulations, ordinances, or bylaws adopted by the authority having jurisdiction (AHJ), compliance with applicable codes and standards of NFPA or other nationally recognized standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this Code. (See Annex O.)

1.3.2.3 Nothing herein shall derogate from the authority of the AHJ to determine compliance with codes or standards for those activities or installations within the AHJ's responsibility.

1.3.3 Conflicts.

* See 1.3.1 - Comm 14.01 (2) (b) for conflict resolution.

1.3.3.1 When a requirement differs between this Code and a referenced document, the requirement of this Code shall apply.

1.3.3.2 When a conflict between a general requirement and a specific requirement occurs, the specific requirement shall apply.

1.3.4 Multiple Occupancies. Where two or more classes of occupancy occur in the same building or structure and are so intermingled that separate safeguards are impracticable, means of egress facilities, construction, protection, and other safeguards shall comply with the most restrictive fire safety requirements of the occupancies involved.

1.3.5 Vehicles and Vessels. Vehicles, vessels, or other similar conveyances, when in fixed locations and occupied as buildings, as described by Section 11.6 of NFPA 101, Life Safety Code, shall be treated as buildings and comply with this Code.

1.3.6 Buildings.

1.3.6.1 Buildings permitted for construction after the adoption of this Code shall comply with the provisions stated herein for new buildings.

1.3.6.2* Buildings in existence or permitted for construction prior to the adoption of this Code shall comply with the provisions stated herein or referenced for existing buildings (see 10.3.2).

1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with NFPA 101 and the building code.

1.3.6.4 Newly introduced equipment, materials, and operations regulated by this Code shall comply with the requirements for new construction or processes.

1.3.7 Severability. If any provision of this Code or the application thereof to any person or circumstance is held invalid, the remainder of the Code and the application of such provision to other persons or circumstances shall not be affected thereby.

1.4 Equivalencies, Alternatives, and Modifications.

1.4.1 Equivalencies. Nothing in this Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this Code, provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended

purpose.

1.4.2 Alternatives. The specific requirements of this Code shall be permitted to be altered by the AHJ to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the judgment of the AHJ, that which would be provided by compliance with the provisions contained in this Code.

* See 1.3.1 - Comm 14.01 (2) (e) for alternatives.

1.4.3 Modifications. ~~The AHJ is authorized to modify any of the provisions of this Code upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the Code, provided that the intent of the Code shall be complied with, public safety secured, and substantial justice done.~~

Comm 14.01 (3) PETITION FOR VARIANCE. Substitute the following wording for the requirements in NFPA 1 section 1.4.3: The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBC-9890 form is available from the Department's Web site at www.commerce.wi.gov, through links there to Safety and Buildings Division forms.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707, or at telephone (608) 266-1818. Some of the department forms are also available from the Division's Web site at www.commerce.wi.gov.

Comm 14.01 (5) FEES. This is a department rule in addition to the requirements in NFPA 1 chapter 1: Fees for petitions for variance and for inspection of buildings, structures, and premises shall be submitted as specified in ch. Comm 2.

1.4.4 Buildings with equivalency, alternatives, or modifications, approved by the AHJ shall be considered as conforming with this Code.

1.4.5 Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.

1.4.6 Approval. The AHJ shall approve such alternative construction systems, materials, or methods of design when it is substantiated that the standards of this Code are at least equaled. If, in the opinion of the AHJ, the standards of this Code shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to test or prototype installations.

1.4.7 Tests.

1.4.7.1 Whenever there is insufficient evidence of compliance

with the requirements of this Code or evidence that any material or method of construction does not conform to the requirements of this Code, or to substantiate claims for alternative construction systems, materials, or methods of construction, the AHJ shall be permitted to require tests for proof of compliance to be made by an approved agency at the expense of the owner or his/her agent.

1.4.7.2 Test methods shall be as specified by this Code for the material in question. If there are not appropriate test methods specified in this Code, the AHJ is authorized to accept an applicable test procedure from another recognized source.

1.4.7.3 Copies of the results of all such tests shall be retained in accordance with Section 1.11.

1.5 Units.

1.5.1 International System of Units. Metric units of measurement in this Code are in accordance with the modernized metric system known as the International System of Units (SI).

1.5.2 Primary and Equivalent Values. If a value for a measurement as given in this Code is followed by an equivalent value in other units, the first stated value shall be regarded as the requirement. A given equivalent value could be approximate.

1.6 Enforcement.

Comm 14.01 (11) (a) Authorized deputy of the department. These are department rules in addition to the requirements in NFPA 1 chapter 1: 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.

This Code shall be administered and enforced by the AHJ designated by the governing authority. (See Annex C for sample wording for enabling legislation.)

1.7 Authority.

1.7.1 Administration. The provisions of this Code shall apply without restriction, unless specifically exempted.

1.7.2* Minimum Qualifications to Enforce this Code. The AHJ shall adopt minimum qualifications for all persons assigned the responsibility of administering and enforcing this Code.

Comm 14.01 (11) (b) 10. 'Fire inspector training.' These are department rules in addition to the requirements in NFPA 1 chapter 1: 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 training approved by the fire chief.

1.7.3 Interpretations.

* See 1.3.1 - Comm 14.01 (2) (c) DEPARTMENT AUTHORITY.

1.7.3.1 The AHJ is authorized to render interpretations of this Code and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions.

* See 1.3.1 - Comm 14.01 (2) (d) LOCAL ORDINANCES.

1.7.3.2 Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this Code and shall be available to the public during normal business hours.

1.7.4 Enforcement Assistance. Police and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this Code when requested to do so by the AHJ.

1.7.5 Delegation of Authority. The AHJ shall be permitted to delegate to other qualified individuals such powers as necessary for the administration and enforcement of this Code.

Comm 14.01 (11) (b) 8. 'Inspectors.' These are department rules in addition to the requirements in NFPA 1 chapter 1: Fire safety inspections shall be conducted by the department or deputy or an authorized representative of the deputy.

1.7.6 Inspection.

* See 1.4.3 - Comm 14.01 (5) FEES.

1.7.6.1 The AHJ shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials as set forth in this Code.

* See 1.6 and 1.7.5 - Comm 14.01 (11) (a) and (b) 8. AUTHORIZED DEPUTY AND DELEGATED INSPECTORS.

1.7.6.2 The AHJ shall have authority to order any person(s) to remove or remedy such dangerous or hazardous condition or material. Any person(s) failing to comply with such order shall be in violation of this Code.

1.7.6.3 To the full extent permitted by law, any AHJ engaged in fire prevention and inspection work shall be authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections.

Comm 14.01 (11) (b) Fire prevention inspections. These are department rules in addition to the requirements in NFPA 1 chapter 1:

1. 'General.' The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department 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.

2. 'Determining the buildings that are to be inspected.' The fire chief shall be responsible for determining those public buildings and places of employment that are to be inspected, for each municipality for which the fire department has responsibility.

3. 'Scheduling of inspections.' Except as provided in subs. 4. to 6., fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department.

4. 'Exception for first class cities.' 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 hazard classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

5. ‘Exception for other municipalities.’ Within the territory of each fire department, in each municipality other than first class cities, the following types of occupancies shall be inspected at least once per calendar year, provided the interval between those inspections does not exceed 15 months:

- a. Offices, outpatient clinics and dental clinics, if less than 3 stories in height.
 - b. Unoccupied utility facilities, such as a water well facility, electric power substation and communication facility.
 - 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. Buildings at colleges and universities, if used exclusively for classroom lecture or offices, provided there are no laboratories, chemical storage or industrial arts rooms in the building.
 - 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. Residential condominiums and apartments, if there are less than 5 units under one roof.
 - i. Convents and monasteries.
 - j. Detention and correctional facilities.
 - k. Garages used for storage only.
 - L. Pedestrian walkways and tunnels, membrane structures, open parking structures, outdoor theaters, assembly seating areas, greenhouses and mini-storage buildings. If interior access to mini-storage buildings cannot be obtained, an exterior inspection shall be conducted.
 - m. Vacant or unoccupied buildings. If interior access to vacant or unoccupied buildings cannot be obtained, an exterior inspection shall be conducted.
 - n. Confined spaces. An area that is identified by a sign as a permit-required confined space need not be internally inspected, but an exterior inspection shall be conducted.
 - o. Townhouses, rowhouses, residential condominiums and apartments with no common use areas. An exterior inspection of these occupancies shall be conducted.
 - p. Fully-sprinklered office buildings up to 60 feet in height.
 - q. Fully-sprinklered residential condominiums and apartments, if less than 3 stories in height.
 - r. Fully-sprinklered townhouses and rowhouses, if less than 4 stories in height.
- Note:** Fully-sprinklered buildings are protected throughout by an automatic fire sprinkler system as specified in NFPA 13 or 13R, as referenced in chs. Comm 60 to 66.
- s. Seasonal or periodic occupancies, provided at least one interior inspection is conducted during an occupancy period.

6. ‘Local ordinances for reducing the frequency of inspections.’

- a. Where authorized by a local ordinance, a city, village or town may reduce the inspections required under subd. 3. to at least once per calendar year, provided the interval between those inspections does not exceed 15 months.
- b. Any local ordinance adopted under subd. 6. a. shall be made available to the department during an audit conducted under sub. (12) (d).
- c. Any special order granted by the department prior to [the effective date of this section . . . Revisor inserts date] that authorized a city, village or town to reduce the number of required inspections shall remain in effect until the expiration date specified in that order.

1.7.6.4 Before entering, the AHJ shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists.

1.7.6.5 As used in 1.7.6.4, emergency means circumstances that the AHJ knows, or has reason to believe, exist and that can constitute immediate danger to life and property.

1.7.6.6 Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles, and premises as herein set forth shall be identified by credentials issued by the governing authority.

1.7.7 Where conditions exist and are deemed hazardous to life and property by the AHJ, the AHJ shall have the authority to summarily abate such hazardous conditions that are in violation of this Code.

Comm 14.01 (11) (b) 9. ‘Statutory inspection authority.’ These are department rules in addition to the requirements in NFPA 1 chapter 1: The rules of this chapter do not limit or deny the ability of department deputies to conduct the activities under s. 101.14 (1) (a) and (b), Stats., for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to fire hazards or to the prevention of fire.

Note: Under s. 101.14 (2) (a), Stats., and as referenced in s. Comm 14.01 (10) (a), “The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department.”

1.7.8 Interference with Enforcement. Persons shall not interfere or cause conditions that would interfere with an AHJ carrying out any duties or functions prescribed by this Code.

1.7.9 Impersonation. Persons shall not use a badge, uniform, or other credentials to impersonate the AHJ.

1.7.10 Investigation.

1.7.10.1 Authority. The AHJ shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion, release of hazardous materials, or other hazardous condition.

~~**1.7.10.2 Evidence.** The AHJ shall have the authority to take custody of all physical evidence relating to the cause of the fire, explosion, release of hazardous materials, or other hazardous condition.~~

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

1.7.10.3 Limiting Access. The AHJ shall have the authority to limit access to emergencies or other similar situations.

~~**1.7.10.4 Trade Secret.** Information that could be related to trade secrets or processes shall not be made part of the public record except as could be directed by a court of law.~~

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

1.7.11 Plans and Specifications. The AHJ shall have the authority to require plans and specifications to ensure compliance with applicable codes and standards.

1.7.12 Inspection of Construction and Installation.

1.7.12.1 The AHJ shall be notified by the person performing the work when the installation is ready for a required inspection.

1.7.12.2 Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the AHJ shall have the authority to require that such work be exposed for inspection.

1.7.12.3 When any construction or installation work is being performed in violation of the plans and specifications as approved by the AHJ, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation.

1.7.12.4 The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

1.7.13 Certificate of Occupancy. When the building code requires a certificate of occupancy, the certificate of occupancy shall not be

issued until approved by the AHJ for fire code enforcement.

1.7.14 Stop Work or Evacuation.

1.7.14.1 The AHJ shall have the authority to order an operation or use stopped and the immediate evacuation of any occupied building or area when such building or area has hazardous conditions that present imminent danger.

1.7.14.2 Whenever any work is being done contrary to provisions of this Code, the AHJ is hereby authorized to order such work stopped.

1.7.14.3 Such work shall immediately stop until authorized by the AHJ to proceed.

1.7.15 Standby Fire Personnel.

1.7.15.1 The AHJ shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity, an impairment to a fire protection feature, or the number of persons present.

1.7.15.2* The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty.

1.7.15.2.1 The cost of standby fire personnel shall be at no cost to the AHJ.

1.7.15.3 Such standby fire personnel or fire watch personnel shall be subject to the AHJ's orders at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by the AHJ.

1.7.16 Public Fire Education.

1.7.16.1 The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the jurisdiction.

1.7.16.2 The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

Comm 14.01 (11) (c) Public fire education services. These are department rules in addition to the requirements in NFPA 1 chapter 1: Each fire department shall provide public fire education services within the territory served by the fire department. The services may be selected from the following public fire education-related activities, or may be other activities acceptable to the department:

1. '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 and roll demonstrations or an activity that specifically relates to a national fire prevention week theme.

2. 'Residential fire inspection program.' Fire departments advertise and conduct residential fire inspections on a request

basis or in response to local ordinance.

3. 'Building plan review program.' Fire departments conduct plan reviews and approvals of fire safety related elements prior to construction of public buildings and places of employment.

4. 'School education program.' Fire departments conduct approved fire safety education programs in the school districts for which they have responsibility.

5. 'Continuing public fire education program.' Fire departments conduct public fire education programs, which may include monthly public service announcements for radio or television, monthly newspaper articles, booths at fairs, demonstrations at shopping centers, and billboards with fire safety messages.

6. '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.

7. 'Youth fire awareness program.' Fire departments conduct youth fire awareness programs, including skill award and merit badge clinics for scouts, junior fire marshal program, juvenile fire setters program, first aid and CPR training and related activities.

8. '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.

9. '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 is kept by each fire department.

10. '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.

1.8 Duties and Powers of the Incident Commander.

1.8.1 Authority. The incident commander conducting operations in connection with the extinguishment and control of any fire, explosion, hazardous materials incident, natural disaster, rescue, and/or other emergency shall have authority to direct all operations of fire extinguishment, mitigation of a hazardous materials incident, natural disaster, rescue, and/or control and to take necessary precautions to save life, protect property, and prevent further injury or damage.

1.8.2 Controlling Scene. During any emergency described in 1.8.1, including the investigation of the cause of such emergency, the incident commander or authorized representative shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or person.

1.8.3 Obstruction of Operations. No person shall obstruct the operations of the fire department or disobey any command of the incident commander or authorized representative or any part thereof, or any order of a police officer assisting the fire department.

1.8.4 Scene Barrier. The incident commander or authorized

representative in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier.

1.8.5 No person, except as authorized by the incident commander in charge of the emergency, shall be permitted to cross barriers established in accordance with 1.8.4.

1.9 Liability.

~~**1.9.1** The AHJ, and other individuals charged by the AHJ or the incident commander with the control or extinguishment of any fire, the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.~~

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

~~**1.9.2** Any suit brought against the AHJ, the incident commander, or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.~~

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

1.9.3 This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused

by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

Comm 14.01 (6) OWNER'S RESPONSIBILITY. This is a department rule in addition to the requirements in NFPA 1 chapter 1: The owner of each building, structure and premises shall be responsible for maintaining the property in compliance with this chapter. Compliance with this chapter does not relieve the owner of a public building or place of employment from compliance with the other administrative rules established by the department or other state agencies.

Note: Pursuant to s. 101.11 (2) (a), Stats., no employer or owner, or other person may hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which fail to provide for making the same safe.

Note: See Appendix for statutory penalties relating to interfering with fire fighting, and to false alarms.

1.10 Board of Appeals.

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

* See Comm 14.01 (12) (e) **APPEALS OF AUDIT DETERMINATIONS.**

Comm 14.01 (7) APPEALS. These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) Appeal of Department Order. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department on the reasonableness of the order.

(b) Appeal of local order. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing.

Note: Section 101.01 (8), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of alders, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

Section 101.02 (7) (c), Stats., reads: "Upon receipt of such petition the department shall order a hearing thereon, to consider

and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect."

~~1.10.1 Establishment of Board of Appeals.~~

~~1.10.1.1 A Board of Appeals shall be established consisting of members and alternate members who shall be appointed by the appointing official of the jurisdiction by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this Code and its enforcement.~~

~~1.10.1.2 No more than one of said members or their alternates shall be engaged in the same business, profession, or line of endeavor.~~

~~1.10.1.3 The members shall serve for a term of three years, except for the initial appointees who shall serve as follows: two for a term of one year, two for a term of two years, and three for a term of three years.~~

~~1.10.1.4 All members and any alternate members shall be appointed and shall serve in accordance with the terms and conditions of the AHJ.~~

~~1.10.2 Rules of Board of Appeals.~~ The Board of Appeals shall establish rules and regulations for conducting its business and shall render all decisions and findings in writing to the AHJ, with a copy to the appellant.

~~1.10.3 Conflicts of Interest.~~

~~1.10.3.1 Board of Appeals members shall not be officers, agents, or employees of the jurisdiction.~~

~~1.10.3.2 No member of the Board of Appeals shall sit in judgment on any case in which the member, personally, is directly interested.~~

~~1.10.4 Duties of Board of Appeals.~~

~~1.10.4.1 The Board of Appeals shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the AHJ.~~

~~1.10.4.2 The ruling of the Board of Appeals shall ensure that the intent of the Code is complied with and public safety is secured.~~

~~1.10.4.3 The Board of Appeals shall be permitted to grant alternatives or modifications through the procedures outlined in Section 1.4 of this Code.~~

~~1.10.4.4 The Board of Appeals shall not have the authority to waive the requirements of this Code.~~

~~1.10.5 Meetings of Board of Appeals.~~

~~1.10.5.1 The Board of Appeals shall meet whenever directed by the appointing authority to interpret the provisions of this Code and to consider and rule on any properly filed appeal from a decision of~~

the AHJ, giving at least five days' notice of hearing, but in no case shall it fail to meet on an appeal within 30 calendar days of the filing of notice of appeal.

~~1.10.5.2 All of the meetings of the Board of Appeals shall be open to the public.~~

~~1.10.6 Quorum. Two thirds, but not less than four members, of the Board of Appeals shall constitute a quorum. In varying the application of any provision of this Code, or in modifying an order of the AHJ, a majority vote shall be required.~~

~~1.10.7 Meetings and Records.~~

~~1.10.7.1 Meetings of the Board of Appeals shall be held at the call of the chair and at such other times as the board determines.~~

~~1.10.7.2 All hearings before the Board of Appeals shall be open to the public.~~

~~1.10.7.3 The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question, or if the member is absent or fails to vote, indicating such actions.~~

~~1.10.7.4 The Board of Appeals shall also keep records of its examinations and other official actions.~~

~~1.10.7.5 Minutes and records of the Board of Appeals shall be public record.~~

~~1.10.8 Procedures. The Board of Appeals shall establish rules and regulations for its own procedures consistent with the provisions of this Code.~~

~~1.10.9 Means of Appeals.~~

~~1.10.9.1 Any person shall be permitted to appeal a decision of the AHJ to the Board of Appeals when it is claimed that any one or more of the following conditions exist:~~

~~(1) — The true intent of the codes or ordinances described in this Code has been incorrectly interpreted.~~

~~(2) — The provisions of the codes or ordinances do not fully apply.~~

~~(3) — A decision is unreasonable or arbitrary as it applies to alternatives or new materials.~~

~~1.10.9.2 An appeal shall be submitted to the AHJ in writing within 30 calendar days of notification of violation outlining the Code provision from which relief is sought and the remedy proposed.~~

~~1.10.9.3* All documentation supporting an appeal shall be submitted to the AHJ.~~

1.11 Records and Reports.

Comm 14.01 (11) (d) Record keeping. These are department rules in addition to the requirements in NFPA 1 chapter 1: The following fire department dues entitlement records shall be generated and maintained by each fire department:

1. Current roster of active fire department members.
2. Time, date, location, and number of firefighters responding, excluding the chief, for each first alarm for a building. For any of these responses that are in combination with another fire department under a mutual aid agreement, the record under this

paragraph shall include the name of that department and the number of firefighters, excluding the chief, responding from that department.

3. Number and duration of, and attendance at, fire department meetings, if the fire department is a volunteer fire department. For the purposes of this requirement, a volunteer fire department does not have any member who is paid for 36 hours or more of work, on a weekly basis.

4. Number and duration of, topic of and attendance at fire department training sessions.

5. Number, type, and duration of, and attendance of fire department members at, public fire education related activities.

(e) Availability of records. For at least 5 years, the records specified in par. (d) shall be maintained in written form or in another form capable of conversion into written form within a reasonable amount of time; and shall be made available to the department and to the public, upon request to the fire department.

Note: Section 19.32 (2), Stats., considers a record to be material containing written or electromagnetic information. The department will consider computer records to be equivalent to written reports.

*See 10.2.5 Owner/Occupant Responsibility to keep records.

1.11.1 A record of examinations, approvals, equivalencies, and alternates shall be maintained by the AHJ and shall be available for public inspection during business hours in accordance with applicable laws.

1.11.2 The AHJ shall keep a record of all fire prevention inspections, including the date of such inspections and a summary of any violations found to exist, the date of the services of notices, and a record of the final disposition of all violations.

Comm 14.01 (11) (b) 7. 'Inspection reports.' These are department rules in addition to the requirements in NFPA 1 chapter 1: Except in first class cities, the fire chief shall make and keep on file reports of fire prevention inspections. In first class cities, the commissioner of the building inspection department shall make and keep the reports. For at least 5 years, the reports shall be maintained in written form or in another form capable of conversion into written form within a reasonable amount of time.

Note: The department has developed fire inspection report forms that may be used by fire departments. The fire inspection report forms (SBD-10615A and SBD-5295) are available from the Safety and Buildings Division through one or more of the following means: at P.O. Box 7839, Madison, WI 53707-7839; or at the Department's Web site at www.commerce.wi.gov, through links there to Safety and Buildings Division forms.

1.11.3 Emergency Response Records.

1.11.3.1 The fire department shall keep a record of fire and other emergency responses occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent and damage caused by such fires or emergencies.

1.11.3.2 ~~The fire department shall report its incident record data, collected in accordance with 1.11.3, to the recognized state agency responsible for collecting such data.~~

Comm 14.01(1)(e) 1. The requirements in sub. (9) apply to all fire responses, rather than only to fire responses for public buildings and places of employment.

2. The requirements in sub. (11) (e) 2. apply to fire responses to first alarms for all buildings, rather than only for public buildings.

Comm 14.01 (9) FIRE INCIDENT REPORTS. Substitute the following wording for the requirements in NFPA 1 section 1.11.3.2:

(a) Except as provided in par. (b), each fire chief shall submit written or electronic-based fire incident reports to the department no later than April 1, for the previous year. The reports shall contain the fire response information specified in NFPA 1 section 1.11.3.1.

(b) Electronic-based fire incident reports that are submitted directly to and in compliance with the National Fire Incident Reporting System are not required to be submitted to the department.

1.11.4 All records required to be kept shall be maintained until their usefulness has been served or as required by law.

* See 1.11, 1.11.2, and s. 19.21, Wis. Stats.

1.12 Permits and Approvals.

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

1.12.1 The AHJ shall be authorized to establish and issue permits, certificates, and approvals pertaining to conditions, operations, or materials hazardous to life or property pursuant to Section 1.12.

1.12.2 Applications for permits shall be made to the AHJ on forms provided by the jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms.

1.12.2.1 Applications for permits shall be accompanied by such data as required by the AHJ and fees as required by the jurisdiction.

1.12.2.2 The AHJ shall review all applications submitted and issue permits as required.

1.12.2.3 If an application for a permit is rejected by the AHJ, the applicant shall be advised of the reasons for such rejection.

1.12.2.4 Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

1.12.3 Approvals by Other Authorities Having Jurisdiction.

1.12.3.1 The AHJ shall have the authority to require evidence to show that other regulatory agencies having jurisdiction over the design, construction, alteration, repair, equipment, maintenance, process, and relocation of structures have issued appropriate approvals.

1.12.3.2 The AHJ shall not be held responsible for enforcement of the regulations of such other regulatory agencies unless specifically mandated to enforce those agencies' regulations.

1.12.4 Misrepresentation.

Comm 14.01 (8) REVOCATION OF APPROVAL. These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) Department revocation. The department 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.

(b) Local revocation. The fire chief, or in first class cities the commissioner of building inspection, may revoke any local approval issued by them under the provisions of this chapter, for any false statements or misrepresentation of facts on which the approval was based. The fire chief, and in first class cities the commissioner of building inspection, may not revoke an approval issued by the department.

1.12.4.1 Any attempt to misrepresent or otherwise deliberately or knowingly design; install; service; maintain; operate; sell; represent for sale; falsify records, reports, or applications; or other related activity in violation of the requirements prescribed by this Code shall be a violation of this Code.

1.12.4.2 Such violations shall be cause for immediate suspension or revocation of any related approvals, certificates, or permits issued by this jurisdiction.

1.12.4.3 Such violations shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

1.12.5 A permit shall be predicated upon compliance with the requirements of this Code and shall constitute written authority issued by the AHJ to maintain, store, use, or handle materials, or to conduct processes that could produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

1.12.6 Any permit issued under this Code shall not take the place of any other approval, certificate, license, or permit required by other regulations or laws of this jurisdiction.

1.12.7 Where additional permits, approvals, certificates, or licenses are required by other agencies, approval shall be obtained from those other agencies.

1.12.8 The AHJ shall have the authority to require an inspection prior to the issuance of a permit.

1.12.9 A permit issued under this Code shall continue until revoked or for the period of time designated on the permit.

1.12.10 The permit shall be issued to one person or business only and for the location or purpose described in the permit.

1.12.11 Any change that affects any of the conditions of the permit shall require a new or amended permit.

1.12.12 The AHJ shall have the authority to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

1.12.13 A copy of the permit shall be posted or otherwise readily accessible at each place of operation and shall be subject to inspection as specified by the AHJ.

1.12.14 Any activity authorized by any permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications.

1.12.15 No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation.

1.12.16 Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ, as evidenced by the issuance of a new or amended permit.

1.12.17* Permits shall be issued by the AHJ and shall bear the name and signature of the AHJ or that of the AHJ's designated representative. In addition, the permit shall indicate the following:

- (1) Operation or activities for which the permit is issued
- (2) Address or location where the operation or activity is to be conducted

- (3) Name and address of the permittee
- (4) Permit number and date of issuance
- (5) Period of validity of the permit
- (6) Inspection requirements and other permit conditions

1.12.18 Any application for, or acceptance of, any permit requested or issued pursuant to this Code shall constitute agreement and consent by the person making the application or accepting the permit to allow the AHJ to enter the premises at any reasonable time to conduct such inspections as required by this Code.

1.12.19 Revocation or Suspension of Permits.

1.12.19.1 The AHJ shall be permitted to revoke or suspend a permit or approval issued if any violation of this Code is found upon inspection or in case any false statements or misrepresentations have been submitted in the application or plans on which the permit or approval was based.

1.12.19.2 Revocation or suspension shall be constituted when the permittee is duly notified by the AHJ.

1.12.19.3 Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of this Code, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this Code.

1.12.20 Permits shall be required in accordance with Table 1.12.20(a) through Table 1.12.20(d).

Table 1.12.20(a) Permit Requirements

Operations and Materials	Permit Required	Cross Reference Section No.
Aerosol Products	To store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 lb (226.8 kg)	61.1.2.3
Aircraft Fuel Servicing	To provide aircraft fuel servicing	42.4.1.2
Aircraft Hangars	For servicing or repairing aircraft	21.1.1
Aircraft Refueling Vehicles	To operate aircraft refueling vehicles	42.4.1.2
Airport Terminal Buildings	For construction and alteration	21.2.2.1
Ammonium Nitrate	For storage	65.10.2
Amusement Parks	For construction, alteration, or operation of amusement park fire protection safety features	10.15.1
Asbestos Removal	For the removal of asbestos	16.8.2
Automatic Fire Suppression Systems	For installation or modification	13.1.1.1; 50.4.2
Automobile Wrecking Yards	To operate automobile wrecking yards	22.2
Automotive Fuel Servicing	To provide automotive fuel servicing	42.2.2.1; 42.5.2.2.4; 42.5.3.1
Battery System	To install or operate stationary lead-acid battery systems having an electrolyte capacity of more than 100 gal (379 L) in sprinklered buildings or 50 gal (189 L) in nonsprinklered buildings	52.2
Candles, Open Flames, and Portable Cooking	To use in connection with assembly areas, dining areas of restaurants, or drinking establishments	17.3.4.6.1; 20.1.4.2.4.1
Carnivals and Fairs	To conduct a carnival or fair	10.15.1
Cellulose Nitrate Film	To store, handle, use, or display	20.15.6.2
Cellulose Nitrate Plastic	To store or handle more than 25 lb (11.3 kg)	43.1.1.4
Cleanrooms	For construction, alternation, or operation	23.3
Combustible Fibers	For storage or handling of combustible fibers greater than 100 ft ³ (2.8 m ³)	45.1.3
Combustible Material Storage	To store more than 2500 ft ³ (70.8 m ³) gross volume	10.19.2; 19.1.1; 31.2
Commercial Rubbish-Handling Operation	To operate	19.1.1
Compressed Gases	To store, use, or handle compressed gases in excess of the amounts listed in Table 1.12.20(b). When the compressed gases in use or storage exceed the amounts listed in Table 1.12.20(b), a permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system. For additional permit requirements for compressed gases facility closures, see 63.1.2.	63.1.2
Consumer Fireworks (1.4G)	1. For the sale, on-site handling, and manufacture of consumer fireworks (1.4G) 2. For the storage of consumer fireworks (1.4G) in excess of the amount listed in Table 1.12.20(d)	65.5.2 65.11.3.2
Covered Mall Buildings	Annual requirement for facilities that utilize mall area for exhibits or displays with 4 conditions	20.1.4.5.1
Crop Maze	To operate a crop maze	10.15.11
Cryogenics	To produce, store, or handle cryogenics in excess of amounts listed in Table 1.12.20(c) <i>Exception: Where federal or state regulations apply or for fuel systems of a vehicle.</i>	63.1.2
Cutting and Welding Operation	For operations within a jurisdiction	17.3.4.6.1; 41.1.5; 41.3.1.2; 41.3.3.1
Display Fireworks (1.3G)	For possession, transportation, storage, manufacture, sale, handling, and discharge of display fireworks within the jurisdiction	65.2.3; 65.5.2
Drycleaning Plants	To engage in business of drycleaning or to change to a more hazardous cleaning solvent	24.2
Dust-Producing Operations	To operate a grain elevator, flour mill, starch mill, feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, sugar, or other similar combustible material	40.2
Exhibit and Trade Shows	For operation of all exhibits and trade shows held within a jurisdiction	20.1.4.5.1

Explosives	Manufacture, sell, dispose, purchase, storage, use, possess, or transport of explosives within the jurisdiction. For additional permit requirements for blasting operations, see 65.9.2	65.9.2
Fire Alarm and Detection Systems and Related Equipment	Installation or modification to fire alarm and detection systems and related equipment ^a	13.1.1.1
Fire Hydrants and Water-Control Valves	To use a fire hydrant or operate a water-control valve intended for fire suppression purposes	13.1.1.1
Fire Pumps and Related Equipment	Installation of or modification to fire pumps, jockey pumps, controllers, and generators ^a	13.1.1.1
Flame Effects	Use of flame effects before an audience	65.4.2
Flammable and Combustible Liquids	<p>1. To use or operate, repair, or modify a pipeline for the on-site transportation of flammable or combustible liquids</p> <p>2. To store, handle, or use Class I liquids in excess of 5 gal (18.9 L) in a building or in excess of 10 gal (37.9 L) outside of a building. <i>Exception to item (2): A permit is not required for the following:</i> <i>(a) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant unless such storage in the opinion of the chief would cause an unsafe condition</i> <i>(b) The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days</i></p> <p>3. To store, handle, or use Class II or Class III-A liquids in excess of 25 gal (94.6 L) in a building or in excess of 60 gal (227.1 L) outside a building. <i>Exception to item (3): Fuel oil used in connection with oil-burning equipment</i></p> <p>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes</p> <p>5. To install, construct, alter, or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used</p> <p>6. To install, alter, clean, repair, line with a protective coating, remove, abandon, place temporarily out of service, or otherwise dispose of a flammable or combustible liquid tank</p> <p>7. To change the type of contents stored in a flammable or combustible liquid tank to a material other than those for which the tank was designed and constructed</p>	66.1.5
Fruit Ripening	To operate a fruit-ripening process	60.1.6.1.1; 63.1.2
General Storage	To store materials indoors or outdoors, representing a broad range of combustibles, including plastics, rubber tires, and roll paper.	34.1.2
Grandstands, Bleachers, and Folding and Telescopic Seating	For construction, location, erection, or placement of grandstands, bleachers, and folding and telescopic seating	25.1.2
Hazardous Materials	To store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 1.12.20(d) or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by Chapter 60 when the hazardous materials in use or storage exceed the amounts listed in Table 1.12.20(d)	60.1.6.1.1
High-Piled Combustible Storage	To use any building or portion thereof as a high-piled storage area exceeding 500 ft ² (46.45 m ²)	20.15.7.1.1

High-Powered Rocketry	For the manufacturing, sale, and use of high-powered rocketry	65.8.2; 65.7.2
Hot Work Operations	To conduct hot work	17.3.4.6.1; 41.1.5; 41.3.3.1
Industrial Ovens and Furnaces	For operation of industrial ovens and furnaces covered by Chapter 51	51.1.2.1
Laboratories	For construction, alteration, or operation	26.3
Liquefied Petroleum Gases	1. To store, use, handle, or dispense LP-Gas of 125 gal (0.5 m ³) (water capacity) aggregate capacity or greater 2. To install or modify LP-Gas systems	42.5.2.2.4 69.1.2
Liquid- or Gas-Fueled Vehicles	To display, compete, or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings	20.1.4.5.1
Lumberyards and Woodworking Plants	For storage of lumber exceeding 100,000 board ft	31.2
Marine Craft Fuel Servicing	To provide marine craft fuel servicing	42.3.1.4
Membrane Structures, Tents, and Canopies — Permanent	For construction, location, erection, or placement	25.1.2
Membrane Structures, Tents, and Canopies — Temporary	To erect or operate an air-supported temporary membrane structure or tent having an area in excess of 200 ft ² (18.6 m ²) or a canopy in excess of 400 ft ² (37.2 m ²) <i>Exception: Temporary membrane structures, tents, or canopy structures used exclusively for camping</i>	25.1.2
Motion Picture and Television Production Studio Soundstages and Approved Production Facilities	To design, construct, operate, and maintain soundstages and approved production facilities used in motion picture and television industry productions.	32.2
Oil- and Gas-Fueled Heating Appliances	To install oil- and gas-fired heating appliances	11.5.1.6
Open Burning	To conduct open burning. For additional permit requirements for open burning, see 10.11.1	10.11.1
Open Fires	For kindling or maintaining an open fire. For additional permit requirements for open fires, see 10.11.4 ^b	10.11.1
Organic Coatings	For operation and maintenance of a facility that manufactures organic coatings	43.1.1.4
Organic Peroxide Formulations	To store, transport on site, use, or handle materials in excess of amounts listed in Tables 1.12.20(c) and (d)	70.1.2
Outside Storage of Tires	To store more than 500 tires outside	33.1.2
Oxidizers	To store, transport on site, use, or handle materials in excess of amounts listed in Tables 1.12.20(c) and (d)	70.1.2
Parade Floats	To use a parade float for public performance, presentation, spectacle, entertainment, or parade	10.17.1
Places of Assembly	To operate a place of assembly	10.15.1; 20.1.1
Pyrotechnic Articles	For the manufacture, storage, sale, or use of pyrotechnic articles within the jurisdiction	65.2.3; 65.3.3; 65.5.2; 65.11.3.2
Pyrotechnics Before a Proximate Audience	For the display and use of pyrotechnic materials before a proximate audience	65.3.3
Pyroxylin Plastics	For storage, handling, assembly, or manufacture of pyroxylin plastics	43.1.1.4
Private Fire Hydrants	For installation, modification, or removal from service of any private fire hydrants	13.1.1.1
Refrigeration Equipment	To install or operate a mechanical refrigeration unit or system regulated by this <i>Code</i>	53.4.1
Repair Garages and Service Stations	For operation of service stations and repair garages	30.1.1.3; 30.2.1.1
Rocketry Manufacturing	For the manufacturing of model rocket motors	65.7.2
Rooftop Heliports	For construction, modification, or operation of a rooftop heliport	21.3.2.1
Solvent Extraction	For storage, use, and handling	44.3
Spraying or Dipping of Flammable Finish	For installation or modification of any spray room, spray booth, or preparation work station, or to conduct a spraying or dipping operation utilizing flammable or combustible liquids or powder coating	43.1.1.4
Standpipe Systems	For installation, modification, or removal from service of any standpipe system ^a	13.1.1.1
Special Outdoor Events	For the location and operation of special outdoor events	10.15.1
Tar Kettles	To place a tar kettle, a permit must be obtained prior to the placement of a tar kettle	16.7.1.2; 17.3.4.6.1
Tire-Rebuilding Plants	For operation and maintenance of a tire-rebuilding plant	34.1.2

Tire Storage	To use an open area or portion thereof to store tires in excess of 500 tires	33.1.2; 34.1.2
Torch-Applied Roofing Operation	For the use of a torch for application of roofing materials	16.6.1
Wildland Fire-Prone Areas	For use of hazardous areas within fire-prone areas	17.3.2
Wood Products	To store wood chips, hogged material, wood by-products, lumber, or plywood in excess of 200 ft ³ (5.7 m ³)	31.2

^aMaintenance performed in accordance with this *Code* is not considered a modification and does not require a permit.

^bCooking and recreational fires are exempt and do not require a permit.

Table 1.12.20(b) Permit Amounts for Compressed Gases

Table 1.12.20(d) Continued

Type of Gas	Amount*		Type of Material	Amount	
	ft ³	m ³		U.S. Unit	Metric Unit
Corrosive	200	0.57	Highly toxic solids	Any amount	
Flammable	200	0.57	LP-Gas	See Table 1.12.20(b)	
Highly toxic	Any amount		Nitrate film (cellulose)	Any amount	
Inert and simple asphyxiant	6000	169.9	Organic peroxides:	See Table 1.12.20(a)	
Oxidizing (including oxygen)	504	14.3	Class I	Any amount	
Pyrophoric	Any amount		Class II	Any amount	
Toxic	Any amount		Class III	10 lb	4.5 kg
Unstable (reactive)	Any amount		Class IV	20 lb	9 kg
			Class V	Not required	
			Unclassified detonatable	Any amount	
			Oxidizing gases	See Table 1.12.20(b)	
			Oxidizing liquids:	See Table 1.12.20(a)	
			Class 4	Any amount	
			Class 3	1 gal	3.8 L
			Class 2	10 gal	38 L
			Class 1	55 gal	208 L
			Oxidizing solids:	See Table 1.12.20(a)	
			Class 4	Any amount	
			Class 3	10 lb	4.5 kg
			Class 2	100 lb	45 kg
			Class 1	500 lb	227 kg
			Pyrophoric gases	See Table 1.12.20(b)	
			Pyrophoric liquids	Any amount	
			Pyrophoric solids	Any amount	
			Toxic gases	See Table 1.12.20(b)	
			Toxic liquids	10 gal	38 L
			Toxic solids	100 lb	45 kg
			Unstable (reactive) gases	See Table 1.12.20(b)	
			Unstable (reactive) liquids:		
			Class 4	Any amount	
			Class 3	Any amount	
			Class 2	5 gal	19 L
			Class 1	10 gal	38 L
			Unstable (reactive) solids:		
			Class 4	Any amount	
			Class 3	Any amount	
			Class 2	50 lb	22.7 kg
			Class 1	100 lb	45 kg
			Water reactive liquids:		
			Class 3	Any amount	
			Class 2	5 gal	19 L
			Class 1	10 gal	38 L
			Water reactive solids:		
			Class 3	Any amount	
			Class 2	50 lb	22.7 kg
			Class 1	100 lb	45 kg

Note: See Chapters 41, 42, 60, 63, and 69 for additional requirements and exceptions.

*Cubic feet measured at normal temperature and pressure.

Table 1.12.20(c) Permit Amounts for Cryogenics

Type of Cryogen	Inside Building (gal)	Outside Building (gal)
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Toxic/Highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes oxygen)	10	50

Note: See Chapter 63.

Table 1.12.20(d) Permit Amounts for Hazardous Materials

Type of Material	Amount	
	U.S. Unit	Metric Unit
Cellulose nitrate	25 lb	11.3 kg
Combustible fiber	100 ft ³	2.8 m ³
Combustible liquids	See Table 1.12.20(a)	
Consumer fireworks (1.4G)	10 lb	4.5 kg*
Corrosive gases	See Table 1.12.20(b)	
Corrosive liquids	55 gal	208 L
Corrosive solids	500 lb	227 kg
Cryogenics	See Table 1.12.20(c)	
Display fireworks (1.3G)	Any amount	
Explosives	Any amount	
Flammable gases	See Table 1.12.20(b)	
Flammable liquids	See Table 1.12.20(a)	
Flammable solids	100 lb	45.4 kg
Highly toxic gases	See Table 1.12.20(b)	
Highly toxic liquids	Any amount	

Note: See Chapter 60 for additional requirements and exceptions.

*Unless the actual weight of the pyrotechnic composition of the consumer fireworks, 1.4G, is known, 25 percent of the gross weight of the fireworks, including packaging, is permitted to be used to determine the weight of the fireworks for the purpose of this table.

1.13 Certificates of Fitness.

Comm 14.01 (4) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1, 1.9.2, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

1.13.1 Authorization. The AHJ shall have the authority to require certificates of fitness and collect fees for individuals or companies performing activities related to fire or life safety within the jurisdiction such as the following:

- (1) Use of explosive materials
- (2) Blasting or demolition operations
- (3) Fireworks displays
- (4) Inspection, servicing, or recharging of portable fire extinguishers
- (5) Installation, servicing, or recharging of fixed fire extinguishing systems
- (6) Installation or servicing of fire alarm or fire communication systems
- (7) Servicing of gas- or oil-burning heating systems
- (8) Chimney sweep operations
- (9) Installation, inspection, or servicing of range-hood systems

1.13.2 Where certificates of fitness are required, the AHJ shall be responsible for their issuance.

1.13.3 All applications for a certificate of fitness shall be filed with the AHJ on forms provided by the AHJ.

1.13.4 Every individual or company applying for a certificate of fitness shall furnish evidence to the AHJ of familiarity with the codes and standards for which the certificate of fitness is issued.

1.13.5 Investigation of Applicant.

1.13.5.1 The AHJ shall investigate every application for a certificate of fitness.

1.13.5.2 The investigation shall include an examination of the applicant's experience and training in the field of the certificate of fitness for which application has been made.

1.13.5.3 When the AHJ determines that an applicant is not fit to receive the certificate of fitness because of the applicant's inability to comply with the provisions of this Code, the AHJ shall refuse to issue the certificate of fitness.

1.13.5.4 If the refusal is based on the applicant's inability to pass an examination given to determine competency, the applicant shall not be permitted to apply again for the certificate of fitness within a 10-day period following the examination.

1.13.6 Certificates of fitness shall not be transferable.

1.13.7 Certificates of fitness shall be issued for the period of time as indicated on the certificate of fitness as determined by the AHJ, but such period of time shall not exceed 3 years.

1.13.8 Applications for renewal of a certificate of fitness shall be filed in the same manner as an application for an original certificate.

1.13.9 Each individual or company holding a certificate of fitness shall notify the AHJ in writing of any address change within 10 days after such change.

1.13.10 A certificate of fitness shall be in the form of an identification card. The card shall contain the following information:

- (1) Purpose for which the certificate of fitness is issued
- (2) Date of expiration
- (3) Information necessary to easily identify the individual to whom the certificate of fitness is issued
- (4) Signature of the individual to whom the certificate of fitness is issued
- (5) Name and signature of the AHJ or a designated representative
- (6) Statement printed thereon in bold type the following:
THIS CERTIFICATE IS NOT AN ENDORSEMENT OF THIS INDIVIDUAL OR COMPANY BY THE AUTHORITY HAVING JURISDICTION.

1.13.11 Any individual or company to whom a certificate of fitness has been granted shall, upon request, produce and show proper identification and the certificate of fitness to anyone for whom that individual seeks to render services or to the AHJ.

1.13.12 Revocation.

1.13.12.1 The AHJ shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this Code is found upon inspection or where any false statements or misrepresentations are submitted in the application on which the approval was based.

1.13.12.2 Revocation or suspension shall be constituted when the certificate holder is duly notified by the AHJ.

1.13.12.3 Failure on the part of an individual to give such notification of a change of address required by 1.13.9 shall constitute grounds for revocation of the certificate of fitness.

1.14 Plan Review.

1.14.1* Where required by the AHJ for new construction, modification, or rehabilitation, construction documents and shop drawings shall be submitted, reviewed, and approved prior to the start of such work as provided in Section 1.14.

1.14.2 The applicant shall be responsible to ensure that the following conditions are met:

- (1) The construction documents include all of the fire protection requirements.
- (2) The shop drawings are correct and in compliance with the applicable codes and standards.
- (3) The contractor maintains an approved set of construction documents on site.

1.14.3 It shall be the responsibility of the AHJ to promulgate rules that cover the following:

- (1) Criteria to meet the requirements of Section 1.14
- (2) Review of documents and construction documents within established time frames for the purpose of acceptance or providing reasons for nonacceptance

1.14.4 Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this Code.

1.14.5 When required by the AHJ, revised construction documents or shop drawings shall be prepared and submitted for review and approval to illustrate corrections or modifications necessitated by field conditions or other revisions to approved plans.

1.15* Technical Assistance.

1.15.1 The AHJ shall be permitted to require a review by an independent third party with expertise in the matter to be reviewed at the submitter's expense.

1.15.2 The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology to the AHJ.

1.15.3 The AHJ shall be authorized to require design submittals to bear the stamp of a professional engineer.

1.15.4 The AHJ shall make the final determination as to whether the provisions of this Code have been met.

1.16 Notice of Violations and Penalties.

1.16.1 Whenever the AHJ determines violations of this Code, a written notice shall be issued to confirm such findings.

1.16.2 Serving Notice.

1.16.2.1 Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal

service, by mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises.

1.16.2.2 For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both or publication in a newspaper of general circulation wherein the subject premise is located.

1.16.3 Any person who mutilates, destroys, or removes posted orders or notices without the authorization of the AHJ shall be subject to the penalties established by the jurisdiction.

1.16.4 Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant of this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the jurisdiction.

This is a department rule in addition to the requirements in NFPA 1 section 1.16:

Comm 14.01 (10) PENALTIES. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (12) and (13) (a), Stats.

Note: Section 101.02 (12), Stats., indicates that each 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.

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.

1.16.5 Failure to comply with the time limits of an abatement notice or other corrective notice issued by the AHJ shall result in each day that such violation continues being regarded as a new and separate offense.

* See 1.16.4 - Comm 14.01 (10) PENALTIES.

FIRE DEPARTMENT DUES

Comm 14.01 (12) FIRE DEPARTMENT DUES. These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) Eligibility.

1. a. In order to be eligible to receive a fire department dues payment, a municipality shall be in substantial compliance with the requirements for fire protection and fire prevention services specified in ss. 101.14 and 101.575, Stats., and this chapter, throughout the entire municipality.

b. The training program required under s. 101.575 (3) (a) 3., Stats., shall be in accordance with ch. Comm 30 for public sector fire departments and in accordance with 29 CFR 1910.156 for private sector fire departments.

2. a. Except as provided in subd. 2. b., the fire protection and fire prevention services shall be provided by the fire department. A municipality not maintaining a fire department shall have the services provided through contract. A fire department may use mutual aid agreements as a means of providing fire protection services.

b. In first class cities, fire inspections may be provided by the neighborhood services department.

(b) Compliance determination.

1. ‘General.’ The department shall determine substantial compliance with the fire department dues entitlement program through the self-certification process specified in par. (c) and the audit process specified in par. (d).

2. ‘Multiple fire departments.’ Where a municipality is served by more than one fire department and any one of the fire departments is determined to be in noncompliance within that municipality, the entire municipality shall be determined to be in noncompliance.

3. ‘Notice of noncompliance.’ The department shall issue a notice of noncompliance to the municipality and the chief of the fire department that the department has determined to be in noncompliance. The determination shall be based on one or more of the following causes:

- a. The municipality fails to return the self-certification form on time.
- b. The municipality returns an incomplete self-certification form.
- c. The municipality self-certifies noncompliance.
- d. An audit results in failure.

(c) Self-certification.

1. A municipality shall annually complete and submit a fire department dues entitlement self-certification form for the previous calendar year. The certification shall be made on the form provided by the department and the form shall be returned to the department on or before April 1.

Note: The department annually sends form SBD-10318 to the municipality. This form is also available from the Safety and Buildings Division through one or more of the following means: at P.O. Box 7839, Madison, WI 53707-7839; or at the Department’s Web site at www.commerce.wi.gov, through links there to Safety and Buildings Division forms.

2. A municipality shall identify on the self-certification form the name of every fire department and the chief of the fire department that provided fire protection services and fire prevention services, to the municipality in the last calendar year. This identification shall be used to determine which fire departments are entitled to receive fire department dues from the municipality.

3. The chief of the fire department that provided the fire

protection and fire prevention services and the clerk of the municipality shall sign the self-certification form and indicate whether or not the municipality is in substantial compliance with state regulations regarding the fire department dues entitlement program. In first class cities, the commissioner of the building inspection department shall also sign the self-certification form.

(d) Audit.

1. In addition to the self-certification process, the department shall periodically conduct audits of fire department dues entitlement records to determine substantial compliance with the fire department dues entitlement program for the previous calendar year.

2. The department shall periodically examine fire department dues entitlement records, including the records required in sub. (11) (b) 7. and (d), and in NFPA 1 section 1.11.2, to verify that the required fire prevention and fire protection services were provided within the territory served by the fire department and, within first class cities, by the building inspection department.

Note: The information required in the entitlement records is as specified in ss. 101.14 and 101.575, Stats. Under those sections, the fire incident reports that are addressed in sub. (9), and any records of fire prevention inspections beyond public buildings and places of employment, are not fire dues entitlement records.

3. The department shall write a report summarizing the results of each audit.

(e) Appeals of audit determinations.

1. ‘General.’ A department audit determination under this subsection may be appealed only in accordance with this paragraph or ch. 227, Stats.

2. ‘Filing an appeal.’

a. The appeal shall be filed in writing, with the department.

b. An appeal may be filed only by either a fire department that fails an audit conducted under par. (d), or by a municipality served by that fire department.

3. ‘Timing of an appeal.’ An appeal may only be filed after the department issues a written determination of failure, but no later than 30 business days after that issuance. If no appeal is received by the department within that time period, the initial determination of failure shall become effective.

4. ‘Processing an appeal.’ The department shall forward the appeal to the appeals board established under subd. 5.

5. ‘Appeals board.’ The department shall appoint an appeals board comprised of the following members: a volunteer fire chief, a paid fire chief, a fire inspector, a volunteer firefighter, a paid firefighter, a representative of the League of Wisconsin Municipalities, and a representative of the Wisconsin Towns Association.

6. ‘Support staff and resources.’ The department shall provide support staff and other resources needed for the functions of the appeals board.

7. ‘New information.’ New information submitted with an appeal may result in remanding the appeal back to a lower level.

8. ‘Hearing.’ If requested by the appellant, the board shall allow oral testimony in addition to the written material filed under subd. 2. a. Any oral testimony shall be presented either through a teleconference or at a hearing location determined by the department.

9. ‘Determinations of the board.’

a. Four members of the board shall constitute a quorum. For the purpose of conducting business, a majority vote of the entire board, excluding any vacant positions, is required.

b. Findings of the appeals board shall be forwarded to the secretary of the department no later than 30 business days after the department receives the appeal, unless a later deadline is agreed upon by both the appellant and the appeals board.

10. ‘Decision by the secretary.’ No later than 30 days after receipt of the findings of the appeals board, the secretary of the department shall consider the findings and, in writing, either uphold or overturn the department’s initial determination of failure.

11. ‘Completion of the appeal process.’ Any appeal filed under this paragraph shall progress through subd. 10. no later than August 1 in the year the appeal is filed, unless withdrawn by the appellant.

12. ‘Appeal of the secretary’s decision.’ A secretary decision under this paragraph may be appealed only through the contested-case provisions in ch. 227, Stats.

(f) Fire department registration.

1. A fire department that provides fire prevention and fire protection services to a municipality shall register with the department on the form provided by the department.

Note: Copies of form SBD-10638 are available from the Safety and Buildings Division through one or more of the following means: at P.O. Box 7839, Madison, WI 53707-7839; or at the Department’s Web site at www.commerce.wi.gov, through links there to Safety and Buildings Division forms.

2. The fire chief of a registered fire department shall annually submit a completed fire department annual update form, provided by the department, to the department by February 1.

Note: The department annually sends form SBD-10114 to the fire department. This form is also available from the Safety and Buildings Division through one or more of the following means: at P.O. Box 7839, Madison, WI 53707-7839; or at the Department’s Web site at www.commerce.wi.gov, through links there to Safety and Buildings Division forms.

NFPA 1 Chapter 3 Definitions

Comm 14.03 Definitions. These are department definitions for this chapter in addition to the definitions in NFPA 1 chapter 3:

(1) (a) “Administrative expenses,” for the appropriation under s. 20.143 (3) (La), Stats., means expenditures for the direct costs and indirect costs of administering ss. 101.14, 101.141 and 101.573, Stats.

(b) In this subsection:

1. “Direct costs” means the cost of salaries, limited term

employees, fringe benefits and supplies to administer ss. 101.14, 101.141 and 101.573, Stats.

2. “Indirect costs” means the cost, determined on a pro rata basis, of management and administrative services provided to administer ss. 101.14, 101.141 and 101.573, Stats.

3. “Supplies” means equipment, memberships, postage, printing, rent, subscriptions, telecommunications, travel, utilities and similar outfitting and services, directly related to administering ss. 101.14, 101.141 and 101.573, Stats.

(2) “Department” means the department of commerce.

(3) “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.

(4) “Fire department” means a municipal fire department, public safety department, or public or private organization, such as a fire association, fire district, fire company or fire corporation, organized or created for the purpose of extinguishing fires and preventing fire hazards.

(5) “Municipality” means a city, village or town.

(6) “NFPA 1” means the 2006 edition of NFPA 1, Uniform Fire Code™, as adopted and modified in this chapter.

(7) “One- and 2-family dwelling” has the meaning as defined for dwelling in s. 101.61 (1), Stats.

Note: Section 101.61 (1), Stats., reads as follows: “Dwelling” means any building that contains one or 2 dwelling units. “Dwelling unit” means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(8) “Place of employment” has the meaning as defined in s. 101.01 (11), Stats.

Note: See Appendix for a reprint of s. 101.01 (11), Stats.

(9) “Public building” has the meaning as defined in s. 101.01 (12), Stats.

Note: See Appendix for a reprint of s. 101.01 (12), Stats.

(10) “Substantial compliance,” for the purposes of s. 101.575 (4) (a) 1. and 2., Stats., means an ample amount of the required activity was performed through a concerted effort aimed at total compliance. A determination of substantial compliance is obtained through a common-sense approach to evaluating whether enough effort was made to comply with the applicable statute or code requirements. Substantial compliance is not a specific number or percent of compliance. A determination of substantial compliance in any one year or regulatory standard does not mean that the same amount of compliance or effort in the following year or in another area of the code automatically equals substantial compliance.

Note: Under section 101.575 (4) (a) 1. of the statutes, the Department may not pay fire department dues to a city, village, town or fire department, unless the Department determines that the city, village, town or fire department is in substantial

compliance with sections 101.575 (6) and 101.14 (2) of the statutes.

NFPA 1 Chapter 10 General Fire Safety

10.1 Fundamental Requirements.

10.1.2* Life Safety Code. Every new and existing building shall comply with this Code and NFPA 101, Life Safety Code.

Comm 14.10 General fire safety. (1) NFPA 101[®], LIFE SAFETY CODE[®]. This is a department informational note to be used under NFPA 1 section 10.1.2:

Note: As established in s. Comm 14.01 (2) (a) 2., the design and construction requirements that are included in NFPA 1, Uniform Fire Code, either directly, or indirectly through cross-references to other standards and codes such as NFPA 101, are not included as part of this chapter.

10.2 Owner/Occupant Responsibilities.

10.2.1 The owner, operator, or occupant shall be responsible for compliance with this Code.

*See 1.9.3 - Comm 14.01 (6) OWNER'S RESPONSIBILITY.

10.16* Outside Storage.

Comm 14.10 (2) OUTSIDE STORAGE. This is a department informational note to be used under NFPA 1 section 10.16:

Note: See Appendix for related explanatory material.

NFPA 1 Chapter 11 Building Services

11.5 Heating Appliances.

Comm 14.11 Portable unvented heaters. This is a department rule in addition to the requirements in NFPA 1 section 11.5: Portable, fuel-fired, unvented heating appliances are prohibited – except during construction or demolition of a building, provided adequate ventilation is supplied.

Note: See chs. Comm 60 to 66 for requirements for other heating appliances.

NFPA 1 Chapter 13 Fire Protection Systems

13.3 Automatic Sprinklers.

Comm 14.13 Fire protection systems. (1) INSPECTION, TESTING AND MAINTENANCE OF CROSS CONNECTION CONTROL DEVICES. This is a department rule in addition to the requirements in NFPA 1 section 13.3 to13.5: All cross connection control devices installed in water-based fire protection systems shall be inspected, tested and maintained in accordance with this chapter and ch. Comm 82.

13.3.3 Inspection, Testing, and Maintenance.

Comm 14.13 (2) CREDENTIALS FOR TESTERS OF FIRE SPRINKLER SYSTEMS. This is a department informational note to be used under NFPA 1 section 13.3.3:

Note: Chapter Comm 5 contains credential requirements for testers of fire sprinkler systems. That chapter and this chapter do not preclude non-credentialed individuals from conducting

the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.

13.4 Fire Pumps.

Comm 14.13 Fire protection systems. (1) INSPECTION, TESTING AND MAINTENANCE OF CROSS CONNECTION CONTROL DEVICES. This is a department rule in addition to the requirements in NFPA 1 section 13.3 to13.5: All cross connection control devices installed in water-based fire protection systems shall be inspected, tested and maintained in accordance with this chapter and ch. Comm 82.

13.5 Water Supply.

Comm 14.13 Fire protection systems. (1) INSPECTION, TESTING AND MAINTENANCE OF CROSS CONNECTION CONTROL DEVICES. This is a department rule in addition to the requirements in NFPA 1 section 13.3 to13.5: All cross connection control devices installed in water-based fire protection systems shall be inspected, tested and maintained in accordance with this chapter and ch. Comm 82.

13.7.4.6 Smoke Detectors.

Comm 14.13 (3) MAINTAINANCE OF SMOKE DETECTORS IN RESIDENTIAL BUILDINGS. This is a department informational note to be used under NFPA 1 section 13.7.4.6:

Note: Sections 101.145 (3) (b) and (c), Stats., address maintenance of smoke detectors in residential buildings and read as follows: Section 101.145 (3) (b) “The owner of a residential building shall maintain any such smoke detector that is located in a common area of that residential building.”

(c) “The occupant of a unit in a residential building shall maintain any smoke detector in that unit, except that if an occupant who is not an owner, or a state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that a smoke detector in the unit is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional.”

13.8 Other Fire Protection Systems.

Comm 14.13 (4) MANUAL WET SPRINKLER SYSTEMS. This is a department rule and informational note in addition to the requirements in NFPA 1 section 13.8: Inspection, testing and maintenance of manual wet sprinkler systems shall comply with all of the requirements of NFPA 25, for an automatic fire sprinkler system, except that the main drain test specified in NFPA 25 is not required.

Note: Wisconsin has unique design and construction requirements for these manual wet systems, as established in chs. Comm 60 to 66.

Where other fire protection systems are required to be installed by the provisions of this Code, or are installed with the approval of the AHJ as an alternative or equivalency, the design and installation of the system shall comply with the appropriate standards listed in Table 13.8. The system shall be tested and maintained in accordance with Section 10.4.

Chapter 16 Safeguards During Building Construction, Alteration, and Demolition Operations

16.4 Safeguarding Construction and Alteration Operations.

16.4.3 Fire Protection During Construction.

16.4.3.3.2 Standpipe Installations in Buildings Under Construction.

16.4.3.3.2.6 Hose valves shall have NH standard external threads for the valve size specified in accordance with NFPA 1963, Standard for Fire Hose Connections, unless modified by 16.4.3.3.2.7. [241:8.7.4.2.6]

Comm 14.16 Hose threads during construction. These are department informational notes to be used under NFPA 1 section 16.4.3.3.2.6:

Note: Section 213.15, Stats., regulates fire hose threads and fittings and reads as follows: “All fire hose fittings, apparatus fittings, 1.5 and 2.5 inches in diameter purchased or procured by a fire department or fire company shall be of the national standard hose thread as adopted by the national fire protection association. No fire department shall utilize hose and equipment not in conformance with the requirement that all threads shall be national standard hose thread as adopted by the national fire protection association. Any person offering for sale nonstandard hose couplings, fittings or apparatus fittings may be fined not less than \$100 nor more than \$500.”

Note: NFPA 1963 contains the specifications for national standard hose thread.

NFPA 1 Chapter 20 Occupancy Fire Safety

20.1 Assembly Occupancies.

20.1.4 Operating Features.

20.1.4.3 Open Flame Devices and Pyrotechnics.

Comm 14.20 Open flame devices and pyrotechnics. Substitute the following wording for the introductory paragraph in NFPA 1 section 20.1.4.3: No open flame devices or pyrotechnic devices may be used in any occupancy, unless otherwise permitted by the following:

* See 10.1.5 – AHJ authority to prohibit open flame or other sources of ignition.

~~No open flame devices or pyrotechnic devices shall be used in any assembly occupancy, unless otherwise permitted by the following:~~

NFPA 1 Chapter 27 Manufactured Home and Recreational Vehicle Sites

Comm 14.27 Manufactured home and recreational vehicle sites. The requirements in NFPA 1 chapter 27 are not included as part of this chapter.

Note: See ch. Comm 26 for requirements for manufactured home communities.

~~27.1 Manufactured Home Sites.~~

~~27.1.1 The fire safety requirements for the installation of manufactured homes and manufactured home sites, including accessory buildings, structures, and communities, shall comply with NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, and Section 27.1.~~

~~27.1.2 Section 27.1 shall not apply to recreational vehicles as defined in NFPA 1192, Standard on Recreational Vehicles, or to park trailers as defined in RVIA/ANSI A-119.5, Standard for Park Trailers.~~

~~27.2 Recreational Vehicle Parks and Campgrounds.~~

~~27.2.1 The construction of recreational vehicle parks and campgrounds that offer temporary living sites for use by recreational vehicles and camping units shall comply with Section 27.2 and NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds.~~

~~27.2.2 Section 27.2 shall not cover the design of recreational vehicles or other forms of camping units or the operational and maintenance practices of recreational vehicle parks and campgrounds.~~

NFPA 1 Chapter 65 Explosives, Fireworks, and Model Rocketry

65.9 Explosives.

65.9.1 The manufacture, transportation, storage, sale, and use of explosive materials shall comply with NFPA 495, Explosive Materials Code, and NFPA 498, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives.

Comm 14.65 Explosives, fireworks and model rocketry.

(1) ENFORCEMENT. This is a department informational note to be used under NFPA 495 section 1.6, as referenced in NFPA 1 section 65.9.1:

Note: Any inspections by fire inspectors do not substitute for the department’s licensing and permitting of the facilities that are regulated under this section and ch. Comm 7.

(2) MIXING PLANT OPERATION. These are department rules in addition to the requirements in NFPA 495 section 5.2.8 as referenced in NFPA 1 section 65.9.1:

(a) Personnel limitations. Only persons essential to the mixing and packaging operations shall be allowed in the mixing and packaging area at any one time.

(b) Production limitations. No more than one day’s production of blasting agent shall be permitted in the mixing and packaging area at any one time.

(c) Labeling. All cartridges, bags or other containers of blasting agents shall be labeled to indicate their contents. Ammonium nitrate bags may not be re-used as containers for blasting agents unless they are clearly relabeled so that no mistake can be made regarding their contents.

(3) MAGAZINE INSPECTION. Substitute the following wording for the requirements in NFPA 495 section 8.7.2 as referenced in NFPA 1 section 65.9.1: All magazines containing explosive materials shall be opened and inspected at maximum intervals of 7 days to determine whether there has been

unauthorized or attempted entry into the magazines or whether there has been unauthorized removal of the magazines or their contents.

(4) USE OF EXPLOSIVE MATERIALS. The requirements in NFPA 495 chapters 10 and 11 as referenced in NFPA 1 section 65.9.1 are not included as part of this chapter.

Note: See **ch. Comm 7** for requirements relating to the use of explosive materials.

Chapter Comm 14 APPENDIX

The material contained in this appendix is for clarification purposes only and is numbered to correspond to the number of the rule as the rule appears in the text of this chapter.

A-14.01 (1) STATUTORY DEFINITIONS OF TERMS USED IN THIS CHAPTER. (a) Public buildings and places of employment. Under s. 101.01 (11), Stats., “place of employment” includes 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. “Farming” includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, “place of employment” does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

Under s. 101.01 (12), Stats., “public building” means any structure, including exterior parts of such building, 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. When used in relation to building codes, “public building” does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

(b) Exclusions referenced in ss. 101.01 (11) and (12), Stats., and exemptions in s. 101.05, Stats. Section 102.04 (3), Stats., as referenced in s. 101.01 (11), Stats., reads as follows: “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 a 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.”

Under s. 50.01 (1), Stats., as referenced in s. 101.01 (12), Stats., “adult family home” means one of the following:

(a) A private residence to which all of the following apply:

1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4.

2. The private residence was licensed under s. 48.62 as a foster home or treatment foster home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

(b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. “Adult family home” does not include a place that is specified in sub. (1g) (a) to (d), (f) or (g).

Under s. 50.01 (1g), Stats., as referenced in s. 101.01 (12), Stats., “community-based residential facility” means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident.

“Community-based residential facility” does not include any of the following:

- (a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.
- (b) A facility or private home that provides care, treatment and services only for victims of domestic abuse, as defined in s. 46.95 (1) (a), and their children.
- (c) A shelter facility as defined under s. 560.9808 (1) (d).
- (d) A place that provides lodging for individuals and in which all of the following conditions are met:
 - 1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.
 - 2. No lodged individual receives from the owner, manager or operator of the place or the owner’s, manager’s or operator’s agent or employee any of the following:
 - a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.
 - b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.
 - (e) An adult family home.
 - (f) A residential care apartment complex.
- (g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.

Section 101.05, Stats., reads as follows: “Exempt buildings and projects. (1) No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

“(2) A bed and breakfast establishment, as defined under s. 254.61 (1), is not subject to building codes adopted by the department under this subchapter.

“(3) No standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

“(4) No standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter applies to a rural school building if all of the following are satisfied:

- “(a) The school building consists of one classroom.
- “(b) The school building is used as a school that is operated by

and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.

“(c) The teachings and beliefs of the bona fide religious denomination that operates the school prohibit the use of certain products, devices or designs that are necessary to comply with a standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter.”

Under s. 254.16 (1) Stats., as referenced in s. 101.05, Stats., “bed and breakfast establishment” means any place of lodging that:

- (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (c) Is the owner’s personal residence;
- (d) Is occupied by the owner at the time of rental;
- (e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and
- (f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that this limit does not apply to any of the following:
 - 1. A structural addition, including a renovation, made to a structure after May 11, 1990, within the dimensions of the original structure.
 - 2. A structural addition, made to a structure that was originally constructed at least 50 years before an initial or renewal application for a permit under s. 254.64 (1) (b) is made and for which no use other than as a bed and breakfast establishment is proposed. The structural addition under this subdivision shall comply with the rules under s. 101.63 (1) and (1m).

A-14.01 (6) INTERFERING WITH FIRE FIGHTING, AND FALSE ALARMS. Section 941.12, Stats., reads as follows: “Interfering with fire fighting. (1) Whoever intentionally interferes with the proper functioning of a fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of a Class E felony.

“(2) Whoever interferes with, tampers with or removes, without authorization, any fire extinguisher, fire hose or any other fire fighting equipment, is guilty of a Class A misdemeanor.

“(3) Whoever interferes with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate municipal authority is guilty of a Class C misdemeanor. Every day during which the interference continues constitutes a separate offense.”

Section 941.13, Stats., reads as follows: “False alarms. Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise, is guilty of a Class A misdemeanor.”

A-14.10 (2) OUTSIDE STORAGE SCHEMATIC.

