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Note: For DHFS licensed healthcare facilities as specified in chs. HFS 124, 131, 132, and 134, also refer to NFPA standard 90A section 4-3.2 for smoke dampers isolating air handling units.

Comm 64.0702 Inside air. (1) This is a department rule in addition to the requirements in IMC section 702.1: When the space providing air for combustion, ventilation and dilution of flue gases has a minimum volume of 250 cubic feet per 1,000 Btu per hour combined input rating of all appliances, the use of inside air for combustion shall be allowed.

(2) This is a department informational note to be used under IMC section 702.1:

Note: When applying the provisions of this section, refer to IFGC section 201 as adopted and modified in s. Comm 65.2010 for the definition of "unusually tight construction".

Comm 64.0710 Opening location and protection. Substitute the following wording for the requirements in IMC section 710.1: Mounting height of the combustion air intakes shall have the lowest side of outside air intake openings located at least 12 inches vertical from the adjoining grade level.

Comm 64.0801 (1) GENERAL. This is a department informational note to be used under IMC chapter 8:

Note: For DHFS licensed healthcare facilities as specified in chs. HFS 124, 132, and 134, also refer to NFPA 211 as adopted in these chapters.

(2) **CHIMNEYS AND VENTS.** These are department rules in addition to the requirements in IMC section 801.2: Permanently installed and portable unvented fuel-fired space heaters are prohibited.

Note: See ch. Comm 65, subch. II, Part 6 for the prohibition of unvented gas-fired space heaters.

Comm 64.0918 Forced-air warm-air furnaces. (1) This is a department rule in addition to the requirements in IMC section 918.6: The outside air intake openings shall be located at least 12 inches vertical from the adjoining grade level.

(2) Substitute the following wording for the requirements IMC section 918.6.1: Closer than 10 feet from any appliance vent outlet, a vent opening from a plumbing drainage system or the discharge outlet of an exhaust fan, unless the outlet is 2 feet above the outside air inlet.

(3) Substitute the following wording for the requirements in IMC section 918.6 item 2: Where located less than 10 feet above the surface of any abutting public way or driveway, or at grade level by a sidewalk, street, alley or driveway.

Comm 64.1001 Boilers, water heaters and pressure vessels. Substitute the following wording for the requirements and exceptions in IMC chapter 10:

(1) The provisions of ch. Comm 41 shall govern the installation, alteration and repair of boilers and pressure vessels. The provisions of chapters Comm 81 to 86 shall govern the installation, alteration and repair of water heaters.

(2) Water heaters utilized both to supply potable hot water and provide hot water for space-heating applications shall be listed and labeled by the manufacturer and shall be installed in accordance with the manufacturer's installation instructions and applicable provisions in chs. Comm 81 to 86.

(3) Water heaters utilized for both potable water heating and space-heating applications shall be sized to prevent the space-heating load from diminishing the required water-heating capacity.

(4) Where a combination potable water-heating and space-heating system requires water for space heating at temperatures higher than 140°F, a tempering valve shall be provided to temper the water supplied to the potable hot water distribution system to a temperature of 140°F or less.

Comm 64.1101 Refrigeration. Substitute the following wording for the requirements and exceptions in IMC chapter 11: Mechanical refrigerating systems installed in public buildings and places of employment shall comply with ch. Comm 45.

Comm 64.1201 Hydronic piping. Substitute the following wording for the requirements and exceptions in IMC Chapter 12: The provisions of ch. Comm 41 shall apply to boilers, piping components associated with boilers, pressure vessels and power piping in places of employment and in public buildings.

Comm 64.1500 Referenced standards. (1) Substitute the following NFPA standard for the corresponding standard listed in IMC chapter 15: NFPA 13-1999 and NFPA 72-1999.

(2) These are department rules in addition to the requirements in IMC chapter 15: American Institute of Architects (AIA), R673-1996-97, Guidelines for Construction and Equipment of Hospital and Medical Facilities, The American Institute of Architects, Order Department, 9 Jay Gould Court, P.O. Box 753, Waldorf, MD 20601

Note: Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies may be purchased through the respective organizations as listed in the IMC.

Note: The tables in this section provide a comprehensive listing of all of the standards adopted by reference in this code chapter. For requirements or limitations in how these standards are to be applied, refer to the code section that requires compliance with the standard.

Comm 64.1600 Appendices. IMC Appendices A and B are not included as part of this code.

File reference: IBC/Comm 64

Comm 65
Fuel Gas Appliances

Subchapter I — Purpose, Scope, Application and Compliance

Comm 65.0001 Purpose and scope. (1) PURPOSE. The purpose of this chapter is to regulate the design, installation, operation and maintenance of gas-fueled heating, ventilating and air conditioning systems in buildings and structures as specified in ch. Comm 61.

(2) SCOPE. The scope of this chapter is as specified in s. Comm 61.02, except as *confusing what* exempted in sub. (3) and ss. Comm 65.0303 (2) and 65.0602. *Are the exemptions in 61.02(2) not applicable?*

Comm 65.0002 Application. (1) GENERAL. The application of this chapter is as specified in s. Comm 61.03.

(a) Applicability. All heating, ventilating and air conditioning systems shall be designed, installed, maintained and operated so as to provide the service and results required within the provisions of this chapter. The minimum requirements established in each part of this chapter shall be complied with as they apply to the structures and facilities covered in the IBC.

Note: The administrative rules pertaining to energy conservation, ch. Comm 63, may be applied retroactively to existing buildings and structures.

(b) Existing systems. The provisions for existing systems shall be as specified in pars. (c) 2. and (d) 2.

(c) Additions. 1. This chapter applies to all additions to existing buildings and structures as specified in s. Comm 61.03.

2. Except when an existing heating, ventilation and air conditioning system is extended to serve an addition, existing system components are not required to be replaced if the provisions in this chapter are met within the addition.

(d) Alterations. 1. This chapter applies to all remodeling and alterations in any building or structure which affect the replacement of major equipment as specified in s. Comm 61.03.

2. When an existing HVAC system serves a remodeled or altered space that has not undergone a change in occupancy or use, the existing system components are not required to be replaced if the provisions in this chapter that applied to the original construction of the space are met.

Note: "Occupancy or use" refers to the entries in Table 64.0403.

Note: Compliance with this chapter shall not constitute assurance of proper installation or operation of the heating, ventilating and air conditioning system. This chapter is not to be used as a design manual, but it is established as a minimum standard for safety, health and general welfare of the public.

Note: Maintenance and repair to existing equipment when there is no change to the building or occupancy, is considered an alteration.

(2) **RETROACTIVITY.** Retroactivity shall apply as specified in s. Comm 61.03.

(3) **CONFLICTS.** Conflicts between rules and other requirements shall apply as specified in s. Comm 61.03.

Comm 65.0003 Compliance. Except as specified in s. Comm 61.01 (3), all gas-fueled heating, ventilating and air conditioning systems in buildings and structures shall comply with the IFGC and the changes, additions or omissions under subch. II.

Comm 65.0004 Approval of drawings and specifications. All drawings and specifications shall be submitted to the department in accordance with the provisions of ch. Comm 61, subch. III.

Subchapter II—Changes, Additions or Omissions to the International Fuel Gas Code (IFGC)

Comm 65.0100 Changes, Additions or Omissions to the International Fuel Gas Code® (IFGC). Changes, additions or omissions to the international mechanical code are specified in this subchapter and the rules of the department and are not requirements in the IFGC.

Note: This code subchapter is numbered to correspond with the numbering used within the model code; i.e., s. Comm 65.2010 refers to section IFGC 201.

Note: Copies of the International Mechanical Code are on file in the offices of the department, the secretary of state and the revisor of statutes.

Note: Copies of the International Mechanical Code can be obtained from the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, telephone at (703) 931-4533.

Note: Copies of department forms are available from the Safety and Buildings Division, P.O. Box 7162, Madison, WI 53707-7162; telephone (608) 266-3151 or TTY (608) 264-8777; or on the Commerce webpage at: www.commerce.state.wi.us.

Comm 65.0101 Administration. (1) **ADMINISTRATION.** Except for IFGC sections 102.8 and 108.7, the requirements in IFGC chapter 1 are not included as part of this chapter.

Comm 65.0201 Definitions. (1) This is a department substitution for the corresponding definition in IFGC section 201: "Unusually tight construction" means the total

area of outdoor openings is less than 3% of the floor area of the space in which equipment is located.

(2) This is a department addition to the definitions in IFGC section 201: "DHFS" means the department of health and family services.

Comm 65.0300 Temperature control. This is a department rule in addition to the requirements in IFGC chapter 3: The requirements in IMC section 309 and s. Comm 64.0309 apply to gas-fired equipment and systems.

Comm 65.0301 General regulations. Substitute the requirements as specified in s. Comm 64.0301 (2)(b).

Comm 65.0303 Appliance location. (1) GENERAL. This is a department rule in addition to the requirements in IFGC section 303.1: If the air entering the heat exchanger of all gas-fired equipment is 30°F or lower, the heat exchanger and burners shall be constructed of corrosion-resistive materials.

(2) PROHIBITED LOCATIONS. The requirements in IFGC section 303.3 Exceptions 3. and 4. are not included as a part of this chapter.

Comm 65.0304 Combustion, ventilation and dilution air. (1) GENERAL. This is a department rule in addition to the requirement of IFGC section 304.1: The requirements in IMC sections 705, 706, and 707 shall apply to gas appliances.

(2) UNUSUALLY TIGHT CONSTRUCTION. This is a department informational note to be used under IFGC section 304.9:

Note: When applying the provisions of this section, refer to s. Comm 65.0201 (2)(a) for the definition for "unusually tight construction".

(3) ALL AIR FROM INSIDE THE BUILDING. This is a department rule in addition to the requirements in IFGC section 304.10: When the space providing air for combustion, ventilation and dilution of flue gases has a minimum volume of 250 cubic feet per 1,000 Btu per hour combined input rating of all appliances, the use of inside air for combustion shall be allowed.

(4) COMBUSTION AIR DUCTS. This is a department rule in addition to the requirement of IFGC section 304.15: Mounting height of the combustion air intakes shall have the lowest side of outside air intake openings located at least 12 inches vertically from the adjoining grade level.

Comm 65.0305 Installation. (1) GENERAL. These are department rules in addition to the requirements in IFGC section 305.1:

(a) *Additional requirements.* The requirements in IMC sections 304.2, 304.8, 304.9, 304.10, and 305 as adopted in s. Comm 64.0304 shall apply to gas appliance installations.

(b) *Final test required.* The requirements as specified in s. Comm 64.0313 shall apply.

Comm 65.0306 Access and service space. This is a department exception to the requirements in IFGC section 306.5.1: Section IFGC 306.5.1 does not apply to installations which consist of only fans.

Comm 65.0400 Gas piping installations. Substitute the following wording for the requirements and exceptions in IFGC chapter 4: All gas piping and gas piping installations shall comply with NFPA 54, National Fuel Gas Code.

Comm 65.0501 Chimneys and vents. (1) This is a department informational note to be used under IFGC chapter 5:

Note: For DHFS licensed healthcare facilities as specified in chs. HFS 124, 132, and 134, also refer to NFPA 211 as adopted in these chapters.

(2) The requirements in section IFGC 501.8 item 8 is not included as a part of this chapter.

(3) Substitute the following wording for the requirements in section IFGC 501.8 item 10: Infrared radiant heaters listed for unvented use and not provided with flue collars.

Comm 65.0503 Venting of equipment. (1) MECHANICAL DRAFT SYSTEMS. These are department rules in addition to the requirements in IFGC section 503.3.3:

(a) All horizontal exit terminals of a gas appliance mechanical draft system shall be located in accordance with IMC section 804.3.4, items 4 and 5.

(b) All vertical exit terminals of a gas appliance mechanical draft system shall be located in accordance with IMC section 804.3.5, items 3 and 6.

(2) **VENTING SYSTEM TERMINATION LOCATION.** Substitute the following wording for the requirements, but not the exceptions, in IFGC sections 503.8.1, 503.8.2 and 503.8.3:

(a) The separation between gravity and mechanical air inlets and venting system terminations shall comply with IMC section 401.5.1 and ss. Comm 64.0401 (5) and (6).

(b) Unless a greater distance is specified by the manufacturer, mechanical draft venting systems shall terminate at least 12 inches vertically from the adjoining grade level.

Comm 65.0609 Duct furnaces. The requirements in IFGC section 609.2 are not included as part of this chapter.

Comm 65.0617 Forced-air warm-air furnaces. Substitute the following wording for the requirements in IFGC section 617.5.2: Gas-fired appliances shall comply with IMC section 918 and s. Comm 64.0918.

Comm 65.0620 Unvented room heaters. Substitute the following wording for the requirements in IFGC section 620: The use of unvented room heaters is prohibited.

Comm 65.0629 Infrared radiant heaters. These are department rules in addition to the requirements in IFGC section 629.1:

(1) Spaces served with unvented infrared radiant heaters shall be provided with at least 4 cfm of outside air per 1,000 Btu per hour input of installed heaters.

(2) Unvented infrared radiant heaters may be used only in any of the following occupancies:

(a) Groups F and S.

(b) Groups U and H only with written approval.

(c) Group E shop areas only when the shop area is separated from the rest of the building by at least one-hour fire-resistive construction and the heater is provided with adequate combustion and dilution air.

(d) Kitchens only when used to provide makeup air for kitchen exhaust systems and if located outside building or in a rated enclosure of at least one-hour fire resistive rated construction.

Comm 65.0630 Boilers. Substitute the following wording for the requirements in IFGC section 630: The provisions of ch. Comm 41 shall govern the installation, alteration and repair of boilers and pressure vessels.

Comm 65.0700 Referenced standards. These are department rules in addition to the requirements in IFGC chapter 7:

(1) American Institute of Architects (AIA), R673-1996-97, Guidelines for Construction and Equipment of Hospital and Medical Facilities, The American Institute of Architects, Order Department, 9 Jay Gould Court, P.O. Box 753, Waldorf, MD 20601

(2) NFPA 54-1999.

Note: Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies may be purchased through the respective organizations as listed in the IMC.

Note: The tables in this section provide a comprehensive listing of all of the standards adopted by reference in this code chapter. For requirements or limitations in how these standards are to be applied, refer to the code section that requires compliance with the standard.

Comm 65.0800 Appendices. IFGC Appendices A to D are not included as part of this code.

File reference: IBC/Comm 65

CHAPTERS Comm 61 to 65 APPENDIX A

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

A-61.03 (4)(b) Lower thresholds for municipalities with preexisting stricter sprinkler ordinances.
 Section 101.14 (4m) (d) and (e), Stats, provides the following thresholds above which fire sprinkler protection or 2-hour fire-resistance can be required by a municipality with a preexisting stricter sprinkler ordinance.

Class of Construction	Total Floor Area Within Individual Dwelling Units	Number of Units	Total Floor Area of Nondwelling Unit Portions (Common use areas, such as corridors, stairways, basements, cellars, vestibules, community rooms, laundry rooms, pools, etc.)
Type IA	8,000 sq ft	8 units	12,000 sq ft
Type IB			10,000 sq ft
Type IIA			8,000 sq ft
Type IIB			5,600 sq ft
Type III			
Type IV			
Type VA			
Type VB	4,800 sq ft		

The department, based on ordinances forwarded by municipalities (and checked by Safety and Buildings staff for conformance with the preexisting sprinkler ordinance criteria) believes the following municipalities have preexisting stricter sprinkler ordinances:

Appleton	Greenfield	Muskego	Shorewood Hills
Brookfield	Madison	New Berlin	Sussex
Franklin	Menomonee Falls	Oak Creek	West Allis
Greendale	Monona	Racine	West Bend

SECTION 6. Comm 50 to 64 Appendix C is renumbered Comm 61 to 65 Appendix B.

SECTION 7. Comm 66 is repealed and recreated to read:

CHAPTER Comm 66
FIRE PREVENTION

Comm 66.0001 Purpose of code. Pursuant to statutory provisions under ch. 101, Stats., the purpose of this code is to protect the health, safety and welfare of the public, employes and firefighters and property by establishing minimum standards for the design, construction, use, operation, maintenance and inspection of buildings, structures and premises, from the hazard of fire and explosions.

Comm 66.0002 Scope. (1) Except as provided in subs. (2) and (3), this chapter shall apply to all public buildings and places of employment.

(2) This chapter does not apply to buildings and situations described under s. 101.05, Stats.

Note: 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.

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

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

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

Note: Section 102.04 (3), 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.

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

(d) Buildings located on Indian reservation land held in trust by the United States.

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

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

Note: See HFS 83 for definitions of and requirements for community-based residential facilities.

(g) Family day care centers located in 1-2 family dwellings.

Note: See ch. HFS 45 for definitions and requirements for family day care centers.

Comm 66.0003 Application. (1) RETROACTIVITY. (a) This chapter applies to the use, operation, maintenance, and inspection of all public buildings and places of employment existing before, on or after the effective dates of the rules, unless specifically stated otherwise in a rule.

(b) This chapter does not apply to the design and construction of public buildings and places of employment existing prior to the effective dates of the rules, unless specifically stated otherwise in a rule.

(2) CONFLICTS. (a) Where rules of the department specify conflicting requirements, types of materials, methods, processes or procedures, the most restrictive rule shall govern.

(b) Where there is a conflict between a rule that prescribes a general requirement and a rule that prescribes a specific or more detailed requirement, the specific or more detailed requirement shall govern.

(3) DEPARTMENT AUTHORITY. Pursuant to s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards.

Note: Section 101.02 (1), Stats., reads as follows: "The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings."

(4) LOCAL ORDINANCES. (a) Except as provided in par. (c), 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.

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

(c) An ordinance for multifamily buildings shall be limited as specified in ch. Comm 61 and s. 101.02 (7m), Stats.

Note: Section 101.02 (7m), Stats., reads as follows: "Notwithstanding sub. (7) (a), no city, village or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter, except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b)."

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

(6) NEW BUILDINGS AND STRUCTURES. Buildings, structures and additions to buildings and structures to be constructed or erected, on or after the effective dates of the rules under this chapter, shall be designed and constructed in accordance with the applicable rules of this chapter, as these rules exist on one of the following:

(a) The date plans for the building, structure or addition are approved under ch. Comm 61 by the department or authorized representative.

(b) The date the local permit for the construction or erection was issued, if plan submission and approval is not required under ch. Comm 61.

(c) The date construction or erection is initiated, where pars. (a) or (b) do not apply.

(7) ALTERATIONS. Those portions, elements, systems or components of existing buildings, structures and premises to be altered, on or after the effective dates of the rules under

this chapter and where the alteration affects subject matters regulated by this chapter, the alteration shall be in accordance with the applicable requirements of this chapter as the rules exist on one of the following:

(a) The date plans for the alteration are approved under ch. Comm 61 by the department or authorized representative.

(b) The date the local permit for the alteration was issued, if plan submission and approval is not required under ch. Comm 61.

(c) The date alteration is initiated, where pars. (a) or (b) do not apply.

(8) REPLACEMENTS. Those portions of elements, systems or components of existing buildings, structures and premises to be replaced, on or after the effective dates of the rules under this chapter and where the replacement affects subject matters regulated by this chapter, the replacement shall be in accordance with the applicable requirements of this chapter, as these rules exist on one of the following:

(a) The date plans for the replacement are approved under ch. Comm 61 by the department or authorized representative.

(b) The date the local permit for the replacement was issued, if plan submission and approval is not required under ch. Comm 61.

(c) The date replacement is initiated, where pars. (a) or (b) do not apply.

(9) REPAIRS. Those portions, elements, systems or components of existing buildings, structures and premises to be repaired, on or after the effective dates of the rules under this chapter and where the repair affects subject matters regulated by this chapter, the repair shall result in compliance with the applicable requirements of this chapter, as these rules exist on one of the following:

(a) The date plans for the repair are approved under ch. Comm 61 by the department or authorized representative.

(b) The date the local permit for the repair was issued, if plan submission and approval is not required under ch. Comm 61.

(c) The date that portion, element, system or component was initially constructed or installed, where pars. (a) or (b) do not apply.

(d) The date repair is initiated.

(10) CHANGE OF OCCUPANCY OR USE. Those existing buildings, structures and premises, or spaces within existing buildings and structures for which the classification of the

(1) when applicable regarding above

occupancy or use is to be changed under IFC ch. 2, on or after the effective dates of the rules under this chapter, for other than a temporary use approved under sub. (11), and where the change of occupancy or use affects subject matters regulated by this chapter, the change of occupancy or use shall be in accordance with the applicable requirements of this chapter, as these rules exist on one of the following:

(a) The date plans for the change in occupancy or use are approved under ch. Comm 61 by the department or authorized representative.

(b) The date the local permit for the change in occupancy or use was issued, if plan submission and approval is not required under ch. Comm 61.

(c) The date the change in occupancy or use is initiated, where pars. (a) or (b) do not apply.

(11) TEMPORARY USE. A municipal fire or building code official may allow a building to be used temporarily in a manner that differs from the approved use for the building, or may approve a temporary building to be used by the public, subject to the following provisions:

(a) 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.

(b) Except as provided in par. (c), buildings considered for temporary use shall conform to the structural strength, fire safety, means of egress, light, ventilation, and sanitary requirements of this code as necessary to ensure the public safety, health and general welfare.

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

(d) 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.

(12) MODIFICATIONS. A modification to the isolation, storage, handling, use, process or operation of any commodity, substance or material that is located within or on existing buildings, structures or premises, on or after the effective dates of the rules under this chapter and where the modification affects the building, structure, premises, or the health, safety and welfare of the public, employees and firefighters relating to subject matters regulated by this chapter, the modification shall be in accordance with the applicable requirements of this chapter.

(13) EXISTING BUILDINGS, STRUCTURES AND PREMISES. Unless otherwise specifically stated in this chapter, existing buildings, structures, premises and components, elements and systems of existing buildings, structures and premises and the processes,

operations and use thereof, shall be maintained to conform with the applicable requirements of this chapter.

Note: The department and other state agencies may have other rules that may affect the design, construction, and maintenance of public buildings and places of employment, including chs. Comm 5, Licenses, Certifications, and Registrations; Comm 7, Explosive Materials; Comm 9, Manufacture of Fireworks; Comm 10, Flammable and Combustible Liquids; Comm 15, Cleaning and Dyeing; Comm 16, Electrical; Comm 18, Elevators; Comm 40, Gas Systems; Comm 41, Boilers and Pressure Vessels; Comm 43, Anhydrous Ammonia; Comm 45, Mechanical Refrigeration; Comm 61 to 65, Commercial Building Code; Comm 70, Historic Buildings; and Comm 75 to 79, Existing Buildings.

Comm 66.0004 Adoption of International Fire Code. (1) GENERAL. The *International Fire Code*® – 2000, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

Note: Copies of the IFC and other International Codes may be purchased from the following organizations:

Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page www.bocai.org.

International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page www.icbo.org.

Southern Building Code Congress, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page [ww.sbcci.org](http://www.sbcci.org).

(2) ADMINISTRATION. (a) Except as provided in sub. (3), the requirements in IFC chapter 1 are not included as part of this chapter.

(b) Any requirement contained in IFC chapter 1 that is subsequently referred to elsewhere in this code is not part of this code.

(c) Any permit required in IFC section 105 and subsequently referred to elsewhere in this code is not a mandatory requirement under this code but may be a local requirement when enacted by ordinance.

(3) EXCEPTION. IFC sections 102.6 and 110 are included as part of this code.

Comm 66.0005 Fees. Fees for petitions for variance, material approval, notice registrations, plan examination and approval, and for inspection of buildings, structures, and premises shall be submitted as specified in ch. Comm 2.

Comm 66.0006 Owner's responsibility. 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 shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.

Comm 66.0007 Appeals. (1) 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.

(2) 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⁾ ~~(f)~~ (g), 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) 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."

Comm 66.0008 Petition for variance. The department shall consider and may grant a variance to a provision of this code 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.

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.state.wi.us.

Comm 66.0009 Revocation of Approval. (1) 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.

(2) 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, shall not revoke an approval issued by the department.

Comm 66.0010 Prohibitions. The following activities are prohibited:

- (1) Interfering with the proper functioning of a fire alarm system.
- (2) Interfering with the lawful efforts of a firefighter to extinguish a fire.
- (3) Interfering with, tampering with or removing a fire extinguisher, hose or other fire fighting equipment without proper authorization.
- (4) Interfering with the accessibility of a fire hydrant.
- (5) Intentionally giving a false alarm to any public officer or employe.

Note: 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 employe, whether by means of a fire alarm system or otherwise, is guilty of a Class A misdemeanor."

Comm 66.0011 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 every day during which any person, persons, corporation or any officer, agent or employe 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, employe, 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 employe, 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.

Comm 66.0012 Fire chief and fire department duties. (1) AUTHORIZED DEPUTY OF THE DEPARTMENT. The fire chief of the fire department in every city, village or town, except cities of the first class, is a duly authorized deputy of the department.

(2) FIRE PREVENTION INSPECTIONS. (a) General. The chief of the fire department shall be responsible for having all public buildings and places of employment 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.

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

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

(d) Exceptions. 1. In first class cities, the fire chief may establish the schedule of fire inspections. The fire chief shall base the frequency of the inspections on hazardous classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

2. 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 year:

- a. Offices, outpatient clinics and dental clinics, if less than 3 stories in height.
- b. Non-occupied 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 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 buildings. If interior access to vacant 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 this chapter.

3. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subsection. For the department to make a determination to grant a special order, the fire chief shall submit information regarding the fire safety plan that provides an equivalency to the inspections required under this subsection. The fire safety plan information shall consist of a fire safety evaluation identifying the fire risks and hazards that may be associated with the request for the special order.

(e) *Inspection reports.* Except in first class cities, the fire chief shall make and keep on file written reports of fire prevention inspections. In first class cities, the commissioner of the building inspection department shall make and keep the reports. The reports shall contain at least the information specified in sub. (5).

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.

Note: The department has developed fire inspection report forms that may be used by fire departments. The fire inspection report forms (SBD-10615, SBD-5295 and SBD-10264) are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison WI 53701-2509, telephone (608) 266-1818.

(3) FIRE INCIDENT REPORTS. Each fire chief shall submit written fire incident reports to the department no later than April 1 for the previous year. The reports shall contain at least the information specified in sub. (5).

(4) PUBLIC FIRE EDUCATION SERVICES. 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:

(a) *Fire inspector training.* All fire department personnel directly involved in conducting fire inspections are authorized by the department and by the fire chief to conduct the inspections upon completion of required training approved by the department and by the fire chief.

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

(c) *Residential fire inspection program.* Fire departments advertise and conduct residential fire inspections on a request basis or in response to local ordinance.

(d) *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.

(e) *School education program.* Fire departments conduct approved fire safety education programs in the school districts for which they have responsibility.

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

(g) *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.

(h) *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.

(i) *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.

(j) *Occupancy inspection program.* Fire departments conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. Written documentation of the inspections are kept by each fire department.

(k) *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.

(5) RECORD KEEPING. The following records shall be generated and maintained by each fire department:

- (a) Current roster of active fire department members.
- (b) Date and location of all fire prevention inspections conducted, violations found and corrective actions taken.
- (c) Time, date and location of fires, and number of firefighters responding to each fire.
- (d) Number and duration of, and attendance at, fire department meetings.
- (e) Number and duration of, topic of and attendance at fire department training sessions.
- (f) Number, type, and duration of and attendance at public fire education related activities.

(6) AVAILABILITY OF RECORDS. The records specified in sub. (5), shall be made available to the department and to the public, upon request to the fire department.

Comm 66.0013 Fire Department Dues. (1) ELIGIBILITY. (a) 1. In order to be eligible to receive a fire department dues payment, a municipality shall ensure that the fire protection and fire prevention services specified in ss. 101.14 and 101.575, Stats., and this chapter, are provided to the entire municipality.

2. 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 of the federal Occupational Safety and Health Administration for private sector fire departments.

(b) 1. Except as provided in subd. 2., 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.

2. In first class cities, fire inspection may be provided by the neighborhood services department.

(2) COMPLIANCE DETERMINATION. (a) *General.* The department shall determine compliance with the fire department dues entitlement program through the self-certification audit process specified in sub. (3) and the onsite audit process specified in sub. (4).

(b) *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.

(c) *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:

1. The municipality fails to return the self-certification audit form on time.
2. The municipality returns an incomplete self-certification audit form.
3. The municipality self-certifies non-compliance.
4. The results of an onsite audit.

(d) *Revised determinations.* A request to revise a determination of noncompliance, for the previous calendar year, shall be received by the department no later than December 31. A request for a revised determination of noncompliance received by the department after the December 31 deadline shall have no effect.

(3) SELF-CERTIFICATION AUDIT. (a) A municipality shall annually complete and submit a fire department dues entitlement self-certification audit form for the previous calendar year. The certification shall be made on form SBD-10318, 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.

(b) A municipality shall identify on the self-certification audit 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.

(c) 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 audit form and indicate compliance or non-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 audit form.

(4) **ONSITE AUDIT.** (a) In addition to the self-certification audit process, the department shall periodically conduct onsite audits of fire department dues entitlement records to determine compliance with the fire department dues entitlement program for the previous calendar year.

(b) The department shall periodically examine the fire department dues entitlement records 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 specified in ss. 101.14 and 101.575, Stats.

(c) The department shall write a report summarizing the results of each onsite audit.

(5) **FIRE DEPARTMENT REGISTRATION.** (a) A fire department that provides fire prevention and fire protection services to a municipality shall register with the department on form SBD-10638.

Note: Copies of form SBD-10638 are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone (608) 266-1818.

(b) The fire chief of a registered fire department shall annually submit a completed fire department annual update form, SBD-10114, to the department by July 1.

Comm 66.0201 Terms defined in other codes. Substitute the following wording for the requirements in IFC section 201.3: Where a term is not defined in this chapter but is defined in chs. Comm 61 to 65, that term shall have the meaning specified in chs. Comm 61 to 65.

Comm 66.0202 Definitions. (1) **ADDITIONS.** These are department definitions in addition to the definitions in IFC section 202:

(a) "Code" or "this code" means chapter Comm 66.

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

(c) "EC and ICC Electrical Code" means ch. Comm 16.

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

(e) "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.

(f) 1. "IBC and International Building Code" means chs. Comm 61 and 62.

2. "IFC and International Fire Code" means the 2000 edition of the *International Fire Code*® – 2000, as adopted and modified in this chapter.

3. "IFGC and International Fuel Gas Code" means ch. Comm 65.

4. "IMC and International Mechanical Code" means ch. Comm 64.

5. "IPC and International Plumbing Code" means chs. Comm 81 to 87.

(g) "Multifamily dwelling" has the meaning as defined in s. 101.971 (2), Stats.

Note: Section 101.971 (2), Stats., reads as follows: "Multifamily dwelling" means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. "Multifamily dwelling" does not include a facility licensed under ch. 50, (Stats.).

(h) "Municipality" means a city, village or town.

(i) "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.

(j) "Place of employment" has the meaning as defined in s. 101.01(11), Stats.

Note: Section 101.01 (11), Stats., reads as follows: "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.

(k) "Public building" has the meaning as defined in s. 101.01 (12), Stats.

Note: Section 101.01 (12), Stats., reads: "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.

(2) **SUBSTITUTION.** Substitute the following definition and informational note for the corresponding definition listed in IFC section 202.: "Automatic sprinkler system" or "Automatic fire sprinkler system" has the meaning given in s. 145.01 (2), Stats.

Note: Section 145.01 (2), Stats., reads as follows: "'Automatic fire sprinkler system' for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area."

Comm 66.0301 General. These are department rules in addition to the requirements in IFC section 301.1:

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

(2) **MATCHES.** The manufacture, storage and distribution of matches shall comply with s. 167.07, Stats.

Note: Section 167.07, Stats., reads as follows: Manufacture, storage and distribution of matches. (1) No person may manufacture, store, offer for sale, sell, or otherwise dispose of or distribute, any of the following:

(a) White phosphorus, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches".

(b) White phosphorus, double-dipped, strike-anywhere matches, or other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, nonignitable on an abrasive surface.

(c) Matches which, when packed in a carton of 500 approximate capacity and placed in an oven maintained at a constant temperature of 200 degrees Fahrenheit, will ignite in 8 hours.

(d) Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.

(2) (a) No person may do any of the following:

1. Offer for sale, sell or otherwise dispose of or distribute any matches, unless the package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trademark under which such matches are sold, disposed of or distributed.

2. Open more than one case of each brand of matches of any type or manufacture at any one time in a retail store where matches are sold or otherwise disposed of.

3. Keep loose boxes or paper-wrapped packages of matches on shelves or stored in a retail store at a height exceeding 5 feet from the floor.

(b) All matches stored in warehouses, except manufacturers' warehouses at the place of manufacture, that contain automatic sprinkler equipment shall be subject to each of the following conditions:

1. The matches shall be kept only in properly secured cases.

2. The matches shall not be piled to a height exceeding 10 feet from the floor.

3. The matches shall not be stored within a horizontal distance of 10 feet from any boiler, furnace, stove or other similar heating apparatus.

4. The matches shall not be within a horizontal distance of 25 feet from any explosive material kept or stored on the same floor.

(c) All matches shall be packed in boxes or suitable packages, containing not more than 700 matches in any one box or package. If more than 300 matches are packed in any one box or package, the matches shall be arranged in 2 nearly equal portions, with the heads of the matches in the 2 portions placed in opposite directions. All boxes containing 350 or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than 1.25 inches wide and the strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

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

NUMBER OF BOXES	NOMINAL NUMBER OF MATCHES PER BOX
One-half gross	700
One gross	500
Two gross	400
Three gross	300
Five gross	200
Twelve gross	100
Twenty gross	over fifty and under 100
Twenty-five gross	under 50

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

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

Comm 66.0307 Open burning. (1) BURNING OF BUILDINGS OR PROPERTY.

This is a department rule in addition to the requirements in IFC section 307.1: The unsafe burning of buildings or property is prohibited. The consequences for violations shall be as specified in ss. 941.11, 943.02 and 943.03, Stats.

Note: Section 941.11, Stats., reads as follows: Unsafe burning of buildings. Whoever does either of the following is guilty of a Class D felony:

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

(2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to a 3rd person's property.

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

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

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

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

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

Section 943.03, Stats., reads as follows: Arson of property other than building. Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of \$100 or more, is guilty of a Class E felony.

(2) **PRIOR APPROVAL.** Substitute the following wording for IFC section 307.2:

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

(b) The following open burning shall be allowed without authorization from the fire chief: outdoor cooking, campfires and burning related to training for fire departments.

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

Comm 66.0308 Open flames. This is a department rule in addition to the requirements in IFC section 308.1: The negligent handling of burning material is prohibited. The consequences for violations shall be as specified in ss. 941.10 and 943.05, Stats.

Note: Section 941.10, Stats., reads as follows: Negligent handling of burning material. (1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.

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

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

Comm 66.0408 Covered mall buildings. (1) Substitute the following wording for the requirements in IFC section 408.11: Covered mall buildings shall comply with the provisions of sections 408.11.2 and 408.11.3.

(2) The requirements in IFC ss. 408.11.1 to 408.11.1.2 are not included as part of this code.

Comm 66.0501 Construction documents. Substitute the following wording for the requirements in IFC section 501.3: Where required by the fire department, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

Comm 66.0503 Fire apparatus access. (1) GENERAL. These are department rules in addition to the requirements in IFC section 503.1:

(a) *Where required.* Unobstructed approved fire lanes that are accessible from a public road shall be provided for every facility, building or portion of a building in accordance with this code.

(b) *When required.* Required fire lanes shall be provided prior to the placement of combustible materials at the building site, or the construction of any portion of a building or facility above the footing and foundation.

(2) BUILDINGS AND FACILITIES. This is a department rule in addition to the requirements in IFC section 503.1.1: Where any part of the building or facility is more than 30 feet above the lowest level of fire apparatus access, the fire lane shall also be parallel to one entire side of the building or facility with the near edge of the fire lane within 30 feet of the building or facility on that parallel side.

(3) DIMENSIONS. This is a department rule in addition to the requirements in IFC section 503.2.1:

(a) Buildings or facilities with any part more than 30 feet above the lowest level of fire apparatus access shall be provided with a fire lane capable of accommodating aerial fire apparatus. Overhead power or utility lines may not be located across or within a fire lane for aerial fire apparatus.

(b) Except as provided in pars. (c) and (d), a fire lane shall have a minimum unobstructed width of 20 feet.

(c) Where a fire hydrant is provided to supply fire apparatus on the fire lane, the minimum unobstructed width shall be 26 feet for a minimum distance of 20 feet on each side of the fire hydrant.

(d) Where any part of the building or facility is more than 30 feet above the lowest level of fire apparatus access, the minimum unobstructed width of the fire lane parallel to one side of the building or facility as required under sub. (2), shall be 26 feet.

(4) **TURNING RADIUS.** Substitute the following wording for the requirements in IFC section 503.2.4: The inside turning radius of a fire lane shall be 28 feet or as determined by the fire code official.

(5) **OBSTRUCTIONS.** Substitute the following wording for the requirements in IFC section 503.4: Fire lanes may not be obstructed in any manner including the parking of vehicles or the accumulation of snow. The minimum required clearances shall be maintained at all times.

Comm 66.0603 Portable unvented heaters. Substitute the following wording for the requirements in IFC sections 603.4 and 603.4.1: Portable unvented fuel-fired heating equipment is prohibited except during construction or demolition of a building as allowed under IFC section 1403.

Comm 66.0606 Mechanical refrigeration. The requirements in IFC section 606 are not included as part of this code.

Comm 66.0703 Maintenance. This is a department rule in addition to the requirements of IFC section 703.1: At least every four years, all fire dampers, smoke dampers and ceiling dampers and components shall be operated to ensure they remain in working condition as designed and installed.

Comm 66.0804 Decorative vegetation. This is a department exception to the requirements in IFC section 804.1.1: IFC section 804.1.1 does not apply to natural cut Christmas trees.

Comm 66.0901 Fire protection systems. (1) CONSTRUCTION DOCUMENTS. Substitute the following wording for the requirements in IFC section 901.2: The code official has authority to require construction documents and calculations for any fire protection system and to require permits to be issued for the installation, repair or modification of any fire protection system.

(2) FIRE HOSE THREADS. These are department informational notes to be used under IFC section 901.4:

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.

(3) ADDITIONAL FIRE PROTECTION SYSTEMS. The requirements in IFC section 901.4.3 are not included as part of this code.

(4) INSPECTION, TESTING AND MAINTENANCE. These are department rules in addition to the requirements in IFC section 901.6:

(a) Inspection, testing and maintenance of automatic fire sprinkler systems. At least once each year, the inspection, testing and maintenance activities for automatic fire sprinkler systems specified in NFPA 25, shall be conducted by a person having the applicable credential as specified in ch. Comm 5.

Note: This code section does not preclude noncredentialed 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.

(b) Inspection, testing and maintenance of manual wet sprinkler systems. 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.

(c) Inspection, testing and maintenance of cross connection control devices. 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.

(5) REMOVAL OF OR TAMPERING WITH EQUIPMENT. This is a department informational note to be used under IFC section 901.8:

Note: See s. Comm 66.0010 for further prohibitions and penalties.

Comm 66.0903 Automatic fire sprinkler systems. (1) ALTERNATIVE PROTECTION. Substitute the following wording for the requirements in IFC section 903.1.1: Alternative automatic fire-extinguishing systems complying with IFC section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard.

(2) AUTOMATIC FIRE SPRINKLER SYSTEMS OR TWO-HOUR FIRE RESISTANCE. For multifamily dwellings only, substitute the following wording for the requirements in IFC section 903.2.8: An automatic fire sprinkler system or 2-hour fire resistance shall be provided in every multifamily dwelling that contains floor areas or dwelling units exceeding any of the thresholds established in Table 66.09. The floor areas specified in the thresholds do not include any of the following:

(a) Areas that are outside a building, as in the following:

1. Porches that are open to the outside atmosphere.

2. Exterior stairs.

3. Exterior platforms.

4. Exterior landings.

5. Exterior decks.

(b) An attached garage that meets all of the following criteria:

1. Has a floor area of 600 square feet or less.

2. Serves a single dwelling unit.

3. Is accessed directly from the dwelling unit.

4. Is separated from the remainder of the building by at least 1-hour rated fire-resistive construction.

Note: Housing units that receive federal funding may be required by federal regulations to have sprinkler protection regardless of building size.

TABLE 66.09
Thresholds Above Which a Sprinkler System or 2-Hour Fire
Resistance Is Required in a Multifamily Dwelling

Class of Construction	Total Floor Area Within Individual Dwelling Units	Number of Units	Total Floor Area of Nondwelling Unit Portions (Common use areas, such as corridors, stairways, basements, cellars, vestibules, community rooms, laundry rooms, pools, etc.)
Type IA	16,000 sq ft	20 units	16,000 sq ft
Type IB			12,000 sq ft
Type IIA			8,000 sq ft
Type IIB			5,600 sq ft
Type III			
Type IV			
Type VA			
Type VB	4,800 sq ft		

(3) EXEMPT LOCATIONS. Substitute the following wording for exempt location 2 in IFC section 903.3.1.1.1: Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the department.

Comm 66.0904 Commercial cooking equipment. (1) OPERATIONS AND MAINTENANCE. This is a department rule in addition to the requirements in IFC section

904.11.6: Duct and hood systems, including the fire extinguishing system, shall be maintained in accordance with NFPA 96, as referenced in this chapter.

(2) EXTINGUISHING SYSTEM SERVICE. Substitute the following wording for the requirements in IFC section 904.11.6.4: Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspection shall be by qualified individuals and a certificate of inspection shall be maintained and made available to the code official on request.

Comm 66.0907 Fire alarm and detection systems. (1) This is a department informational note to be used under IFC sections 907.2 and 907.3:

Note: Section 101.145 (3) (a), Stats., addresses the installation of smoke detectors in residential buildings and reads as follows: "The owner of a residential building shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector."

Note: Section 101.145 (1) (a), Stats., defines residential building as follows: "Any public building which is used for sleeping or lodging purposes and includes any apartment house, rooming house, hotel, children's home, community-based residential facility or dormitory but does not include a hospital or nursing home."

(2) Substitute the following wording for the requirements in IFC section 907.4.5: The code official is authorized to require the installation of listed manual fire alarm box protective covers to prevent malicious false alarms or provide the manual fire alarm box with protection from physical damage. The protective cover shall be transparent or red in color with a transparent face to permit visibility of the manual fire alarm box. Each cover shall include proper operating instructions.

(3) This is a department informational note to be used under IFC section 907.20.5:

Note: Section 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."

Comm 66.0909 Smoke control systems. (1) **INSPECTIONS FOR SMOKE CONTROL.** Substitute the following wording for the requirements in IFC section 909.18.8: Smoke control systems shall be tested by a qualified agency.

(2) SCOPE OF TESTING. Substitute the following wording for the requirements in IFC section 909.18.8.1: Inspections shall be conducted in accordance with the following:

(a) During erection of ductwork and prior to concealment for the purposes of leakage testing and recording of device location.

(b) Prior to occupancy and after sufficient completion for the purposes of pressure-difference testing, flow measurements, and detection and control verification.

(3) **QUALIFICATIONS.** Substitute the following wording for the requirements in IFC section 909.18.8.2: Inspection agencies for smoke control shall have expertise in fire protection engineering, mechanical engineering and certification as air balancers.

(4) **REPORT FILING.** Substitute the following wording for the requirements in IFC section 909.18.8.3.1: A copy of the final report shall be maintained and made available to the code official upon request.

(5) **SYSTEM ACCEPTANCE.** The requirements in IFC section 909.19 are not included as part of this code.

Comm 66.1003 Outdoor areas. Substitute the following wording for the requirements, but not the exception, in IFC section 1003.2.2.10:

Yards, patios, courts, and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be based on the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

Comm 66.1005 Guard tower exiting. This is a department exception in addition to those listed in IFC section 1005.2.2: Buildings of Group I-3 occupancy that are used as guard towers, provided they are no taller than 2 stories, have no more than 10 occupants and have a travel distance of no more than 75 feet.

Comm 66.1006 Safe dispersal areas. This is a department rule in addition to the requirements in IFC section 1006.2: On sites where a public way is more than 100 feet from the building, the exit discharge may lead to a safe dispersal area or fire lane. The safe dispersal area may not be less than 50 feet from the building served and shall be large enough to accommodate all occupants of the building, based on at least 3 square feet of area per occupant.

Comm 66.1010 Means of egress for existing buildings. Substitute the following wording for the requirements in IFC section 1010: All components of the means of egress system shall be maintained to remain in compliance with the building and illumination codes in effect at the time of construction.

Comm 66.1100 Aviation facilities. The requirements in IFC chapter 11 are not included as part of this code.

Note: See ch. Comm 10 for requirements for aviation facilities.

Comm 66.1200 Dry cleaning. The requirements in IFC chapter 12 are not included as part of this code.

Note: See ch. Comm 15 for requirements for dry cleaning operations.

Comm 66.1903 General Requirements. These are department rules in addition to the requirements in IFC section 1903:

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

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

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

Comm 66.1907 Storage of wood chips and hogged material. Substitute the following wording for IFC section 1907.5: The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan for review and approval where required by the code official.

Comm 66.1908 Storage and processing of wood chips, hogged material, fines, compost and raw product. (1) **STATIC PILE PROTECTION.** Substitute the following wording for IFC section 1908.6: Static piles shall be monitored by an approved means to measure internal temperatures. Internal pile temperatures shall be monitored and recorded weekly. Records shall be kept on file at the facility and made available for inspection. An operational plan indicating procedures and schedules for inspecting, monitoring and controlling internal temperatures in static piles shall be submitted for review and approval where required by the code official.

(2) **EMERGENCY PLAN.** Substitute the following wording for IFC section 1908.10: The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan for review and approval where required by the code official.

Comm 66.2200 Service stations and repair garages. The requirements in IFC chapter 22 are not included as part of this code.

Note: See ch. Comm 10 for requirements for service stations and repair garages.

Comm 66.2301 Construction documents. Substitute the following wording for the requirements in IFC section 2301.3: Where required by the code official, at the time of building permit application for new structures designed to accommodate high-piled storage or for requesting a change of occupancy or use, and at the time of application for a storage permit, plans and specifications shall be submitted for review and approval. In addition to the information required by the IBC, the storage permit submittal shall include the information specified in this section. Following approval of the plans, a copy of the approved plans shall be maintained on the premises in an approved location. The plans shall include the following:

- previously on the storage permit submittal*
Does this refer to the plans maintained on the premises?
- (a) Floor plan of the building showing locations and dimensions of high-piled storage areas.
 - (b) Usable storage height for each storage area.
 - (c) Number of tiers within each rack, if applicable.
 - (d) Commodity clearance between ^{the} top of storage and the ^{the} sprinkler deflector for each storage arrangement.
 - (e) Aisle dimensions between each storage array.
 - (f) Maximum pile volume for each storage array.
 - (g) Location and classification of commodities in accordance with Section 2303.
 - (h) Location of commodities which are banded or encapsulated.
 - (i) Location of required fire department access doors.
 - (j) Type of fire suppression and fire detection systems.
 - (k) Location of valves controlling the water supply of ceiling and in-rack sprinklers.
 - (L) Type, location and specifications of smoke removal and curtain board systems.
 - (m) Dimension and location of transverse and longitudinal flue spaces.
 - (n) Any additional information regarding required design features, commodities, storage arrangement and fire protection features within the high-piled storage area.

Comm 66.2308 Extra-high rack storage systems. Substitute the following wording for IFC section 2308.5: Where required by the code official, approval shall be obtained prior to installing extra-high rack storage.

Comm 66.2401 Approval required. Substitute the following wording for the requirements in IFC section 2401.2: (1) Except as provided in sub. (2), where required by the code official, tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet may not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the code official.

(2) The code official may not require a permit for any of the following:

(a) Tents used exclusively for recreational camping purposes.

(b) Fabric canopies and awnings open on all sides which comply with all of the following:

1. Individual canopies have a maximum size of 700 square feet.
2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet does not exceed 700 square feet total.
3. A minimum clearance of 12 feet is maintained to all structures and other tents.

Comm 66.2406 Fire safety requirements. (1) FLAME-RESISTANT TREATMENT. Substitute the following wording for the requirements in IFC section 2406.1: Where required by the code official, the owner or agent shall file with the code official a certificate executed by an approved testing laboratory, certifying that the tents, air-supported, air-inflated or tensioned membrane structures and their appurtenances, sidewalls, drops and tops of temporary membrane structures, canopies, tarpaulins, floor coverings, bunting, combustible decorative materials and effects, including sawdust when used on floors or passageways, are composed of flame-resistant material or are treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that such flame resistance is effective for the period of occupancy.

(2) **CERTIFICATION.** Substitute the following wording for the requirements in IFC section 2406.3: Where required by the code official, an affidavit or affirmation shall be submitted to the code official and a copy retained on the premises attesting to the following information relative to the flame resistance of the fabric:

- (a) Names and addresses of the owners of the tent or air-supported structure.
- (b) Date the fabric was last treated with flame-resistant solution.
- (c) Trade name or kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was tested.

(3) **OPEN OR EXPOSED FLAME.** Substitute the following wording for the requirements in IFC section 2406.6: Where required by the code official, open flame or devices that emit flame or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices are not permitted inside or within 20 feet of a tent, air-supported, air-inflated or tensioned membrane structure while open to the public unless approved by the code official.

Comm 66.2411 Installation of heating and cooking equipment. Substitute the following wording for the requirements in IFC section 2411.1: Heating or cooking equipment and associated tanks, piping, hoses, fittings, valves, tubing and other related components shall be installed as specified in the IMC and the IFGC, and, where required by the code official, shall be approved by the code official.

Comm 66.2504 Fire safety plan. Substitute the following wording for the requirements in IFC section 2504.5: Where required by the code official, the owner or individual in charge of the tire storage yard shall prepare a fire safety plan and submit it to the code official for review and approval. The fire safety plan shall include provisions for fire department vehicle access. At least one copy of the fire safety plan shall be prominently posted and maintained at the storage yard.

Comm 66.2601 Restricted areas. Substitute the following wording for the requirements in IFC section 2601.3: Where required by the code official, hot work may only be conducted in areas designed or authorized for that purpose by the personnel responsible for a hot work program and may not be conducted in the following areas unless approval has been obtained from the code official:

- (1) Areas where the sprinkler system is impaired.
- (2) Areas where there exists the potential of an explosive atmosphere, such as locations where flammable gases, liquids, or vapors are present.
- (3) Areas with readily ignitable materials, such as storage of large quantities of bulk sulfur, baled paper, cotton, lint, dust, or loose combustible materials.
- (4) On board ships at dock or ships under construction or repair.
- (5) At other locations as specified by the code official. *DKF?*

Comm 66.2604 Sprinkler protection. Substitute the following wording for the requirements in IFC section 2604.1.8: Automatic sprinkler protection may not be shut off while hot work is performed. Where hot work is performed close to automatic sprinklers, noncombustible barriers or damp cloth guards shall shield the individual sprinkler heads and shall be removed when the work is completed. If the work extends over several days, the shields shall be removed at the end of each workday. Where required by the code official, the code official shall approve hot work where sprinkler protection is impaired.

Comm 66.2701 Scope. These are additional department exceptions to the requirements in IFC section 2701.1:

(1) Liquefied petroleum gas systems, liquefied natural gas systems and compressed natural gas systems.

Note: See ch. Comm 40 for the requirements for LPG, LNG and CNG systems.

(2) Anhydrous ammonia.

Note: See ch. Comm 45 for mechanical refrigeration requirements and ch. Comm 43 for requirements for anhydrous ammonia used for other than a refrigerant.

Comm 66.3000 Compressed gases. The requirements in IFC chapter 30 are not included as part of this code.

Note: See ch. Comm 40 for requirements for compressed gases.

Comm 66.3101 Scope. This is an additional department exception to the requirements in IFC section 3101.1: This chapter does not apply to anhydrous ammonia.

Note: See ch. Comm 45 for mechanical refrigeration requirements and ch. Comm 43 for requirements for anhydrous ammonia used for other than a refrigerant.

Comm 66.3201 Scope. Substitute the following wording for exception 2 in IFC section 3201.1: Liquefied natural gas. Liquefied natural gas shall comply with ch. Comm 40.

Comm 66.3300 Explosives and fireworks. The requirements in IFC chapter 33 are not included as part of this code.

Note: See chs. Comm 7 and 9 for requirements for explosives and fireworks.

Comm 66.3400 Flammable and combustible liquids. The requirements in IFC chapter 34 are not included as part of this code.

Note: See ch. Comm 10 for requirements for flammable and combustible liquids.

Comm 66.3500 Flammable gases. The requirements in IFC chapter 35 are not included as part of this code.

Note: See ch. Comm 40 for requirements for flammable gases.

Comm 66.3800 Liquefied petroleum gases. The requirements in IFC chapter 38 are not included as part of this code.

Note: See ch. Comm 40 for requirements for liquefied petroleum gases.

Comm 66.4500 Referenced standards. (1) Substitute the following NFPA standards for the corresponding standards listed in IFC chapter 45: NFPA 13-1999, NFPA 13R-1999 and NFPA 72-1999.

(2) This is a department rule in addition to the requirements in IFC chapter 45: NFPA 90A-1999 is hereby incorporated by reference into this code.

Comm 66.4600 Appendices. IFC Appendices A to G are not included as part of this code.

SECTION 8. Comm 69 and 73 are repealed.

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on July 1, 2002.

File reference: IBC/Comm66



JUN 26 2001

P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Brenda J. Blanchard, Secretary

June 18, 2001

Donald J. Schneider
Senate Chief Clerk
Room 501
119 Martin Luther King Blvd
Madison, Wisconsin 53703

John A. Scocos
Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 00-179

RULE NO.: Comm 4, 14, 15, 16.46, 50 to 64, 65, 66, 69, and 73

RELATING TO: Construction and Fire Prevention for Public Buildings and Places of Employment,
Including Commercial Buildings and Structures, and Multifamily Dwellings

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. J. Blanchard', written over a horizontal line.

Brenda J. Blanchard
Secretary



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Brenda J. Blanchard, Secretary

June 18, 2001

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 00-179

RULE NO.: Comm 4, 14, 15, 16.46, 50 to 64, 65, 66, 69, and 73

RELATING TO: Construction and Fire Prevention for Public Buildings and Places of Employment, Including Commercial Buildings and Structures, and Multifamily Dwellings

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Brenda J. Blanchard
Secretary

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 00-179

RULE NO.: Comm 4, 14, 15, 16.46, 50 to 64, 65, 66, 69, and 73

RELATING TO: Construction and Fire Prevention for Public Buildings and Places of Employment, Including Commercial Buildings and Structures, and Multifamily Dwellings

Final regulatory flexibility analysis not required. (Statement of determination required.)

Sections 101.02 (1) and (15), 101.14 (1) and (4), and 101.973 (1), Stats., authorize the Department to promulgate rules prescribing minimum construction and operation standards and fire prevention standards for public buildings and places of employment, including multifamily dwellings. The proposed rules of Clearinghouse Rule No. 00-179 are minimum requirements to meet the directive of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

3. Nature and estimated cost of preparation of any reports by small businesses.

4. Nature and estimated cost of other measures and investments required of small businesses.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

RULE REPORT

Department of Commerce

Rule No.: Comm 4, 14, 15, 16.46, 50 to 64, 65, 66, 69, and 73

Relating to: Construction and Fire Prevention for Public Buildings and Places of Employment, Including Commercial Buildings and Structures, and Multifamily Dwellings

Agency contact person for substantive questions:

Name James Smith

Title Program Manager

Telephone Number 608-266-0251

Agency contact person for internal processing:

Name Sam Rockweiler

Title Code Consultant

Telephone Number 608-266-0797

1. Agency statutory authority under which the agency intends to promulgate the rule(s).

ss. 101.02 (1) and (15), 101.025, 101.027, 101.13, 101.132, 101.135, 101.14 (1) and (4), and 101.973 (1), Stats.

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).

None known.

3. Citation of court decisions which are applicable to the proposed rule(s).

None known.

4. Description of the proposed rule(s).

The proposed rules would replace Wisconsin's fire prevention and commercial building construction codes with the *International Building Code*[®], *International Energy Conservation Code*[™], *International Mechanical Code*[®], *International Fuel Gas Code*[®], and the National Fire Protection Association's *Fire Prevention Code*. The proposal also includes numerous variations from these codes, which are needed to meet specific conditions and circumstances that are important for implementation in Wisconsin. These modifications were developed through an in-depth comparative analysis with Wisconsin's current requirements, and in consultation with eight advisory councils.

5. Reason for the proposed rule(s).

This adoption would align Wisconsin's requirements for construction and fire prevention for public buildings and places of employment, with the latest national and international standards, thereby enhancing public safety in Wisconsin. These standards considerably expand upon the detail that is currently contained in Wisconsin's fire prevention and commercial building construction codes. Having Wisconsin's requirements consistent with these standards would make it easier for designers, manufacturers, and suppliers who work in numerous states to provide products and services in Wisconsin and to comply with the various technical design requirements.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Comm 4, 14, 15, 16.46, 50 to 64, 65, 66,
69, and 73

Subject Construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
s. 20.143 (3)(j), Stats.,

Assumptions Used in Arriving at Fiscal Estimate

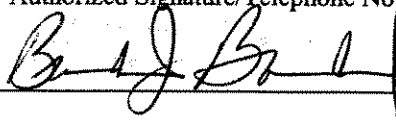
- The proposal revises and updates construction and fire prevention standards for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings, by adopting four International Model Codes and one National Fire Protection Association model code. The codes proposed for adoption are: International Building Code; International Energy Conservation Code; International Mechanical Code; International Fuel Gas Code; and NFPA 1, Fire Prevention Code. This adoption would align Wisconsin's requirements for construction and fire prevention for public buildings and places of employment with the latest national and international standards, thereby enhancing public safety in Wisconsin.
- There are no new administrative or enforcement programs to be implemented as a result of these proposed rules.
- The Department does not anticipate additional, annual costs or revenues resulting from the administration and enforcement of these proposed rules.
- The adoption of these proposed rules will require preparation of state and local government staff. Local governments are expected to continue participating in training seminars regularly provided by the Department. As in the past, local governments have the option of purchasing training services and materials from a variety of vendors.
- State and local governments who administer and enforce the codes typically must maintain current versions of the codes. The cost of the codes will increase from \$81 to \$219. It is expected that state and local governments will absorb this increased cost within their agency budgets.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)
Robert G. DuPont 266-8984

Authorized Signature/Telephone No.



Date

6/18/01

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect
DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

Adm. Rule No.
Comm 4, 14, 15, 16.46, 50 to 64, 65, 66,
69, and 73

Subject Construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

One-time cost \$73,000

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$	\$ -
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

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