

## CHAPTER Comm 14

### APPENDIX

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

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

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

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

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

- (1) Intentionally burns his or her own building under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or
- (2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreason-

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

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

- (a) By means of fire, intentionally damages any building of another without the other's consent; or
- (b) By means of fire, intentionally damages any building with intent to defraud an insurer of that building; or
- (c) By means of explosives, intentionally damages any property of another without the other's consent.

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

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

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

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

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

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

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

1926.352 Fire prevention.

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

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

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

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

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

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

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

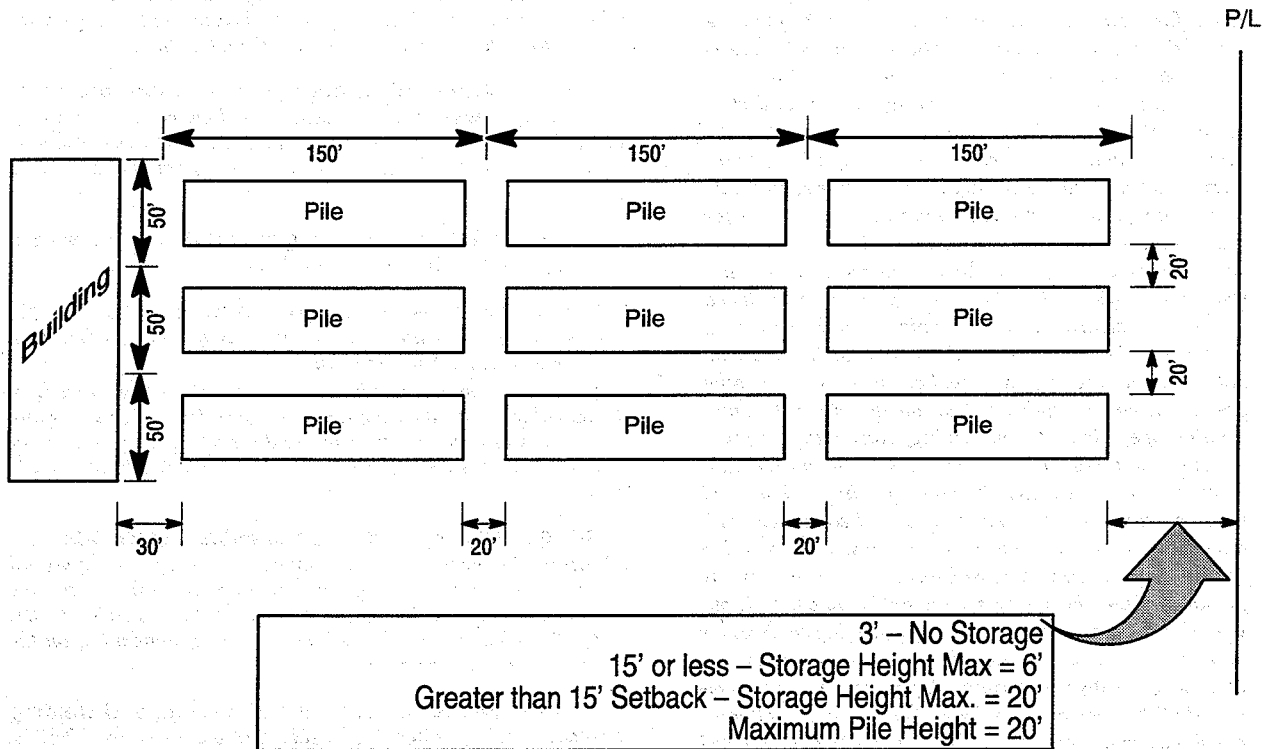
immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

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

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

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

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



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

**167.07 Manufacture, storage and distribution of matches.**

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

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

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

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

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

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.