

Chapter SPS 314

FIRE PREVENTION

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Note: Chapter Ind 65 as it existed on April 30, 1989 was repealed and a new chapter ILHR 14 was created effective May 1, 1989; Chapter ILHR 14 as it existed on March 31, 1992 was repealed and a new chapter ILHR 14 was created effective April 1, 1992. Chapter ILHR 14 was renumbered to chapter Comm 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1996, No. 492. Chapter Comm 14 as it existed on June 30, 2002 was repealed and a new Chapter Comm 14 was created effective July 1, 2002. Chapter Comm 14 as it existed on February 29, 2008 was repealed and a new chapter Comm 14 was created effective March 1, 2008. Chapter Comm 14 was renumbered chapter SPS 314 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Adoption and Application of NFPA® 1, Fire Code

SPS 314.001 Adoption and application. (1) NFPA 1.
 (a) *Adoption of model fire code.* NFPA 1, *Fire Code*™ — 2009, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

Note: A copy of NFPA 1, *Fire Code*, is on file in the offices of the Department and the Legislative Reference Bureau. Copies of NFPA 1, *Fire Code*, may be purchased from the National Fire Protection Association at 1 Batterymarch Park, Box 9101, Quincy, MA, 02269-9101; and may be purchased or accessed free of charge at www.nfpa.org.

(b) *Application of model fire code.* The use, operation and maintenance of public buildings and places of employment shall comply with NFPA 1 as referenced in par. (a), except as otherwise provided in this chapter.

(2) **ALTERNATE MODEL FIRE CODE.** Where a municipality has by ordinance adopted requirements of the *International Fire Code*® — 2009 and any additional requirements, that, in total, are equivalent to NFPA 1 as referenced in sub. (1), the department will not consider that ordinance to be in conflict with sub. (1); and property owners or managers, or employers, need only comply with that ordinance.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: am. (1) (a), (b), renum. (2) (a) to be (2) and am., r. (2) (b) Register December 2010 No. 660, eff. 1-1-11; correction in (1) (title) made under s. 13.92 (4) (b) 2., Stats., Register December 2010 No. 660.

Subchapter II — Modifications of NFPA 1, Fire Code

Note: The sections in this subchapter are generally numbered to correspond to the chapter and section numbering of NFPA 1, *Fire Code*; for example, section SPS 314.01 contains modifications of NFPA 1, chapter 1.

SPS 314.01 Administration. (1) SCOPE. These are department rules in addition to the requirements in NFPA 1 section 1.1:

(a) 1. This chapter applies to all public buildings and places of employment that exist on or after January 1, 2011, except as provided in pars. (b) to (d).

2. This chapter applies to the inspection, testing, and maintenance of all fire safety features as specified in this chapter, for all public buildings and places of employment that exist on or after January 1, 2011, except as provided in pars. (b) to (d).

Note: As established in section SPS 314.01 (2) (a) 1., this chapter does not prescribe how to design public buildings. However, this chapter includes requirements that may apply during the construction of a public building, such as the safeguards in NFPA 1 chapter 16 for fire safety during construction. See chapters SPS 361 to 366 for design requirements for public buildings and places of employment.

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

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

(c) 1. This chapter does not apply to any of the buildings, structures, or situations specified in subs. 3. to 5.

2. All of the buildings, structures, or situations in subs. 3. to 9. are neither public buildings nor places of employment under this chapter.

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

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

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

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

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

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

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

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

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

7. A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a residential care center for children and youth that has a capacity for 8 or fewer children, all as defined in s. 48.02, Stats.

Note: The definitions in section 48.02 of the Statutes limit foster homes to no more than 4 children unless the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the Department of Children and Families, a group home or a residential care center for children and youth that has a capacity for 8 or fewer children may be located in a one- or 2-family dwelling as a community living arrangement, as defined in section 46.03 (22) of the Statutes.

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

Note: Chapter DCF 250, as administered by the Department of Children and Families, defines a “family child care center” as a being “a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than

8 children who are not related to the provider." Chapter DCF 250 applies various licensing and other requirements to these centers, including for fire protection and other aspects of the physical plant.

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

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

1. Explosives, fireworks or repair of motor vehicles.
2. More than 25% of the habitable floor area of the dwelling unit.

(e) 1. The requirements in sub. (11) apply to all fire responses, rather than only to fire responses for public buildings and places of employment.

2. The requirements in sub. (13) (d) 2. apply to fire responses to first alarms for all buildings, rather than only for public buildings.

(f) Except for facilities that are exempted from this chapter under par. (c) 3. to 5. — and regardless of pars. (b), (c) 6. to 9. and (d) — this chapter applies to all facilities and structures which exist on or after January 1, 2011, and which involve flammable-, combustible- or hazardous-liquid storage, transfer, or dispensing.

Note: Chapter SPS 305 regulates persons or businesses that are required or permitted to obtain licenses, certifications or registrations under chapters 101, 145 or 167 of the statutes. Chapter SPS 305 states that no person may inspect a tank system which has held or will hold flammable, combustible or hazardous liquids to determine compliance with chapter SPS 310 unless the person holds a certification issued by the Department as a certified tank system inspector. Chapters SPS 305 and 310 do not preclude a fire inspector from conducting fire safety inspections involving flammable, combustible or hazardous liquids under chapter SPS 310; or from enforcing fire safety requirements under chapter SPS 314 or sections 101.14 (1) (a) or (b) or (2) of the statutes.

Note: In conjunction with addressing the quality and retail sales of petroleum products, chapter SPS 348 also regulates containers which have a capacity of under 275 gallons and which are used for storing gasoline or any other petroleum product that has a flash point of less than 100°F. Chapter SPS 348 requires these containers to be colored red and appropriately labeled, and prohibits using red containers for storing petroleum products that have a flash point of 100°F or more.

Note: See the annotations under section 101.11 of the Statutes for further guidance in determining which facilities are or are not places of employment.

(g) 1. Except for facilities that are exempted from this chapter under par. (c) 3. to 5. — and regardless of pars. (b), (c) 6. to 9. and (d) — the department or its deputies may apply this chapter to any building or other structure or premises or public thoroughfare, which exists on or after January 1, 2011, and which has either of the following characteristics:

- a. It is especially liable to fire and is so situated as to endanger other buildings or property.
- b. It contains combustible or explosive material or inflammable conditions that are dangerous to the safety of any building or premises or the occupants thereof, or endangering or hindering fire fighters in case of fire.

2. The purpose of applying this chapter under this paragraph is to cause correction of any of the following:

- a. A condition liable to cause damaging fire.
- b. A violation of any law or order relating to fire hazards or to the prevention of fire.

Note: See section 101.14 (1) (a) to (bm) of the Statutes for the authorization to apply this chapter in this manner, and for limitations on entry into the interior of private dwellings.

Note: Under section 101.14 (2) (a) of the Statutes, and as referenced in section SPS 314.01 (13) (a), "The chief of the fire department in every city, village, or town, except cities of the 1st class, is constituted a deputy of the department."

Note: See section 66.0413 of the Statutes for (1) the authority of municipalities to order removal or repair of buildings that are dangerous, unsafe, unsanitary, or otherwise unfit for human habitation; and (2) extensive criteria relating to executing this authority, such as for dilapidated buildings.

Note: See chapter SPS 310 for orders of the Department relating to flammable or combustible liquids, and see chapter SPS 340 for orders of the Department relating to fuel gas systems.

(2) APPLICATION. (a) *General.* Substitute the following wording for the requirements in NFPA 1 sections 1.3.2.4. to 1.3.2.4.3:

1. The design requirements in NFPA 1 and in any standard or code adopted therein that apply to public buildings or places of employment are not included as part of this chapter, except as specified in subs. 3. a. and 4.

Note: Because of this subdivision, this chapter does not prescribe how to design public buildings. However, this chapter includes requirements that may apply during the construction of a public building, such as the safeguards in NFPA 1 chapter 16 for fire safety during construction. See chapters SPS 361 to 366 for design requirements for public buildings and places of employment.

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

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

b. The requirements in NFPA 1 sections 18.2.3 and 18.3 do not apply to buildings constructed prior to January 1, 2011.

4. The design requirements in NFPA 1 sections 50.2.1.1 and 50.4 for an exhaust hood and an automatic fire suppression system are included as part of this chapter, for mobile kitchens only.

(b) *Conflicts.* Substitute the following wording for the requirements in NFPA 1 section 1.3.3:

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

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

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

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

4. Where differences occur between the requirements of this chapter and ch. SPS 310, the requirements of ch. SPS 310 shall govern.

Note: See Appendix for a list of tanks, containers, tank systems, and facilities that are not regulated by chapter SPS 310.

(3) ALTERNATIVES. Substitute the following wording for the requirements in NFPA 1 section 1.4.1: Nothing in this chapter is intended to prohibit or discourage the design and use of new materials or components, or new processes, elements or systems, provided written approval from the department or AHJ is obtained first.

(4) PETITION FOR VARIANCE. Substitute the following wording for the requirements in NFPA 1 sections 1.4.2 to 1.4.6: The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter SPS 303 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 SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBD-9890 form is available in the Appendix or at the Department's Web site at <http://dps.wi.gov> through links to Division of Industry Services forms.

Note: See chapter SPS 302 for the fee that must be included when submitting a petition for variance.

(5) TEMPORARY USE. These are department rules in addition to the requirements in NFPA 1 section 1.4: A fire code official may allow a building or a portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

(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) Buildings or spaces considered for temporary use shall conform to the requirements of this chapter as necessary to ensure the public safety, health, and general welfare, except as provided in par. (c).

(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 or space.

Note: The Department and other state agencies may have additional rules that affect the design, construction, inspection, maintenance, and use of public buildings, places of employment and premises, including chapters SPS 305, Credentials; SPS 307, Explosives and Fireworks; SPS 316, Electrical; SPS 318, Elevators, Escalators and Lift Devices; SPS 340, Gas Systems; SPS 341, Boilers and Pressure Vessels; SPS 343, Anhydrous Ammonia; SPS 345, Mechanical Refrigeration; SPS 361 to 366, Commercial Building Code; SPS 375 to 379, Buildings Constructed Prior to 1914; SPS 381 to 387, Plumbing; SPS 390, Public Swimming Pools and Water Attractions; and SPS 391, Sanitation. The Department's Division of Industry Services administers all of these listed codes.

(6) INTERPRETATIONS. These are department rules in addition to the requirements in NFPA 1 section 1.7.3:

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

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

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

(7) EXCLUSIONS. (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1 to 1.9.3, and 1.10.

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

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

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

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

Note: Pursuant to section 101.11 (2) (a) of the Statutes, no employer or owner, or other person may hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which fail to provide for making the same safe. See the annotations under section 101.11 (3) of the Statutes for substantial additional information relating to the duties of owners and employers to provide and maintain places of employment and public buildings that are safe.

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

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

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

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

Note: See Appendix for a reprint of section 101.02 (7) (c) of the Statutes, which addresses the Department's response to a petition received under this paragraph; and for the definition of "local order," from section 101.02 (8) of the Statutes.

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

(a) *Department revocation.* The department may revoke any approval, issued under the provisions of this chapter, for any false statements or misrepresentation of facts on which the approval was based.

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

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

(a) 1. For each fire, a record shall be compiled by a fire department serving the municipality in which the fire occurred.

2. The record in subd. 1. shall include all applicable information specified in s. 101.141 (2), Stats., shall be filed with the federal agency specified in s. 101.141 (1), Stats., and shall be filed no later than the deadline specified in s. 101.141 (1), Stats.

Note: Section 101.141 of the Statutes reads as follows: "**Record keeping of fires.** (1) Each city, village, and town fire department shall file a report for each fire that involves a building and that occurs within the boundaries of the city, village, or town with the U.S. fire administration for placement in the fire incident reporting system maintained by the U.S. fire administration. The report shall be filed within 60 days after the fire occurs.

(2) Each report filed under sub. (1) shall include all of the following information:

(a) The age of the building.
 (b) The purpose for which the building was used at the time of the fire.
 (c) If the building was used as a home, whether the building was a multifamily dwelling complex, a single-family dwelling, or a mixed-use building with one or more dwelling units.
 (d) The number of dwelling units in the building, if the building was a multifamily dwelling complex or a mixed-use building.
 (e) Whether the building had an automatic fire sprinkler system at the time of the fire and, if so, whether the system was operational.
 (f) Whether the building had a fire alarm system at the time of the fire and, if so, whether the system was operational.

(g) The cause of the fire.
 (gg) An estimate of the amount of damages to the building as a result of the fire.
 (gm) The number of human deaths due to the fire, if any.
 (gr) The number of human injuries due to the fire, if any.
 (h) Any other relevant information concerning the building, as determined by the fire department.

(3) The Department may review, correct, and update any report filed by a fire department under this section."

(b) 1. In reporting the age of a building under par. (a), only the age of the portion of the building where the fire occurred is required, and this age may be estimated.

Note: Various software programs for reporting the information under this section may accommodate reporting a building's age only as a note in a narrative.

2. In reporting the amount of damages to a building under par. (a), either assessed values or expected replacement costs may be used, and either an estimated dollar loss or an estimated percentage of the building that is damaged may be used.

3. Prior to correcting or updating any report filed by a fire department under s. 101.141, Stats., the department shall obtain the consent of the chief of that fire department.

(12) PENALTIES. This is a department rule in addition to the requirements in NFPA 1 section 1.16: 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) of the Statutes indicates that each day during which any person, persons, corporation or any officer, agent or employee thereof, fails to

observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Section 101.02 (13) (a) of the Statutes indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the Department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the Department, or any judgment or decree made by any court in connection with sections 101.01 to 101.599 of the Statutes. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

(13) FIRE CHIEF AND FIRE DEPARTMENT DUTIES. These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) *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.

(b) *Fire prevention inspections.* 1. 'General.' The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

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

3. 'Scheduling of inspections.' Fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department, except as provided in subds. 4. to 7.

Note: The Department of Health Services may require additional fire inspections for nursing homes.

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

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

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

b. Unoccupied utility facilities, such as a water well facility, electric power substation and communication facility.

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

d. Buildings at colleges and universities, if used exclusively for classroom lecture or offices, provided there are no laboratories, chemical storage or industrial arts rooms in the building.

e. Libraries, museums and art galleries.

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

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

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

i. Convents and monasteries.

j. Detention and correctional facilities.

k. Garages used for storage only.

L. Pedestrian walkways and tunnels, membrane structures, open parking structures, outdoor theaters, assembly seating areas, greenhouses and mini-storage buildings. If interior access to

mini-storage buildings cannot be obtained, an exterior inspection shall be conducted.

m. Vacant or unoccupied buildings. If interior access to vacant or unoccupied buildings cannot be obtained, an exterior inspection shall be conducted.

n. Confined spaces. An area that is identified by a sign as a permit-required confined space need not be internally inspected, but an exterior inspection shall be conducted.

o. Townhouses, rowhouses, residential condominiums and apartments with no common use areas. An exterior inspection of these occupancies shall be conducted.

p. Fully-sprinklered office buildings up to 60 feet in height.

q. Fully-sprinklered residential condominiums and apartments, if less than 3 stories in height.

r. Fully-sprinklered townhouses and rowhouses, if less than 4 stories in height.

Note: Fully-sprinklered buildings are protected throughout by an automatic fire sprinkler system as specified in NFPA 13 or 13R, as referenced in chapters SPS 361 to 366.

s. Seasonal or periodic occupancies, provided at least one interior inspection is conducted during an occupancy period and provided the occupancy does not extend beyond 6 months in any calendar year.

6. 'Discretionary exception for other municipalities.' a. For low-use buildings or places of employment, including those specified in subd. 6. b. to f., in lieu of the inspection frequency specified in subd. 3. or 5., the fire chief may base the frequency of the inspections on hazard classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

b. Seasonal occupancies.

c. Temporary-occupancy uses — such as farm structures temporarily used for winter storage, horse stables or riding arenas.

d. Home-occupation accessory buildings used as businesses.

e. Seldom or infrequently occupied buildings.

f. Unoccupied buildings.

Note: To reduce the potential for difficulties to arise during the audits addressed in section SPS 314.01 (14) (d), fire chiefs who exercise this discretion should either declare the corresponding buildings and inspection frequency in advance, or maintain a corresponding list of buildings to be inspected and their inspection frequency.

7. 'Local ordinances for reducing the frequency of inspections.' a. Where authorized by a local ordinance, a city, village or town may reduce the inspections required under subd. 3. to at least once per calendar year, provided the interval between those inspections does not exceed 15 months.

b. Any local ordinance adopted under subd. 7. a. shall be made available to the department during an audit conducted under sub. (14) (d).

c. Any special order granted by the department prior to January 1, 2011, that authorized a city, village, or town to reduce the number of required inspections shall expire by that date.

8. 'Inspection reports.' The fire chief shall make and keep on file reports of fire prevention inspections, except in first class cities the commissioner of the building inspection department shall make and keep the reports. For at least 7 years, the reports shall be maintained in written form or in another form capable of conversion into written form within a reasonable amount of time.

Note: The Department has developed fire inspection report forms that may be used by fire departments. The fire inspection report forms (SBD-10615A and SBD-5295) are available from the Division of Industry Services through one or more of the following means: in the Appendix; at P.O. Box 7162, Madison, WI 53707-7162; or at the Department's Web site at <http://dps.wi.gov> through links to Division of Industry Services forms.

9. 'Inspectors.' Fire safety inspections shall be conducted by the department or deputy or an authorized representative of the deputy.

10. 'Statutory inspection authority.' The rules of this chapter do not limit or deny the ability of department deputies to conduct the activities under s. 101.14 (1) (a) and (b), Stats., for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to fire hazards or to the prevention of fire.

Note: Under section 101.14 (2) (a) of the Statutes, and as referenced in section SPS 314.01 (14) (a), "The chief of the fire department in every city, village, or town, except cities of the 1st class, is constituted a deputy of the department."

11. '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 training approved by the fire chief.

(c) *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, or may be other activities acceptable to the department:

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

2. 'Residential fire inspection program.' Fire departments advertise and conduct residential fire inspections on a request basis or in response to local ordinance.

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

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

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

6. 'Public fire education speaking bureau.' Fire departments organize a group of speakers to make public fire education presentations to civic organizations, professional organizations, school organizations and similar groups.

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

8. 'Fire extinguisher training program.' Fire departments conduct training programs for the public or industry regarding the operation of fire extinguishers. Industrial fire brigade training programs may be conducted to complete this activity.

9. 'Occupancy inspection program.' Fire departments conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. Written documentation of the inspections is kept by each fire department.

10. 'Smoke detector awareness program.' Fire departments conduct programs to inform people regarding the effectiveness and proper installation of smoke detectors in residential buildings, public buildings and places of employment.

(d) *Record keeping.* The following fire department dues entitlement records shall be generated and maintained by each fire department:

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

department under a mutual aid agreement, the record under this paragraph shall include the name of that department and the number of firefighters, excluding the chief, responding from that department.

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

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

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

(e) *Availability of records.* For at least 7 years, the records specified in par. (d) shall be maintained in written form or in another form capable of conversion into written form within a reasonable amount of time; and shall be made available to the department and to the public, upon request to the fire department.

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

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

(a) *Eligibility.* 1. a. In order to be eligible to receive a fire department dues payment, a municipality shall be in substantial compliance with the requirements for fire protection and fire prevention services specified in ss. 101.14 (2) and 101.575, Stats., and this chapter, throughout the entire municipality.

b. The training program required under s. 101.575 (3) (a) 3., Stats., shall be in accordance with ch. SPS 330 for public sector fire departments and in accordance with 29 CFR 1910.156 for private sector fire departments.

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

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

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

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

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

a. The municipality fails to return the self-certification form on time.

b. The municipality returns an incomplete self-certification form.

c. The municipality self-certifies noncompliance.

d. An audit results in failure.

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

Note: In January 2011, the Department replaced its paper-based self-certification process with a Web-based process that includes online registration and annual online input from both the clerk and the fire chief for a municipality. Further information

about this process is available at the Department's Web site at www.dps.wi.gov through links to Industry Services Division's Fire Prevention program and then Wisconsin's fire program online system.

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

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

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

2. The department shall periodically examine fire department dues entitlement records, including the records required in sub. (13) (b) 8. and (d), and in NFPA 1 section 1.11.2, to verify that the required fire prevention and fire protection services were provided within the territory served by the fire department and, within first class cities, by the building inspection department.

Note: The information required in the entitlement records is as specified in sections 101.14 (2) and 101.575 of the Statutes. Under those sections, the fire incident reports that are addressed in subsection (11), and any records of fire prevention inspections beyond public buildings and places of employment, are not fire dues entitlement records.

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

(e) *Appeals of audit determinations.* 1. A department audit determination under this subsection may be appealed only in accordance with this paragraph or ch. 227, Stats.

2. 'Filing an appeal.' a. The appeal shall be filed in writing, with the department.

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

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

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

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

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

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

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

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

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

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

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

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

(f) *Fire department registration.* 1. A fire department that provides fire prevention and fire protection services to a municipality shall register with the department on the form provided by the department.

Note: The Department annually sends form SBD-10638 to the fire department. This form is also available from the Division of Industry Services through one or more of the following means: in the Appendix; at P.O. Box 7839, Madison, WI 53707-7839; or at the Department's Web site at <http://dps.wi.gov> through links to Division of Industry Services forms.

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

Note: The Department annually sends form SBD-10114 to the fire department. This form is also available from the Division of Industry Services through one or more of the following means: in the Appendix; at P.O. Box 7162, Madison, WI 53707-7162; or at the Department's Web site at <http://dps.wi.gov> through links to Division of Industry Services forms.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: renum. (1) (a), (1) (c) (intro.) to 7., (2) (intro.), (a) 1. b., 2. to 4., (2) (c) to (f), (3), (4), (6) to (10), (11) (title), (intro.), (a), (b) (title), 1. to 5., 6. to 10., (c) to (e), (12) to be (1) (a) 1., (c) 1. and 3. to 9., (2) (a) (intro.), (1) (a) 2., (2) (a) 1. to 3., (6) (a), (b), (3), (5) (intro.) to (d), (4), (7) to (12), (13) (title), (intro.), (a), (b) (title), 1. to 5., 7. to 11., (c) to (e), (14), and am., cr. (1) (c) 2., (g), (2) (a) 4., (b) (intro.), (6) (title), (intro.), (11) (a), (b), (13) (b) 6., am. (1) (e), (f), r. (2) (a) 1. (intro.), a., (5), (9), (a), (b) Register December 2010 No. 660, eff. 1-1-11; correction in (13) (b) 7. c. made under s. 13.92 (4) (b) 14., Stats., Register January 2011 No. 661; correction in (2) (b) 4., (4), (14) (a) 1. b. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 314.03 Definitions. (1) These are department definitions for this chapter in addition to the definitions in NFPA 1 chapter 3:

(a) 1. "Administrative expenses," for the appropriation under s. 20.165 (2) (La), Stats., means expenditures for the direct costs and indirect costs of administering ss. 101.14, 101.141 and 101.573, Stats.

2. In this subsection:

a. "Direct costs" means the cost of salaries, limited term employees, fringe benefits and supplies to administer ss. 101.14, 101.141 and 101.573, Stats.

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

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

(b) "Department" means the department of safety and professional services.

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

(d) "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.

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

(f) "NFPA 1" means the 2009 edition of NFPA 1, *Fire Code*, as adopted and modified in this chapter.

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

Note: See Appendix for a reprint of section 101.01 (11) of the Statutes.

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

Note: See Appendix for a reprint of section 101.01 (12) of the Statutes.

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

Note: Under section 101.575 (4) (a) 1. of the Statutes, the Department may not pay fire department dues to a city, village, town or fire department, unless the Department determines that the city, village, town or fire department is in substantial compliance with sections 101.575 (6) and 101.14 (2) of the Statutes.

(2) Substitute the following definition for the definition in NFPA 1 section 3.3.170.20: "One- and 2-family dwelling" has the meaning as defined for dwelling in s. 101.61 (1), Stats.

Note: Section 101.61 (1) of the Statutes 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."

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: renum. (intro.), (1) to (6), (8) to (10), (7) to be (1) (intro.), (a) to (i), (2) and am. Register December 2010 No. 660, eff. 1-1-11; correction in (1) (a) 1., (b) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672.

SPS 314.10 General fire safety. (1) NFPA 101[®], LIFE SAFETY CODE[®]. This is a department informational note to be used under NFPA 1 section 10.1.2:

Note: Under section SPS 314.01 (2) (a) 1., the design requirements that are included in NFPA 1, *Fire Code*, either directly, or indirectly through cross-references to other standards and codes such as NFPA 101, are not included as part of this chapter, except as provided in sections SPS 314.01 (2) (a) 3. a. and 4.

(2) EMERGENCY PLANS. Substitute the following wording for the requirements in NFPA 1 section 10.9.2.3: Where required by the AHJ, emergency plans shall be submitted to the AHJ for review.

Note: The Department of Health Services may have additional rules requiring nursing home operators to have emergency plans that are reviewed by fire departments or other fire and safety experts.

(3) CHRISTMAS TREES. This is a department informational note to be used under NFPA 1 section 10.14:

Note: Guidance on use of natural-cut Christmas trees is available at the Department's Web site at <http://dpsps.wi.gov> through links to the Fire Prevention program in the Division of Industry Services.

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

Note: See Appendix for related explanatory material.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: renum. (2) to be (4), cr. (2), (3) Register December 2010 No. 660, eff. 1-1-11.

SPS 314.11 Portable unvented heaters. This is a department rule in addition to the requirements in NFPA 1 section 11.5: Portable, fuel-fired, unvented heating appliances are prohibited — except during construction or demolition of a building, provided adequate ventilation is supplied.

Note: See chapters SPS 361 to 366 for requirements for other heating appliances.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08.

SPS 314.13 Fire protection systems. (1) INSPECTION, TESTING AND MAINTENANCE OF CROSS CONNECTION CONTROL DEVICES. This is a department rule in addition to the requirements in NFPA 1 sections 13.3 to 13.5: All cross connection control devices installed in water-based fire protection systems shall be inspected, tested and maintained in accordance with this chapter and ch. SPS 382.

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

Note: Chapter SPS 305 contains credential requirements for testers of fire sprinkler systems. That chapter and this chapter do not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.

(3) MAINTENANCE OF SMOKE DETECTORS AND ALARMS. These are department informational notes to be used under NFPA 1 section 13.7.4.6:

Note: [1] Section 101.145 (3) (b) and (c) of the Statutes 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."

Note: [2] Under ch. SPS 366, all smoke alarms must be replaced by the end of the service period specified by their manufacturer, and a replacement alarm that uses a battery as the primary power source must have a non-replaceable, non-removable battery which is capable of powering the alarm for at least ten years.

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

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (3) (title), (intro.) and (4) Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 314.16 Hose threads during construction. These are department informational notes to be used under NFPA 1 section 16.4.3.3.2.6:

Note: Section 213.15 of the Statutes 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.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08.

SPS 314.20 Open flame devices and pyrotechnics. Substitute the following wording for the introductory paragraph in NFPA 1 section 20.1.5.3: No open flame devices or pyrotechnic devices may be used in any occupancy, unless otherwise permitted by the following:

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: am Register December 2010 No. 660, eff. 1-1-11.

SPS 314.27 Manufactured home and recreational vehicle sites. The requirements in NFPA 1 chapter 27 are not included as part of this chapter.

Note: See chapter SPS 326 for requirements for manufactured home communities.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08.

SPS 314.34 General storage. The requirements in NFPA 1 section 34.1.1.2 (1) are not included as part of this chapter.

History: CR 09-104: cr. Register December 2010 No. 660, eff. 1-1-11.

SPS 314.50 Commercial cooking equipment for mobile kitchens. This is a department exception to the require-

ments in NFPA 1 sections 50.2.1.1 and 50.4: Neither an exhaust hood nor an automatic fire suppression system is required for a mobile kitchen where all of the following conditions are met:

- (1) The kitchen is less than 365 square feet in size.
- (2) The kitchen is used on fewer than 12 days in a calendar year, for the purpose of cooking.
- (3) The owner or operator of the kitchen maintains a record demonstrating compliance with sub. (2), retains the record with the kitchen, and makes the record available to an inspector upon request.

Note: A Department form that can be used in complying with the recordkeeping requirements in this section is available at the Department's Web site at <http://dsps.wi.gov> through links to Division of Industry Services forms.

History: CR 09-104; cr. Register December 2010 No. 660, eff. 1-1-11.

SPS 314.53 Mechanical refrigeration. The requirements in NFPA 1 chapter 53 are not included as part of this chapter.

Note: See chapter SPS 345 for requirements for mechanical refrigeration.

History: CR 09-104; cr. Register December 2010 No. 660, eff. 1-1-11.

SPS 314.65 Explosives, fireworks and model rocketry. (1) ENFORCEMENT. This is a department informational note to be used under NFPA 495 section 1.6, as referenced in NFPA 1 section 65.9.1:

Note: Any inspections by fire inspectors do not substitute for the Department's licensing and permitting of the facilities that are regulated under this section and chapter SPS 307.

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

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

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

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

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

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

Note: See chapter SPS 307 for requirements relating to the use of explosive materials.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08.

Chapter SPS 314

APPENDIX

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

A-314.01 (1) STATUTORY DEFINITIONS OF TERMS USED IN THIS CHAPTER. (a) *Public buildings and places of employment*. Section 101.01 (11), Stats., reads:

(11) “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 the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, “place of employment” does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

Section 101.01 (12), Stats., reads:

(12) “Public building” means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, “public building” does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

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

(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 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.

Section 50.01 (1), Stats., as referenced in s. 101.01 (12), Stats., reads:

(1) “Adult family home” means one of the following and does not include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

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

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

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

(b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

Section 50.01 (1g), Stats., as referenced in s. 101.01 (12), Stats., reads:

(1g) “Community-based residential facility” means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident. “Community-based residential facility” does not include any of the following:

(a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.

(b) A facility or private home that provides care, treatment, and services only for victims of domestic abuse, as defined in s. 49.165 (1) (a), and their children.

(c) A shelter facility as defined under s. 16.308 (1) (d).

(d) A place that provides lodging for individuals and in which all of the following conditions are met:

1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.

2. No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employee any of the following:

a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.

b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.

(e) An adult family home.

(f) A residential care apartment complex.

(g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.

Section 101.05, Stats., reads:

101.05 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.

Section 254.61 (1), Stats., as referenced in s. 101.05, Stats., reads:

254.61 (1) (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients.

(b) Provides no meals other than breakfast and provides the breakfast only to renters of the place.

(c) Is the owner's personal residence.

(d) Is occupied by the owner at the time of rental.

(e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.

(f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that this limit does not apply to any of the following:

1. A structural addition, including a renovation, made to a structure after May 11, 1990, within the dimensions of the original structure.

2. A structural addition, made to a structure that was originally constructed at least 50 years before an initial or renewal application for a permit under s. 254.64 (1) (b), Stats., is made and for which no use other than as a bed and breakfast establishment is proposed. The structural addition under this subdivision shall comply with the rules under s. 101.63 (1), Stats.

A-314.01 (2) (b) 4. The following tanks, containers, tank systems and facilities are not regulated by chapter SPS 310:

(a) Underground storage tanks that have a capacity of less than 60 gallons.

(b) Aboveground storage tanks and intermediate bulk containers that have a capacity of less than 110 gallons.

(c) Tanks storing products regulated under ch. ATCP 33 that are located either at facilities which are also regulated under ch. ATCP 33 or on farm premises.

Note: Chapter ATCP 33 addresses bulk storage of pesticides and fertilizers.

(d) Aboveground storage tanks storing liquids that are used in processes covered in any of the following standards:

1. NFPA 33 Spray Application Using Flammable or Combustible Materials.

2. NFPA 34 Dipping & Coating Processes Using Flammable or Combustible Liquids.

3. NFPA 35 Manufacture of Organic Coatings.

4. NFPA 45 Fire Protection for Laboratories Using Chemicals.

(e) Dedicated breakout tanks that are located at pipeline facilities.

(f) Odorant or other additive injection tanks that are directly connected to a pipeline.

(g) Contractor tanks that are mounted on pickup trucks.

(h) Oil-filled electrical equipment and transformers.

(i) Accumulator tanks.

(j) Process tanks.

(k) Product recovery tanks.

(L) Service tanks.

(m) Marine fueling facilities where fuel is stored and dispensed into the fuel tanks of marine craft of 300 gross tons or more.

(n) Aboveground or underground tank systems that store nonflammable and noncombustible hazardous liquids in concentrations of less than 1 percent by volume.

Note: Material Safety Data Sheets (MSDS) should be consulted for flash point and concentration.

(o) Aboveground tank systems which have a capacity of less than 5,000 gallons and which store nonflammable and noncombustible hazardous liquids in concentrations of 1 percent or more by volume.

Note: Material Safety Data Sheets (MSDS) should be consulted for flash point and concentration.

(p) Tank systems that store a hazardous waste which is listed or identified under subtitle C of the federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances that is nonflammable and noncombustible.

(q) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307 (b) or 402 of the federal Clean Water Act.

(r) Underground storage tank systems that contain radioactive material which is regulated under the federal Atomic Energy Act of 1954.

Note: The Atomic Energy Act of 1954 is contained in 42 USC 2011 et seq.

(s) Underground storage tank systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50 Appendix A.

(t) Asphalt-plant AC tanks which are used as burner or material-supply tanks in the process of making asphalt and which comply with all of the following:

1. Tank configurations are single-wall or double-wall, with or without heating coils.

2. The products stored in the tank are Class II or III liquids ranging from heating oil to used oil, to #4 or #5 heavy oils.

3. The asphalt process equipment and the tank are typically located at an isolated location, such as a quarry, and are generally relocated from year to year or every couple of years.

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

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

A-314.01 (8) INTERFERING WITH FIRE FIGHTING, AND FALSE ALARMS. Section 941.12, Stats., reads:

941.12 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 I 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:

941.13 False alarms. Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise, is guilty of a Class A misdemeanor.

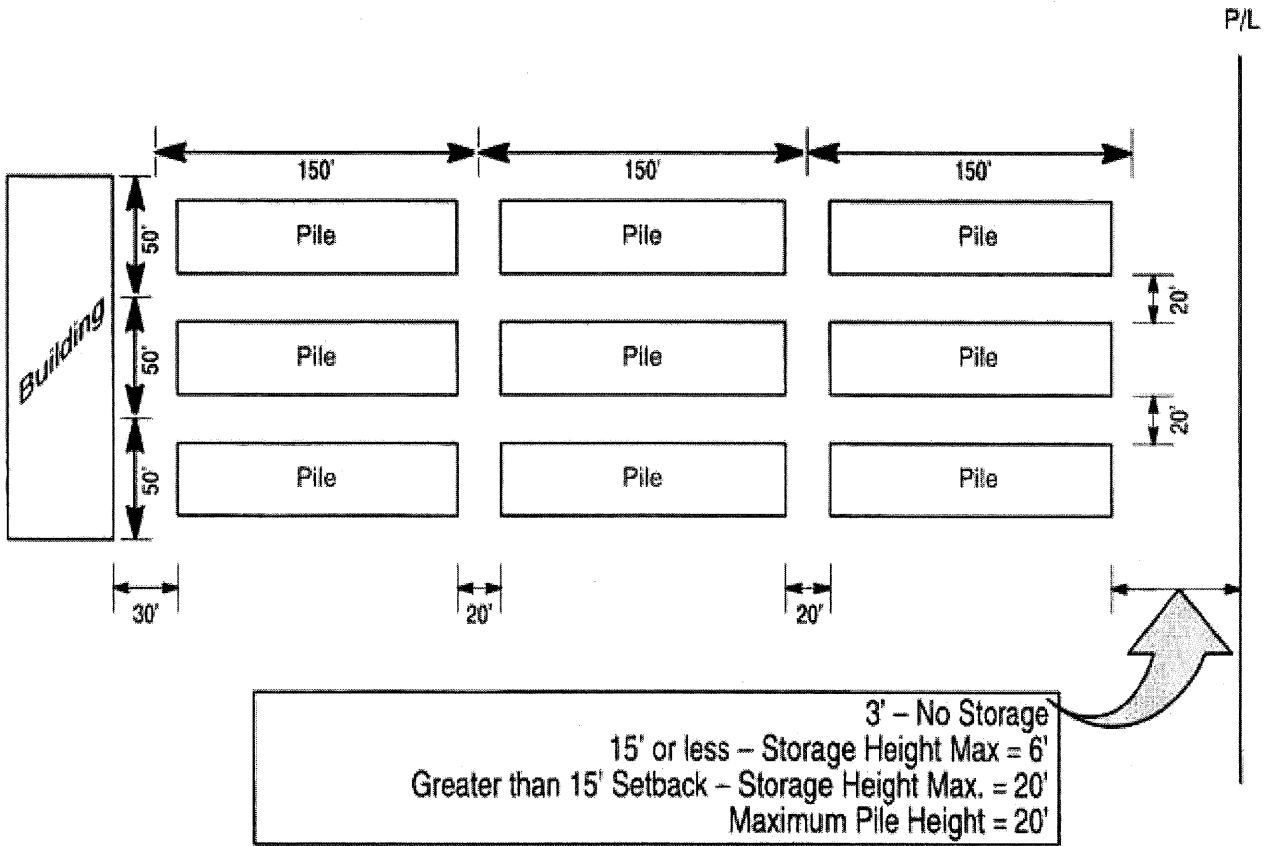
A-314.01 (9) (b) Section 101.02 (7) (c) of the Statutes reads:

(c) 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.

Section 101.01 (8) of the statutes defines “local order” and reads:

A-314.01 (13) The pages after the following page contain the forms the Department has developed for use with this chapter, which are primarily intended for use by local fire departments. More-current versions of these forms may be available at the Department’s Web site at <http://dsps.wi.gov> through links to Division of Industry Services forms.

A-314.10 (2) OUTSIDE STORAGE SCHEMATIC.



FIRE DEPARTMENT BUILDING RECORD

STATION: _____ CLASSIFICATION: _____ FIRE LIMITS: _____ CARD NUMBER: _____
 OWNER: _____ ADDRESS: _____ TEL: _____
 AGENT: _____ ADDRESS: _____ TEL: _____
 OCCUPANT: _____ BUSINESS: _____ TEL: _____
 CONSTRUCTION-WALLS: _____ ROOF: _____ NO. STORIES: _____
 HEATING-TYPE: _____ LOCATION: _____ FIRE ALARM: _____
 EXTINGUISHERS: _____
 SPRINKLERS: COMPLETE: _____ PARTIAL: _____ WET: _____ DRY: _____ OTHER: _____
 STANDPIPES: YES: _____ NO: _____ HOSE CABINETS: YES: _____ NO: _____ HOSE SIZE: _____
 GAS SHUT OFF LOCATION: _____ ELEC.SHUT OFF: _____
 AIR CONDITIONING SHUT OFF: _____

STREET NAME
OR NAME OF OCCUPANCY

NUMBER

Personal information you provide may be used for secondary purposes [Privacy Law, s.15.04(1)(m)].

DATE	INSPECTOR	CONDITIONS FOUND	DATE	INSPECTOR	CONDITIONS FOUND

SBD-2113 (R.12/04)

INSURANCE CARRIER: OWNER _____

OCCUPANT _____

ADDITIONAL OCCUPANTS: 1. _____

2. _____

3. _____

SPECIAL HAZARDS: LIQ. OXY: _____ L.P.: _____ CHLORINE: _____ HYDROGEN: _____ OTHER: _____

LOCATION OF HAZARDS: _____

FLAMMABLES STORED: _____

DATE	INSPECTOR	CONDITIONS FOUND	DATE	INSPECTOR	CONDITIONS FOUND

FIRE DEPARTMENT
FIRE PREVENTION INSPECTION

Correction Order

Section 101.14, Stats., designates every fire chief a deputy of the Wisconsin Department of Safety and Professional Services and requires the fire chief or inspectors to conduct inspections for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violation of any law or ordinance relating to fire hazards, prevention of fires, or environmental contamination from flammable or combustible liquid storage tanks.

Occupancy Name _____

Address _____ City _____ Zip _____

Owner's Name _____

Address _____ City _____ Zip _____

Item	Code Ref. #	Code Requirement / Correction

Personal information you provide may be used for secondary purposes [Privacy Law, s.15.04(1)(m)].

Date Inspected _____ Date of Order if different from Inspection Date _____

Compliance date (Mo/Day/Yr) _____

Appeal. An appeal to any of the orders must be submitted in writing within 10 days of the date of the order to:

Violations Explained to _____

Inspector's Name (Print) _____ Inspector's Signature _____

Telephone Number _____

FIRE PREVENTION PROGRAM SUPPLIES FORM



Mail To:
FIRE PREVENTION PROGRAM
PO BOX 7839
MADISON WI 53707-7839

If you have questions please contact us via FAX (608) 283-7412 or e-mail at: DSPSSBFireForms@wisconsin.gov

The following documents are made available to Fire Departments as tools to assist in providing fire protection and fire prevention services under ss.101.14, 101.575, Stats. There is no charge to Fire Departments for REASONABLE quantities of the supplies listed. We reserve the right to limit quantities.

Many forms and codes can be found on-line at <http://dspss.wi.gov/sb/SB-FirePreventionProgram.html>

FORM #	TITLE (unit of measure)	QUANTITY
SBD-2113	Inspection Envelopes (each)	_____ea
SBD-5295	Inspection Correction Order Pads (50 forms/ pad)	_____pad
SBD-6396	Fire Inspector ID Card Sheet (6 cards/sheet)	_____sheet
SBD-7257	Bolt or Bar Adhesive Signs (25/pkg)	_____pkg
SBD-8221	Fire Door Adhesive Signs (25/pkg)	_____pkg
SBD-9144	Interfering With Fire Fighting And False Alarm Warning Adhesive Signs (25/pkg)	_____pkg
SBD-10615a	Fire Inspection Report (50/pkg)	_____pkg
SBD-10780P	Smoke Detector Brochure (25/pkg)	_____pkg
SBD-10870	Fire Prevention Pocket Guide to Codes	_____ea
SBD-10882	Carbon Monoxide Brochure (25/pkg)	_____pkg

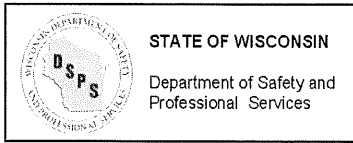
CHAPTER #	CODE NAME	# EACH
SPS 305	Credentials	
SPS 307	Explosive and Fireworks	
SPS 310	Flammable & Combustible Liquids	
SPS 314	Fire Prevention	
SPS 316	Electrical	
SPS 320-325	Uniform Dwelling	
SPS 326	Manufactured Home Communities	
SPS 328	Smoke Detectors	
SPS 330	Fire Department Safety and Health	
SPS 340	Gas Systems	
SPS 345	Mechanical Refrigeration	
SPS 361-366	Wisconsin Commercial Bldg Code	
SPS 375-379	Existing Buildings	

Please complete ALL of the fields below so they are LEGIBLE: This will be the shipping label.

Order Date:

First & Last Name:
Fire Department Name:
Mailing or Shipping Address:
City & Zip Code: <p style="text-align: center;">WI</p>

Daytime Phone Number: Or E-mail address
FAX Number:
Number of Fire Inspectors:
FDID Number:



Application for Review, Petition for Variance SBD-9890X
SBD-9890X (R. 10/11)

-Complete all pages-

Safety & Buildings Division

Use this page for fax appointments (fax 877-840-9172)

NOTE: Personal information you provide may be used for secondary purposes [Privacy Law s. 15.04(1)(m), Stats.]

Indicate date plans will be in S&B office

<p>1. Facility Information</p> <p>Facility (Building) Name: _____</p> <p>Number and Street _____ Zip: _____</p> <p>SPS Site Number (if known): _____</p> <p>Legal Description: _____</p> <p>County of: _____</p> <p>() City () Village () Town of: _____</p>	<p style="text-align: center;">Complete for confirmed appointments*:</p> <p>Transaction ID: _____</p> <p>Previous Related Trans. ID: _____</p> <p>Assigned Reviewer: _____</p> <p>Assigned Office: _____</p> <p>Review Start Date*: _____</p> <p>*Submittal must be received in the office of the appointment no later than 2 working days before the confirmed appointment.</p>
--	--

2. Owner Information		3. Designer Information	
Customer #		Customer #	
Name		Designer	
Company Name		Design Firm	
Number and Street		Number and Street	
City, State, Zip Code		City, State, Zip Code	
Contact Person		Contact Person	
Telephone Number	Fax Number	Telephone Number	Fax Number

4. Plan Review Status Plan previously review by (please enclose a copy of review letter)

Plan submitted with petition State Municipality Approved Held Denied

Plan will be submitted after petition determination **Code Being Petitioned** Commercial Building HVAC Plumbing

Requesting revision Other: _____ Private Sewage System Swimming Pool Electrical Flammable Liquids

SPS Transaction Number _____ Amusement Rides Uniform Dwelling Code Boilers Elevators

Gas Systems Refrigeration Rental Weatherization Other: _____

5. State the code section being petitioned AND the specific condition or issue you are requesting be covered under this petition for variance.

6. Reason why compliance with the code cannot be attained without the variance (Attach additional sheets, if necessary)

7. State your proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.

8. List attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).

VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED WITH AFFIXED SEAL AND ACCOMPANIED BY REVIEW FEE
Note: Petitioner must be the owner of the building or system or credential applicant for a SPS 305 petition. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

_____, being duly sworn, I state as petitioner that I have read the foregoing petition and I believe it is true and that I have significant ownership rights to the subject building or project.

Petitioner's Name (type or print)	Subscribed and sworn to before me this date	Notary Public	My commission expires on
Petitioner's Signature			

MAKE CHECKS PAYABLE TO DEPT. OF SAFETY AND PROFESSIONAL SERVICES Complete other side for variance from SPS 320-325 and SPS 361-366		TOTAL AMOUNT DUE \$ _____ Attach check here.
Owner's Name	Project Location	Plan Number

Page 2 of _____

Fire Department Position Statement

To be completed for fire or life-safety related variances requested from SPS 361-366, SPS 310, SPS 316, and other fire related requirements.

I have read the application for variance and recommend: (check appropriate box)

- Approval
- Conditional Approval
- Denial
- No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

Fire Department Name and Address	
Name of Fire Chief or Designee (type or print)	Telephone Number
Signature of Fire Chief or Designee	Date Signed

MUNICIPAL BUILDING INSPECTION RECOMMENDATION

To be completed for variances requested from SPS 320-323. Also to be used for SPS 316 electrical petitions, if SPS 361-366 plan review is by municipality or orders are written on the building under construction; optional in other cases. Please submit a copy of the orders

I have read the application for variance and recommend: (check appropriate box)

- Approval
- Conditional Approval
- Denial
- No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

Municipality Exercising Jurisdiction	
Name and Address of Municipal Official (type or print)	Telephone Number of Enforcement Official
Signature of Municipal Enforcement Official	Date Signed

SBD-9890X (R10/11)

Safety and Buildings Division

**PETITION FOR VARIANCE
INFORMATION AND INSTRUCTIONS SPS 303**

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the Division has a petition for variance program where it reviews and considers acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is requested below. Failure to provide adequate information may delay your petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, etc., the variance request will be denied. **NOTE: A SEPARATE PETITION IS REQUIRED FOR EACH BUILDING AND EACH CODE ISSUE PETITIONED** (i.e., 57.13 window issue cannot be processed on the same petition as 51.16 stair issue). It should be noted that **a petition for variance does not take the place of any required plan review submittal.**

The Division is unable to process petitions for variance that are not properly completed. Before submitting the application, the following items should be checked for completeness in order to avoid delays:

- Petitioner's name (typed or printed)
- Petitioner's signature
- The Petition for Variance Application must be signed by the owner of the building or system unless a Power of Attorney is submitted.
- Notary Public signature with affixed seal
- Analysis to establish equivalency, including any pictures, illustrations or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer.
- Proper fee
- Any required position statements by fire chief or municipal official

A position statement from the chief of the local fire department is required for fire or life-safety issues. No fire department position statement is required for bonfire safety topics such as sanitary, plumbing or POWTS systems and energy conservation. Submit a municipal building inspection department position for SPS 316 electrical petitions, if SPS 361-366 plan review is by municipality or orders are written on the building under construction; optional in other cases. (Please submit a copy of the orders.) For rules relating to one- and two-family dwellings, only a position statement from the local enforcing municipality is required. Position statements must be completed and signed by the appropriate fire chief or municipal enforcement official. See the back of SBD-9890-X, Petition for Variance Application form for these position statement forms. Signatures or seals on all documents must be originals. Photocopies are not acceptable.

Contact numbers and fees for the Division's review of the petition for variance are as follows:

Chapter	(circle appropriate category)	Revenue Code	Review Office	Contact Number	Fee	Revision Fee
SPS 316, Electrical		7631	Madison, Waukesha	(608) 266-3064	\$300	\$100
SPS 318, Elevators		8260	Waukesha	(262) 521-5444	\$300	\$100
SPS, 320-325 Uniform Dwelling Code		7655	Madison	(608) 267-5113	\$175	\$50
SPS 334, Amusement Rides		8266	Madison	(608) 267-4434	\$300	\$100
SPS 340, Gas Systems		8258	Waukesha	(262) 548-8617	\$300	\$100
SPS, 341 Boilers and Pressure Vessels		8258	Waukesha	(262) 548-8617	\$300	\$100
SPS 343, Anhydrous Ammonia		8258	Waukesha	(262) 548-8617	\$300	\$100
SPS 345, Mechanical Refrigeration		8258	Waukesha	(262) 548-8617	\$300	\$100
SPS 360-366, Commercial Building Code		7648	All Offices	See Office Numbers Below	\$550	\$100
(For Fire System Petition for Variances – Contact the Green Bay or Waukesha offices)						
SPS 367, Rental Unit Energy Efficiency Code		7646	Madison	(608) 267-2240	\$175	\$50
SPS 381-387, General Plumbing		7657	All Office	See Office Numbers Below	\$300	\$75
SPS 390, Swimming Pools		7650	Madison	(608) 267-5265	\$300	\$75
SPS 383 POWTS		7657	All Offices	See Office Numbers Below	\$300	\$75
All Other Chapters					\$300	\$100

Revisions are accepted only for 1 year after action on original petition.

Priority Review: The Department will schedule Petitions for Variance at the earliest available date, or the date requested at time of scheduling, which ever is later. Therefore, Priority Reviews are not generally available. In special circumstances, the Section Chief of the reviewing office may permit review prior to the scheduled date upon request by the submitter. If earlier review is permitted by the Section Chief, the Petition review fees will be doubled.

Except for special cases, the Division will review and make a determination on a petition for variance within 30 business days of the scheduled beginning date, provided all calculations, documents, and fees required for the review have been received.

Appointment and Scheduling Information

It is strongly recommended that an appointment be made in advance. **For your convenience we have installed a 24 hour, toll free number dedicated to receiving faxed plan review appointment requests. The dedicated fax number is 877-640-9172. Be sure to indicate whether you want the next available review statewide or prefer a choice of an office.** The petition review will be scheduled with the same office where the plan was/will be reviewed. You will receive a Schedule Letter back with an Appointment Date, Transaction ID No. and Assigned Reviewer. You may also email the request to DspsSbPlanSchedule@wi.gov. At the time of making an appointment, you may request review for a specific office of desired (beginning) date for review. Plans **must be received** in the office of the appointment no later than **2 working days before the confirmed appointment**. Non-scheduled submittals or submittals received without a confirmed appointment date and transaction number on the form may be assigned to offices other than the receiving office depending on reviewer availability. **Certain petitions may be limited to certain offices depending on the petition issues, see above table for appropriate office.**

Madison S&BD	Hayward S&BD	La Crosse S&BD.	Green Bay S&BD	Waukesha S&BD
201 W Washington Ave 53703 PO Box 7162 Madison WI 53707-7162	10541N Ranch Rd Hayward WI 54843	3824 Creekside La Holmen WI 54636	2331 San Luis Place Green Bay, WI 54304	141 NW Barstow St 4 th Floor Waukesha WI 53188-3789
608-266-3151	715-634-4870	608-785-9334	920-492-5601	262-548-8600
Fax: (for sending questions or additional info to reviewers) 608-267-9566	Fax: (for sending questions to additional info to reviewers) 715-634-5150	Fax: (for sending questions or additional info to reviewers) 608-785-9330	FAX: (for sending questions or additional info to reviewers) 920-492-5604	Fax: (for sending questions or additional info to reviewers) 262-548-8614
TTY: Contact Through Relay	Email: DspsSbPlanSchedule@wi.gov	Email: DspsSbPlanSchedule@wi.gov	Email: DspsSbPlanSchedule@wi.gov	Email: DspsSbPlanSchedule@wi.gov
Email: DspsSbPlanSchedule@wi.gov				

Code Change Proposal



Department of Safety and Professional Services

Division of
Safety and
Buildings

Code section number _____

Topic _____

A. Proposed change _____

B. Justification: (Use reverse side, or attach a separate page.)

1. Describe the problem this proposed change would address. Include information to substantiate that a problem exists.
2. What is the extent of the problem? How often does it occur and who does it affect?
3. What will happen if this change is not made?
4. What costs, in terms of time and money, are associated with implementing this change?

Name _____

Address _____

Send proposals to Program Development Bureau PO Box 2689 Madison WI 53701-2689, or email them to norma.mcreynolds@wi.gov. For more information, call 608-267-7907.

Personal information you provide may be used for secondary purposes. Privacy Law, s.15.04 (1) (m).

The Department of Safety and Professional Services does not discriminate on the basis of disability in the provision of services or in employment. If you need this printed material interpreted or in a different form, or if you need assistance in using this service, please contact us. TTTY - use relay..

- 1. Describe the problem this proposed change would address. Include information to substantiate that a problem exists.

- 2. What is the extent of the problem? How often does it occur? Who does it affect?

- 3. What will happen if this change is not made?

- 4. What costs, in terms of time and money, are associated with implementing this change?



FIRE INSPECTION REPORT FORM

LOCATION (Legal Address) _____ HEIGHT _____ CONSTRUCTION _____
 NAME OF BUSINESS _____ MAILING CITY _____ ZIP CODE _____
 DATE OF INSPECTION _____ COMPLIANCE DATE _____

* Violations requiring corrective actions are circled below.

* §101.14 of the Wisconsin Statutes constitutes every Fire Chief a deputy of the Wisconsin Department of Safety & Professional Services, and requires the chief or appointed inspectors to make inspections periodically for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violation of any law or local ordinance relating to fire hazards or prevention of fires per SPS 314.

<p>Ch 1 Administration [Also See SPS 314.01] 314.01(2)(f) Temporary Use 1.7.6 Authority – Right of Entry to Inspect Ch 10 General Fire Safety 10.1 Fundamental Requirements 10.2 Owner/Occupant Responsibilities [Also See SPS 314.01(6)] 10.3 Occupancy 10.4 Maintenance, Inspection, & Testing 10.5 Building Evacuation 10.6 Fire Drills 10.7 Reporting of Fires & Other Emergencies 10.8 Tampering with Fire Safety Equipment 10.10 Smoking 10.11 Open Flame, Candles, Open Fires, & Incinerators 10.12 Fire Protection Markings 10.13 Vacant Buildings and Premises 10.14 Combustible Vegetation 10.15 Special Outdoor Events, Carnivals, & Fairs 10.16 Outside Storage [Also See SPS 314.10(2)] 10.19 Combustible Materials 10.20 Indoor Children's Playground Structures Ch 11 Building Services 11.1 Electrical Fire Safety 11.2 Heating, Ventilation, & Air-Conditioning 11.3 Elevators, Escalators, & Conveyors 11.5 Heating Appliances [Also See SPS 314.11] 11.6 Rubbish Chutes, Incinerators, & Laundry Chutes 11.8 Smoke Control 11.9 Emergency Command Center Ch 12 Features of Fire Protection 12.1 General 12.2 Construction 12.3 Fire-Resistive Materials & Construction 12.4 Fire Doors & Windows 12.5 Interior Finish 12.6 Contents & Furnishings 12.7 Fire Barriers 12.8 Smoke Partitions 12.9 Smoke Barriers Ch 13 Fire Protection Systems 13.1 General 13.2 Standpipe Systems 13.3 Automatic Sprinklers [Also See SPS 314.13(1)-(2)] 13.6 Portable Fire Extinguishers 13.7 Detection, Alarm, & Communications Systems [Also See SPS 314.13(3)] 13.8 Other Fire Protection Systems Ch 14 Means of Egress 14.4 Means of Egress Reliability 14.5 Door Openings 14.12 Illumination of Means of Egress 14.13 Emergency Lighting 14.14 Marking of Means of Egress</p>	<p>Ch 16 Safeguards During Building Construction, Alteration, & Demolition Operations 16.1 General Requirements 16.4 Safeguarding Construction & Alteration Operations [Also See SPS 314.16] Ch 17 Wildland Urban Interface Ch 18 Fire Department Access & Water Supply [Also See SPS 314.01(2)4 a.-b.] 18.1 General 18.2 Fire Department Access Ch 19 Combustible Waste & Refuse 19.1 General 19.2 Combustible Waste & Refuse Ch 20 Occupancy Fire Safety Ch Scope: Furnishings; Contents; Decorations; Treated Finishes; Scenery; Foam; Exhibit & Display Materials; Hot Plates; Cooking Operations; Exposition Facilities & Trade Shows; Crowd Managers; Multi-Level Play Structures; High-Rise Buildings; Bulk Storage; Pesticides & Herbicides 14.20 Open Flame Devices & Pyrotechnics All Occupancies Ch 21 Airports & Heliports Ch 22 Automobile Wrecking Yards Ch 23 Cleanrooms Ch 24 Drycleaning Ch 25 Grandstands & Bleachers, Folding & Telescopic Seating, Tents, & Membrane Structures 25.1 General 25.2 Tents Ch 26 Laboratories Using Chemicals Ch 27 Manufactured Home & Recreational Vehicle Sites [Not Included - See SPS 314.27 & SPS 326] Ch 28 Marinas, Boatyards, Marine Terminals, Piers, & Wharves Ch 29 Parking Garages 29.1 General Ch 30 Motor Fuel Dispensing Facilities & Repair Garages 30.1 General 30.2 Repair Garages 30.3 Operational Requirements Ch 31 Forest Products Ch 32 Motion Picture & Television Production Studio Soundstages & Approved Production Facilities Ch 33 Outside Storage of Tires Ch 34 General Storage 34.1 General 34.4 Storage Arrangement 34.5 General Fire Protection 34.6 Building Equipment, Maintenance, & Operations 34.10 Storage of Idle Pallets Ch 40 Dust Explosion Prevention Ch 41 Hot Work Operations 41.1 General 41.2 Responsibility for Hot Work 41.3 Fire Prevention Precautions</p>	<p>Ch 42 Refueling 42.1 General Ch 43 Spraying, Dipping, & Coating Using Flammable or Combustible Materials [Also See SPS 314.01(1)(f) & SPS 310] 43.1 Application 43.5 Miscellaneous Spray Operations Ch 44 Solvent Extraction Ch 45 Combustible Fibers 45.1 General 45.3 No Smoking 45.6 Baled Storage 45.7 Storage of Hay, Straw, & Other Similar Agricultural Products Ch 50 Commercial Cooking Equipment 50.1 Application 50.2 General Requirements 50.4 Fire-Extinguishing Equipment 50.5 Procedures for the Use & Maintenance of Equipment 50.6 Minimum Safety Requirements for Cooking Equipment Ch 51 Industrial Ovens & Furnaces Ch 52 Stationary Lead-Acid Battery Systems Ch 53 Mechanical Refrigeration Ch 60 Hazardous Materials Ch 61 Aerosol Products Ch 63 Compressed Gases and Cryogenic Fluids 63.1 General Provisions 63.3 Compressed Gases Ch 64 Corrosive Solids & Liquids Ch 65 Explosives, Fireworks, & Model Rocketry [Also See SPS 314.65] 65.1 General 65.2 Display Fireworks 65.3 Pyrotechnics Before a Proximate Audience 65.11 Sale, Handling, & Storage of Consumer Fireworks Ch 66 Flammable & Combustible Liquids [Also See SPS 314.01(1)(f) & SPS 310] 66.19 Operations 66.9 Container & Portable Tank Storage Ch 67 Flammable Solids Ch 68 Highly Toxic and Toxic Solids & Liquids Ch 69 Liquefied Petroleum Gases & Liquefied Natural Gases 69.1 General Provisions 69.2 LP-Gas Equipment & Appliances 69.3 Installation of LP-Gas Systems 69.5 Storage of Cylinders Awaiting Use, Resale, or Exchange 69.8 Liquefied Natural Gas [LNG] Ch 70 Oxidizers & Organic Peroxides Ch 71 Pyrophoric Solids & Liquids Ch 72 Unstable [Reactive] Solids & Liquids Ch 73 Water-Reactive Solids & Liquids * Other Violations – See Remarks Below</p>
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REMARKS - A COPY OF THIS NOTICE WILL BE ON FILE IN THE OFFICE OF THE FIRE INSPECTOR FOR FURTHER ACTION
 Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04 (1)(m)].

OWNER/AGENT/MANAGER REPRESENTATIVE

INSPECTING OFFICER/FIRE DEPARTMENT

*SBD-10615a (R. 12/11)

WHITE – Inspector, BLUE – Owner, YELLOW – Fire Department



FIRE DEPARTMENT REGISTRATION FORM

SAFETY AND BUILDINGS
Fire Prevention Program
P. O. Box 7839
Madison, Wisconsin 53707-7839
TTY: Contact Through Relay
Scott Walker, Governor
Dave Ross, Secretary

Please Type or Clearly Print Information
Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04 (1)(m)].

Date: _____

Name of Fire Department: _____

Street Address of Main Station: _____

Mailing Address: _____

_____, WI _____ County: _____

Name of Designated Fire Chief: _____

Date (Month/Year) Fire Chief Originally Elected or Appointed: _____

Fire Chief Phone: (FD Non-Emergency) : (____) _____ - _____ Best Time to Call: _____

Alternate Phone: _____ Fire Chief E-mail: _____

Name of Lead Fire Inspector: _____

Lead Fire Inspector Phone: _____ Best Time to Call: _____

Lead Fire Inspector E-mail: _____

Name of Public Fire Education Officer: _____

Public Fire Education Officer Phone: (____) _____ - _____ Best Time to Call: _____

Public Fire Education Officer E-mail: _____

FAX Number for Fire Department Business: (____) _____ - _____

Fire Department Pay Status*:

- 1 () Career
- 2 () Combination
- 3 () Volunteer

Roster:

Number of Current Members: _____
 Number of Firefighters: _____
 Number of Fire Inspectors: _____

*See Definitions on Back of Form

Municipalities:

List each municipality that is located within the territory served by this fire department. Designate whether Town, Village, or City of (example; Municipality Town of Adams County: Adams). Place an X behind the type of services provided.

1. Municipality _____ County: _____
 Fire Protection: _____ Fire Prevention: _____ Effective Date for Services Provided: _____

2. Municipality _____ County: _____
 Fire Protection: _____ Fire Prevention: _____ Effective Date for Services Provided: _____
3. Municipality _____ County: _____
 Fire Protection: _____ Fire Prevention: _____ Effective Date for Services Provided: _____
4. Municipality _____ County: _____
 Fire Protection: _____ Fire Prevention: _____ Effective Date for Services Provided: _____
5. Municipality _____ County: _____
 Fire Protection: _____ Fire Prevention: _____ Effective Date for Services Provided: _____

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m), Stats.).

FIRE DEPARTMENT PAY STATUS DEFINITIONS:

There are three classifications of fire departments in the United States: Career, Combination, and Volunteer. The terminology is not consistent by definition across the country. For administrative purposes, the Wisconsin Department of Commerce uses three classifications of fire departments based upon the pay status of the members. The following definitions are used in Wisconsin:

- 1 **Career:** Fire departments which have 100% of their members in full or part-time paid positions are classified as Career or Paid Fire Departments. The career fire department does not rely upon paid-on-call or volunteer firefighters to complement staffing (exception being mutual aid assistance). Examples of Career Fire Departments are: Milwaukee, Madison, Green Bay and Eau Claire.
- 2 **Combination:** Fire departments which have full-time, paid-on-call or volunteer members are classified as Combination or Part-Paid Fire Departments. The combination fire department may have one or more full-time staff, but rely upon paid-on-call or volunteer firefighters to complement the fire department. The full-time staff may be chief officers, fire inspectors, dispatchers or single engine company. Examples of Combination Fire Departments are: Menomonee Falls, Fitchburg, Plover and Rice Lake.
- 3 **Volunteer:** Fire departments which have predominantly volunteer members are classified as Volunteer Fire Departments. The classification Volunteer Fire Department may be misleading since the classification does not mean that the firefighters may not be compensated. For classification purposes, a volunteer fire department does not have any member of the fire department that is paid for 36 hours or more of work a week. Volunteer fire departments may compensate their members for fire calls, training, clothing allowance or to be on-call. The fire chief or fire inspector may be paid a yearly salary or stipend for their services. Insurance and workman's compensation organizations may have different definitions. Examples of Volunteer Fire Departments are: Washburn, Augusta-Bridge Creek, Verona and New Glarus.

For further pay status definitions, please see our website: <http://dsps.wi.gov/sb/SB-FirePrevention-FireDepartments.html>

FIRE DEPARTMENT REGISTRATION

A fire department that provides fire protection and fire prevention services to a municipality is required to register with the Department. In the fire dues process, 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.

By statute, for the prevention of fire hazards, the chief of the fire department is constituted a Deputy of the Department of Commerce. Registration is required to issue the Deputy ID card to the fire chief, and to ensure that the fire department receives their fire dues funding from the municipalities served by the fire department.

Questions about this form? Contact Luann Robb at luann.rob@wi.gov.

