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DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES SPS 314 FIRE PREVENTION CODE COUNCIL

Room 121B, 1400 East Washington Avenue, Madison
Contact: Sam Rockweiler (608) 266-0797
September 24, 2013
9:00 A.M.

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the recommendations of the Council.

AGENDA

CALL TO ORDER AND ROLL CALL

- A. Adoption of Agenda(1-2)
- B. Welcome
- C. Approval of Minutes From Council Meeting on August 13, 2013(3-4)
- D. Department Update
 - Related Code-Development Activity: Chapters SPS 316, 318, 320-325, 326, 330 and 332
- E. Deferred Issues From the 2012 Edition of NFPA 1, Such as:
 - 1) Standardized Fire Service Elevator Keys - NFPA 1 Section 11.3.6(5-8)
 - 2) Telecommunication Facilities and Information Technology Equipment – NFPA 1 Chapter 36
 - 3) Ventilation Control and Fire Protection of Commercial Cooking Operations – NFPA Chapter 50 and NFPA 96
 - 4) Storage Systems for Cooking Oil – NFPA 1 Sections 50.6.3 to 50.6.3.5
 - 5) Photovoltaic Systems – NFPA 1 Section 11.12(9-10)
- F. Changes to Draft Text for Outside Storage of Furniture, Relating to Weather-Resistant Barriers and Distance From Structure
- G. Modifications In Subchapter II of Chapter SPS 314, Such as Revised Audit Procedures(11-19)
- H. Authority of Fire Inspectors to Enforce the Building Code

- I. May 28, 2013, Letter to the Council From the Wisconsin State Fire Chiefs' Association(21-24)**
- J. Public Comments**
- K. Discuss Future Business**
- L. Adjournment**

File reference: SPS 314/Agenda 09.13

SPS 314 FIRE PREVENTION CODE COUNCIL

MEETING MINUTES

Tuesday, August 13, 2013

PRESENT: John Ashley, Todd Blaser, Gregg Cleveland, Tod Doebler, Jennie Macaluso-Ruditys, Brian McKee

STAFF: Jeff Weigand, Policy Director; Carl Frisque, Fire Prevention Coordinator; Brian Rausch, Engineering Consultant; and Sam Rockweiler, Rules Coordinator

Gregg Cleveland called the meeting to order at 9:00 a.m. A quorum of six members was present.

APPROVAL OF MINUTES

Amendments to the Minutes:

- None

MOTION: Tod Doebler moved, seconded by Todd Blaser, to approve the minutes of July 2, 2013, as published. Motion carried unanimously.

AGENDA ITEM: DISCUSS NFPA 1 FIRE CODE™ TECHNICAL/SUBSTANTIVE CHANGES FROM THE 2009 EDITION TO THE 2012 EDITION

MOTION: Brian McKee moved, seconded by John Ashley, to recommend that the Department add the design requirements from chapter 36 of the 2012 edition of NFPA 1, relating to telecommunication facilities and information technology equipment, to chapters SPS 361 to 366, for commercial buildings. Motion failed.

MOTION: Brian McKee moved, seconded by John Ashley, to ask the Department to review – within 30 days – the design requirements in chapter 36 of the 2012 edition of NFPA 1, relating to telecommunication facilities and information technology equipment, for inclusion in chapters SPS 361 to 366, through either an emergency rule, a permanent rule, or a comprehensive update of the chapters, whichever is most expeditious. Motion carried, with one dissent.

MOTION: Tod Doebler moved, seconded by Jennie Macaluso-Ruditys, to ask the Department to review – within 30 days – the design requirements in NFPA 96, relating to ventilation control and fire protection of commercial cooking operations, for inclusion in chapters SPS 361 to 366, through either an emergency rule, a permanent rule, or a comprehensive update of the chapters, whichever is most expeditious. Motion carried, with one dissent.

MOTION: Tod Doebler moved, seconded by Brian McKee, to ask the Department to review – within 30 days – the design requirements in NFPA 1 sections 50.6.3 to 50.6.3.5, relating to storage systems for cooking oil, for inclusion in chapter SPS

310, and to relay the outcome of the review to the Department of Agriculture, Trade and Consumer Protection. Motion carried unanimously.

AGENDA ITEM: DISCUSS RADIO COVERAGE INSIDE BUILDINGS

MOTION: Tod Doebler moved, seconded by John Ashley, to accept the new requirements in NFPA 1 sections 11.10.1 to 11.10.3, relating to two-way radio communication enhancement systems. Motion carried, with one dissent and one abstention.

ADJOURNMENT

MOTION: Brian McKee moved, seconded by Todd Blaser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:00 p.m.

File reference: SPS 314/Minutes 08.13

From: Rausch, Brian - DSPS
Sent: Monday, September 16, 2013 4:02 PM
To: Rockweiler, Sam - DSPS
Cc: Merkle, Rick M - DSPS
Subject: RE: Fire Prevention council questions.

Sam,

Here are my answers to (1) and (2) below.

11.3.6.1.1 This is a very costly and far-reaching design requirement for some owners. It would require all existing elevators with firefighters emergency operation to have their key switches changed to use the FEO-K1 key. We've been told this may cost \$1000 on a single elevator if the key switches will need to be replaced. This would conflict with the Elevator program which prefers to continue having elevator key switches updated according to 2). in my original message below.

11.3.6.1.2 - 11.3.6.3 The actions prohibited in these sections have already happened. As the New York subway article pointed out, the keys are already used for more then elevators and are readily available, duplicated and inexpensive.

11.3.6.4 No comment.

11.3.6.5 For requirement to change within one year, please see comment to 11.3.6.1.1 above.

11.3.6.5.1 The Elevator program has not been asked to allow an older key type switch to be continued to be used. Doing so would conflict with ASME A17.1.

11.3.6.5.1.1 - 8.11.3.6.5.1.4 The key boxes described here are already required for new elevators and older ones getting new firefighters emergency operation. SPS 318.1702(9)(c) states:

Switch keys. This is a department rule in addition to the requirements in ASME A17.1 section 2.27.8: An additional set of switch keys and elevator machine room access keys for use by the fire department, police department, or other authorized personnel shall be kept in a metal box mounted in a conspicuous location adjacent to the main elevator entrances at the designated floor or other approved location. The box shall have a lock-type cover, which can be opened by the fire department, police department, or other authorized personnel.

11.3.6.5.1.5 This is somewhat in conflict with SPS 318.1702(9)(c) above. The key box is also required to contain the key to the machine room, control room or control closet where firefighters would need to disconnect main elevator power before beginning to rescue riders from a stranded elevator. Where there is no machine room, control room or control closet, this box also contains the special tool (also called a "key") used to unlock and open hoistway doors when the car is more than 18" away from a landing.

11.3.6.5.1.6 The Elevator program requires one key for all elevators that operate as a group. These elevators are always near each other but elevator code does not specify a distance. If another elevator is less than 30' away but is not part of a group operation with the first elevator, it needs its own key box by current elevator code. The 30' measurement complicates this. For example, what if the second elevator operating on its own from the first one and is within 30' but around a corner and not visible?

11.3.6.5.1.7 It could be helpful to have an additional key in or near a fire command center (FCC), whether it is an older key type or the FEO-K1 type. A side note: I would think the firefighters emergency

operation switch inside the fire command center would not require a key because it is in a secure room. Maybe they want the key there if firefighters need to leave the FCC and go operate an elevator.

Brian

From: Rockweiler, Sam - DSPS
Sent: Monday, September 16, 2013 2:54 PM
To: Rausch, Brian - DSPS
Subject: RE: Fire Prevention council questions.

Thanks Brian -- that info helps.

According to my notes, we were also asked to look through the new requirements in 2012 NFPA 1 section 11.3.6 and (1) identify any that are design requirements, and (2) describe whether any of those design requirements would conflict with our current or proposed requirements in SPS 318. Can you do those 2 things before next Tuesday?

I would plan to present this info and the info below during the 9/24 SPS 314 Council meeting if you are unable to participate by teleconference. (I wasn't planning for you to come here for the meeting.)

From: Rausch, Brian - DSPS
Sent: Monday, September 16, 2013 2:44 PM
To: Rockweiler, Sam - DSPS
Subject: Fire Prevention council questions.

Hello Sam,

According to our conversation earlier today and my notes from the meeting, these are the answers I was asked to provide:

1). When was fire service (firefighters emergency operation) new?

Nationally, 1973 ASME A17.1
Wisconsin, October 1976 Ind 4

These codes did not specify a key type.

2). When did code first require the FEO-K1 type key?

Nationally, 2007 ASME A17.1
Wisconsin, January 1, 2009 Comm 18

Since then, the new key requirement has not been retroactive to existing elevators except where the building will have a new elevator or an existing elevator is modernized with the latest firefighters emergency operation. Then all elevators in the building with firefighters emergency operation have to be converted to use the FEO-K1 key.

3). What changes will be made in the 2013 ASME A17.1, 2.27.8 regarding the FEO-K1 key?

According to Wisconsin inspector David Holmes (A17.1 committee member), the only change to 2.27.8 will clarify the need for the key to have cutting depths in accordance with Fig. 2.27.8 (no figure available at this time).

Brian Rausch, PE
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- (10) Public address system, where specifically required by other sections of this *Code*
- (11) Controls required for smoke control

11.9.6 Emergency Command Center Acceptance Testing. Devices, equipment, components, and sequences shall be individually tested in accordance with appropriate standards and manufacturers' documented instructions.

11.10* Two-Way Radio Communication Enhancement Systems.

11.10.1 In all new and existing buildings, minimum radio signal strength for fire department communications shall be maintained at a level determined by the AHJ.

11.10.2 Where required by the AHJ, two-way radio communication enhancement systems shall comply with *NFPA 72*.

11.10.3 Where a two-way radio communication enhancement system is required and such system, components, or equipment has a negative impact on the normal operations of the facility at which it is installed, the AHJ shall have the authority to accept an automatically activated responder system.

11.11 Medical Gas and Vacuum Systems. Medical gas and vacuum systems shall comply with *NFPA 99, Health Care Facilities Code*.

11.12 Photovoltaic Systems.

11.12.1 New photovoltaic systems shall be installed in accordance with Section 11.10, Section 11.12 and *NFPA 70*.

11.12.2 Building-Mounted Photovoltaic Installations.

11.12.2.1* Marking. Photovoltaic systems shall be permanently marked as specified in this subsection.

11.12.2.1.1 Main Service Disconnect Marking. A label shall be permanently affixed to the main service disconnect panel serving alternating current (ac) and direct current (dc) photovoltaic systems. The label shall be red with white capital letters at least $\frac{3}{4}$ in. (19 mm) in height and in a nonserif font, to read: "WARNING: PHOTOVOLTAIC POWER SOURCE." The materials used for the label shall be reflective, weather resistant, and suitable for the environment.

11.12.2.1.2 Circuit Disconnecting Means Marking. A permanent label shall be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller serving ac and dc photovoltaic systems. The label shall have contrasting color with capital letters at least $\frac{3}{8}$ in. (10 mm) in height and in a nonserif font, to read: "PHOTOVOLTAIC DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

11.12.2.1.3* Conduit, Raceway, Enclosure, Cable Assembly, and Junction Box Markings. Marking shall be required on all interior and exterior dc conduits, raceways, enclosures, cable assemblies, and junction boxes.

11.12.2.1.3.1 Marking Locations. Marking shall be placed on all dc conduits, raceways, enclosures, and cable assemblies every 10 ft (3048 mm), at turns, and above and below penetrations. Marking shall be placed on all dc combiner and junction boxes.

11.12.2.1.3.2* Marking Content and Format. Marking for dc conduits, raceways, enclosures, cable assemblies, and junction boxes shall be red with white lettering with minimum $\frac{3}{8}$ in. (10 mm) capital letters in a nonserif font, to read: "WARN-

ING: PHOTOVOLTAIC POWER SOURCE." Marking shall be reflective, weather resistant, and suitable for the environment.

11.12.2.1.4 Secondary Power Source Markings. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the AHJ shall be required indicating the location of the secondary power source shutoff switch.

11.12.2.1.5 Installer Information. Signage, acceptable to the AHJ, shall be installed adjacent to the main disconnect indicating the name and emergency telephone number of the installing contractor.

11.12.2.1.6* Inverter Marking. Markings shall not be required for inverters.

11.12.2.2 Access, Pathways, and Smoke Ventilation.

11.12.2.2.1 General. Access and spacing requirements shall be required to provide emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

11.12.2.2.1.1 Exceptions. The AHJ shall be permitted to grant exceptions where access, pathway, or ventilation requirements are reduced due to any of the following circumstances:

- (1) Proximity and type of adjacent exposures
- (2) Alternative access opportunities, as from adjoining roofs
- (3) Ground level access to the roof
- (4) Adequate ventilation opportunities beneath photovoltaic module arrays
- (5) Adequate ventilation opportunities afforded by module set back from other rooftop equipment
- (6) Automatic ventilation devices
- (7) New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities

11.12.2.2.1.2 Pitch. Designation of ridge, hip, and valley shall not apply to roofs with 2-in-12 or less pitch.

11.12.2.2.1.3 Roof Access Points. Roof access points shall be defined as areas where fire department ladders are not placed over openings (windows or doors), are located at strong points of building construction, and are in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

11.12.2.2.2 One- and Two-Family Dwellings and Townhouses. Photovoltaic systems installed in one- and two-family dwellings and townhouses shall be in accordance with this section.

11.12.2.2.2.1 Access and Pathways.

11.12.2.2.2.1.1 Hip Roof Layouts. Photovoltaic modules shall be located in a manner that provides a 3 ft (914 mm) wide clear access pathway from the eave to the ridge of each roof slope where the photovoltaic modules are located. The access pathway shall be located at a structurally strong location of the building, such as a bearing wall.

Exception: The requirement of 11.12.2.2.2.1.1 shall not apply where adjoining roof planes provide a 3 ft (914 mm) wide clear access pathway.

11.12.2.2.2.1.2 Single Ridge Layouts. Photovoltaic modules shall be located in a manner that provides two 3 ft (914 mm)

wide access pathways from the eave to the ridge on each roof slope where the modules are located.

11.12.2.2.2.1.3 Hip and Valley Layouts. Photovoltaic modules shall be located no closer than 1½ ft (457 mm) to a hip or valley if modules are to be placed on both sides of the hip or valley. Where modules are located on only one side of a hip or valley of equal length, the photovoltaic modules shall be allowed to be placed directly adjacent to the hip or valley.

11.12.2.2.2.2 Ridge Setback. Photovoltaic modules shall be located not less than 3 ft (914 mm) below the ridge.

11.12.2.2.3 Buildings Other Than One- and Two-Family Dwellings and Townhouses. Photovoltaic energy systems installed in any building other than one- and two-family dwellings and townhouses shall be in accordance with this section. Where the AHJ determines that the roof configuration is similar to a one- and two-family dwelling or townhouse, the AHJ shall allow the requirements of 11.12.2.2.2.

11.12.2.2.3.1 Access. A minimum 4 ft (1219 mm) wide clear perimeter shall be provided around the edges of the roof for buildings with a length or width of 250 ft (76.2 m) or less along either axis. A minimum 6 ft (1829 mm) wide clear perimeter shall be provided around the edges of the roof for buildings having length or width greater than 250 ft (76.2 m) along either axis.

11.12.2.2.3.2 Pathways. Pathways shall be established as follows:

- (1) Pathways shall be over areas capable of supporting the live load of fire fighters accessing the roof.
- (2) Centerline axis pathways shall be provided in both axes of the roof.
- (3) Centerline axis pathways shall run where the roof structure is capable of supporting the live load of fire fighters accessing the roof.
- (4) Pathways shall be in a straight line not less than 4 ft (1219 mm) clear to skylights, ventilation hatches, and roof standpipes.
- (5) Pathways shall provide not less than 4 ft (1219 mm) clear around roof access hatches with at least one not less than 4 ft (1219 mm) clear pathway to the parapet or roof edge.

11.12.2.2.3.3 Smoke Ventilation. Ability for fire department smoke ventilation shall be provided in accordance with this section.

11.12.2.2.3.3.1 Maximum Array. Arrays of photovoltaic modules shall be no greater than 150 ft (45.7 m) × 150 ft (45.7 m) in distance in either axis.

11.12.2.2.3.3.2 Ventilation Options. Ventilation options between array sections shall be one of the following:

- (1) A pathway 8 ft (2438 mm) or greater in width
- (2) A pathway 4 ft (1219 mm) or greater in width and bordering on existing roof skylights or ventilation hatches
- (3) A pathway 4 ft (1219 mm) or greater in width and bordering 4 ft (1219 mm) × 8 ft (2438 mm) venting cutouts options every 20 ft (6096 mm) on alternating sides of the pathway

11.12.2.2.4 Location of Direct Current (DC) Conductors.

11.12.2.2.4.1 Exterior-mounted dc conduits, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip, or valley and from the hip or

valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

11.12.2.2.4.2 Conduit runs between subarrays and to dc combiner boxes shall be designed to take the shortest path from the array to the dc combiner box.

11.12.2.2.4.3 DC combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

11.12.2.2.4.4 DC wiring shall be run in metallic conduit or raceways where located within enclosed spaces in a building.

11.12.2.2.4.4.1 Where dc wiring is run perpendicular or parallel to load-bearing members, a minimum 10 in. (254 mm) space below roof decking or sheathing shall be maintained.

11.12.3 Ground-Mounted Photovoltaic System Installations. Ground-mounted photovoltaic systems shall be installed in accordance with 11.12.3.1 through 11.12.3.3.

11.12.3.1* Clearances. A clear area of 10 ft (3048 mm) around ground-mounted photovoltaic installations shall be provided.

11.12.3.2* Noncombustible Base. A gravel base or other noncombustible base acceptable to the AHJ shall be installed and maintained under and around the installation.

11.12.3.3* Security Barriers. Fencing, skirting, or other suitable security barriers shall be installed when required by the AHJ.

Chapter 12 Features of Fire Protection

12.1 General. This chapter shall apply to new, existing, permanent, or temporary buildings.

12.2* Construction.

12.2.1* Where required by this Code, a type of building construction shall comply with NFPA 220, *Standard on Types of Building Construction*.

12.2.2 Fire safety construction features for new and existing occupancies shall comply with this Code and the referenced edition of NFPA 101.

12.3 Fire-Resistive Materials and Construction.

12.3.1 The design and construction of fire walls and fire barrier walls that are required to separate buildings or subdivide a building to prevent the spread of fire shall comply with Section 12.3 and NFPA 221, *Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls*.

12.3.2* Quality Assurance for Penetrations and Joints. In new buildings three stories or greater in height, a quality assurance program for the installation of devices and systems installed to protect penetration and joints shall be prepared and monitored by the RDP responsible for design. Inspections of firestop systems and fire-resistive joint systems shall be in accordance with 12.3.2.1 and 12.3.2.2.

12.3.2.1 Inspection of firestop systems of the types tested in accordance with ASTM E 814, *Standard Test Method for Fire Tests of Through-Penetration Fire Stops*, or ANSI/UL 1479, *Standard for Fire Tests of Through-Penetration Firestops*, shall be conducted in accordance with ASTM E 2174, *Standard Practice for On-Site Inspection of Installed Fire Stops*. [5000:40.9.1]

Summary of SPS 314 Proposed Rule Changes

This is a summary of preliminary draft rule changes which are dated September 19, 2013, and which may be of interest. The draft rule changes also include various editorial and formatting updates and corrections.

Pages 1, SECTIONS 1 and 2 – Updates chapter SPS 314 by adopting the 2012 edition of NFPA® 1 in place of the 2009 edition, deletes limiting alternate model fire codes to only the *International Fire Code*®, and clarifies that Department staff are not expected to provide expertise on any alternate model code or any local ordinance adopting one.

SECTION 3, SPS 314.01 (1) (c) 4. – Clarifies which federal buildings are not subject to the rules.

Page 2, SECTION 4 – Clarifies that any new design requirements relating to fire department access and water supply are not retroactive, and that the preceding design requirements continue to apply to any building which was constructed under them.

SECTION 5 – Turns on the design requirements in NFPA 1 for firefighter access pathways on a roof with a rooftop photovoltaic system, for systems installed on or after the effective date of the rule.

Pages 2 and 3, SECTIONS 6 and 7 – Deletes having chapter SPS 310 prevail if it differs from SPS 314 because that chapter is now administered by the Department of Agriculture, Trade and Consumer Protection.

Page 3, SECTION 10 – Alerts users of chapter SPS 314 to the *NFPA 1 Fire Code Handbook*, which explains many of that Code’s requirements, in part through case studies and illustrative examples.

SECTION 11 – Explains that a fire inspector who is not a certified building inspector is authorized to only issue enforcement orders which relate to fire hazards or to prevention of fires, except where a local ordinance provides further authority to that inspector.

SECTION 12 – Disallows requiring any documents to be recorded by a Register of Deeds.

SECTION 13 – Deletes reference to special orders by the Department, because they have all expired.

Page 4, SECTIONS 14 and 15 – Updates the fire-dues entitlement process to be consistent with the new statutory tie-in to reporting fire incidents, and with the Department’s changeover to a Web-based system – and clarifies how substantial compliance is determined.

Page 5, SECTION 16 – Defines what is meant by “design requirements” and “governing authority.”

SECTION 17, SPS 314.03 (1) (i) Note – Explains that fire-dues entitlement is now tied to complying with statutory requirements relating to reporting fire incidents.

SECTION 18 – Deletes a Wisconsin modification of the 2009 edition of NFPA 1, that allowed submitting an emergency plan only where required by the authority having jurisdiction, because the 2012 edition now limits the submittal in the same manner.

SECTION 19 – Prohibits outdoor use of upholstered furniture that is not designed for that use, except under limited, specified circumstances.

Page 6, SECTION 21, SPS 314.13 (3) Note – Clarifies that the credential which is required for maintenance and recharging of portable fire extinguishers is not issued by the Department.

SPS 314.13 (4) – Replaces the requirements for carbon-monoxide alarms with a reference to the installation and maintenance requirements in the commercial building code.

Page 7, SECTION 23 – Deletes a Wisconsin modification of the 2009 edition of NFPA 1, that extended the general storage requirements to certain unsprinklered buildings, because the 2012 edition now extends those storage requirements to those buildings.

File reference: SPS 314/Rules Summary

(Yellow-highlighted changes are based on the May 29th Council meeting, light pink are based on the July 2nd meeting, and light green are based on the August 13th meeting. All other changes are updates by staff.)

SECTION 1. SPS 314.001 (1) (a) and (2) are amended to read:

SPS 314.001 (1) (a) *Adoption of model fire code.* NFPA 1, *Fire Code*TM — ~~2009~~ 2012, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

(2) ALTERNATE MODEL FIRE CODE. Where a municipality has by ordinance adopted requirements of ~~the *International Fire Code*[®] — 2009~~ an alternate model fire code 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.

SECTION 2. SPS 314.001 (2) (Note) is created to read:

SPS 314.001 (2) Note: In assisting a municipality that has adopted or plans to adopt an alternate model fire code, Departmental staff typically will provide expertise relating only to NFPA 1 and this chapter, and should not be expected to be familiar with the alternate fire code and any local requirements needed to establish equivalency with NFPA 1 and this chapter. Creating that equivalency is the responsibility of that municipality, not the Department.

SECTION 3. SPS 314.01 (1) (a), (c) 4., (f) and Notes and (g) 1. (intro.) and Note [4] are amended to read:

SPS 314.01 (1) (a) 1. This chapter applies to all public buildings and places of employment that exist on or after ~~January 1, 2011~~ [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], 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~~ [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], except as provided in pars. (b) to (d).

(c) 4. Buildings and portions of buildings that are either federally owned or exempted by federal statutes, regulations or treaties.

(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~~ [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], 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 [LRB is renumbering this to an ATCP chapter] 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 [LRB is renumbering this to an ATCP chapter] 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.

(g) 1. (intro.) 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~~ [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], and which has either of the following characteristics:

Note: See chapter SPS 310 [LRB is renumbering this to an ATCP chapter] for orders of the Department of Agriculture, Trade and Consumer Protection relating to flammable, ~~or~~ combustible and hazardous liquids; and see chapter SPS 340 for orders of the Department relating to fuel gas systems.

SECTION 4. SPS 314.01 (2) (a) 3. a. and b. are renumbered SPS 314.01 (2) (a) 3. c. and d., and SPS 314.01 (2) (a) 3. d., as renumbered, is amended to read:

SPS 314.01 (2) (a) 3. d. The requirements in NFPA 1 sections 18.2.2.1, 18.2.3 and 18.3 do not apply to buildings constructed prior to ~~January 1, 2011~~ [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE]. Buildings constructed prior to that date but on or after March 1, 2008, shall comply with the requirements in NFPA 1 sections 18.2.2.1, 18.2.3 and 18.3 which were in effect under this subdivision during that period.

SECTION 5. SPS 314.01 (2) (a) 3. a. and b. are created to read:

SPS 314.01 (2) (a) 3. a. The design requirements in NFPA 1 sections 11.12.2.2 to 11.12.2.2.3.2 for firefighter access pathways on a roof with a rooftop photovoltaic system are included as part of this chapter.

b. The requirements in NFPA 1 sections 11.12.2.2 to 11.12.2.2.3.2 do not apply to rooftop photovoltaic systems installed prior to [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE].

SECTION 6. SPS 314.01 (2) (b) 2. is amended to read:

SPS 314.01 (2) (b) 2. Where rules of the department specify conflicting requirements, types of materials, methods, processes or procedures, the most restrictive rule shall govern, except as provided in subds. 1., and 3. and 4.

SECTION 7. **SPS 314.01 (2) (b) 4.** is repealed.

SECTION 8. **SPS 314.01 (2) (b) 4. Note** is renumbered **SPS 314.01 (1) (g) Note [5]** and amended to read:

SPS 314.01 (1) (g) Note [5]: See Appendix for a list of tanks, containers, tank systems, and facilities that are not regulated by chapter **SPS 310** [*LRB is renumbering this to an ATCP chapter*].

SECTION 9. **SPS 314.01 (9) (a)** is amended to read:

SPS 314.01 (9) (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 for a hearing on the reasonableness of the order.

SECTION 10. **SPS 314.01 (6) (a) Note** is created to read:

SPS 314.01 (6) (a) Note: The National Fire Protection Association, which issues the NFPA Fire Code that is adopted in this chapter, also issues an NFPA 1 Fire Code Handbook. The Handbook contains commentary on many of the Code's requirements along with case studies and illustrative examples that may be helpful in interpreting the Code's requirements. Go to www.nfpa.org for further information about the Handbook.

SECTION 11. **SPS 314.01 (7m)** is created to read:

SPS 314.01 (7m) This is a department informational note to be used under NFPA 1 section 1.7.14:

Note: Under sections 101.12 (3) (g) and 101.14 (1) (b) and (2) (b) of the Wisconsin Statutes, a fire inspector who is not certified by the Department as a building or dwelling inspector under chapter SPS 305 is authorized to order stopping an operation, construction or use only if the order relates to a fire hazard or to prevention of fire – except where a local ordinance provides further authority to that inspector.

SECTION 12. **SPS 314.01 (11m)** is created to read:

SPS 314.01 (11m) RECORDS WITH A REGISTER OF DEEDS. Any text in NFPA 1 section 1.12.3 that permits an AHJ to require recording anything at a register of deeds office is not included as part of this chapter.

SECTION 13. **SPS 314.01 (13) (b) 7. c.** is repealed.

SECTION 14. SPS 314.01 (14) (a) 1. a., (b) 1. and 3. a. and b. and (c) 1. to 3. are amended to read:

SPS 314.01 (14) (a) 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, fire reporting and fire prevention services specified in ss. 101.14 (2), 101.141 (1) and (2) and 101.575, Stats., and this chapter, throughout the entire municipality.

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

3. a. The municipality fails to ~~return the~~ submit self-certification ~~form~~ input on time.

b. The municipality ~~returns~~ submits an incomplete self-certification ~~form~~ input.

(c) *Self-certification.* 1. A municipality shall annually complete and submit a fire department dues entitlement self-certification ~~form~~ input for the previous calendar year. The ~~certification~~ input shall be ~~made on the form provided in a format prescribed by the department and the form~~ shall be ~~returned~~ submitted 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 the Department’s Web-based registration and self-certification process is available at the Department’s Web site at www.dps.wi.gov, through links to the Industry Services Division’s Fire Prevention program and then Wisconsin’s fire program online system.~~

2. A municipality shall ~~identify on~~ include in the self-certification ~~form~~ input 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~~ each report 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~~ submit the self-certification ~~form~~ input.

SECTION 15. SPS 314.01 (14) (d) 1. (Note) is created to read:

SPS 314.01 (14) (d) 1. **Note:** The definition of “substantial compliance” in section SPS 314.03 (1) (i) is not intended to infer that the Department must make a separate determination about substantial compliance in each of the fire-dues eligibility categories prescribed in sections 101.14 (2) and 101.575 (3) and (6) of the Statutes. Nor is that definition intended to infer that a fire department could do virtually no inspections and still be in compliance. Instead,

Department staff use their expert judgment, in looking at the overall performance of a fire department and the municipality, to make an overall determination of whether substantial compliance occurred.

SECTION 16. SPS 314.03 (1) (bm) and (dm) and Note are created to read:

SPS 314.03 (1) (bm) “Design requirements” means any requirements that a designer would otherwise need to follow when specifying the permanent physical characteristics of a building. These include the materials of construction, structural members, fire-resistance and fire protection systems, means of egress and accessibility, energy efficiency, electrical systems, plumbing and other mechanical systems.

(dm) “Governing authority” means the department of safety and professional services.

Note: Under NFPA 1 section 1.6, any local unit of government adopting local fire prevention requirements that apply in addition to this chapter is the “governing authority” for those requirements.

SECTION 17. SPS 314.03 (1) (a) 2., (f), (i) Note and (2) are amended to read:

SPS 314.03 (1) (a) 2. In this ~~subsection~~ paragraph:

(f) “NFPA 1” means the ~~2009~~ 2012 edition of NFPA 1, *Fire Code*, as adopted and modified in this chapter.

(i) **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) and 101.141 (1) and (2) of the Statutes.

(2) Substitute the following definition for the definition in NFPA 1 section ~~3.3.170.20~~ 3.3.182.22: “One- and 2-family dwelling” has the meaning as defined for dwelling in s. 101.61 (1), Stats.

SECTION 18. SPS 314.10 (2) is amended to read:

SPS 314.10 (2) EMERGENCY PLANS. ~~Substitute the following wording for the requirements in~~ This is a department informational note to be used under NFPA 1 section 10.9.2.3 ~~10.9.2.2: Where required by the AHJ, emergency plans shall be submitted to the AHJ for review.~~

SECTION 19. SPS 314.10 (5) is created to read:

SPS 314.10 (5) Outdoor furniture. These are department rules in addition to the requirements in NFPA 1 chapter 10:

(a) Upholstered furniture that is not designed for outdoor use is prohibited on an exterior balcony, porch, deck, roof, landing, or other area exposed to the weather except this prohibition does not apply to any of the following:

1. Furniture that is placed in an outside location in order to allow it to be moved during a move of a resident or to be removed as part of a trash or recycling program, if placed there on the day scheduled for the move or removal.

2. Furniture that is temporarily placed in an outside location in order to offer it for sale, provided all of the following conditions exist:

a. The furniture is there only between 8:00 a.m. and 6:00 p.m.

b. The person attempting to sell the furniture, or that person's agent, is outside to monitor the sale.

c. A sign is placed on or near the furniture indicating that the furniture is for sale.

d. The furniture is there for no more than 27 days in any 6-month period.

3. Furniture that is located far enough away from any structure to avoid being a fire hazard for the structure.

(b) "Exterior" in this section means anywhere on the weather-exposed side of a surface that provides a weather-resisting barrier for a building.

SECTION 20. SPS 314.13 (3) and (4) are renumbered SPS 314.13 (5) and (6)

SECTION 21. SPS 314.13 (3) and (4) are created to read:

SPS 314.13 (3) This is a department informational note to be used under NFPA 1 section 13.6.9.1.2:

Note: The fire-extinguisher certification addressed in this section is not issued by the Department.

(4) Substitute the following informational note for the requirements in NFPA 1 sections 13.7.1.5 and 13.7.2.9.4 to 13.7.2.9.4.4:

Note: See chapters SPS 361 to 366 for requirements relating to installation and maintenance of carbon monoxide alarms.

SECTION 22. SPS 314.27 (Note) is amended to read:

SPS 314.27 Note: See chapter SPS 321 subchapter VI and chapter SPS 326 for requirements for manufactured home sites and communities.

SECTION 23. SPS 314.34 is repealed.

SECTION 24. SPS 314.65 (2) (intro.) and (3) are amended to read:

SPS 314.65 (2) (intro.) MIXING PLANT OPERATION. These are department rules in addition to the requirements in NFPA 495 ~~section 5.2.8~~ chapter 5 as referenced in NFPA 1 section 65.9.1:

(3) MAGAZINE INSPECTION. Substitute the following wording for the requirements in NFPA 495 section ~~8.7.2~~ 9.7.2 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.

SECTION 25. SPS A-314.01 (2) (b) 4. (intro.) is amended to read:

SPS A-314.01 (2) (b) 4. The following tanks, containers, tank systems and facilities are not regulated by chapter **SPS 310** [*LRB is renumbering this to an ATCP chapter*]:

SECTION 26. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

File reference: SPS 314/rules 2

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Memorandum

TO: DSPS Fire Prevention Committee Members

FROM: Gregg A. Cleveland, WSFCA Representative *Gregg A. Cleveland*

DATE: May 28, 2013

SUBJECT: WSFCA Issues Statement

The following are some items that the WSFCA has identified to address fire safety issues regarding codes and processes that the Department of Safety and Professional Services utilizes. Some of the following recommendations can be addressed by this committee while others may result in working with other departments, agencies, and code councils in order to implement.

Carbon Monoxide Detection

- ❖ Recommend that the current state statute be modified to more generally require carbon monoxide devices in specific occupancy types and uses and eliminate specific device placement requirements in the statutes in exchange for the creation of administrative rules for the installation, maintenance, and testing of carbon monoxide based on NFPA 720. This would clear up confusion regarding the installation, maintenance, and testing of these devices and through administrative rules, allow for periodic changes that reflect changes in product listings, manufacturer installation requirements and keep pace with the national standard changes in NFPA 720.

Kitchen Hood Systems for New and Existing Buildings

- ❖ Recommend that NFPA 96 on Kitchen Suppression Systems be utilized for installation in new and existing buildings and activate the necessary chapters in NFPA 1 (Chapter 50) to resolve this issue. This issue is not adequately addressed in the International Mechanical Code (IMC) especially for existing buildings.

Spray Booths

- ❖ Recommend that the installation and construction of spray booths be regulated by NFPA 1, Chapter 43. Spray booths are not adequately addressed by the IBC especially in existing buildings.

Construction of Specialty Rooms or Areas within New or Existing Buildings

- ❖ Recommend that the construction of these specialty rooms or areas be regulated by the provisions of NFPA 1. Construction of specialty buildings or rooms such as clean rooms and telecommunication facilities are not adequately addressed by the IBC.

University/College Housing

- ❖ Recommend that SPS 314 include a specific provision addressing the use/storage of upholstered furniture on porches, decks, and roofs in multiple family dwellings. This is a special problem for college towns such as La Crosse, Oshkosh, Platteville, River Falls, Eau Claire as well as other cities that have two or four year colleges or universities.

Formal Code Interpretations

- ❖ The former Department of Commerce discontinued the use of formal code interpretations and relied on "Questions and Answers" to address building and fire safety concerns. The WSFCA strongly recommends that the Department of Safety and Professional Services return to issuing written formal interpretations that are based on model code handbooks and interpretations issued from model code groups.

Fire Prevention Code Committee/Council

- ❖ Recommend that the Fire Prevention Code Committee/Council be clearly delineated in the structure of the Department of Safety and Professional Services.
 - Identify where recommendations of the committee/council will proceed following the completion of the committee/council's work.
- ❖ Recommend that the fire service representatives who serve on other code committees/councils (Commercial Building Code, Uniform Dwelling Code) be made members of the Fire Prevention Code Committee/Council. This will provide consistency and efficiency of incorporating fire safety recommendation across all codes the department is responsible for.
- ❖ Recommend that the Fire Prevention Code Committee/Council participate in the review of the International Fire Code (IFC). This will provide consistency and efficiency in reviewing the construction requirements of the IBC/IFC along with the provisions of NFPA 1.

Members of the Fire Prevention Code Committee/Council

May 28, 2013

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- ❖ Recommend that the Department of Safety and Professional Services incorporate an ANSI type process of reviewing and adoption of codes such as NFPA 1, IBC, and other model codes that the Department relies upon for regulation of the built environment. This would assure that no council or committee can be dominated by any one interest group.

Summary

The WSFCA has made a number of recommendations; some of these issues are under the authority of this committee/council while others will be for the department to consider and address with the legislature and other councils and committees.

The recommendations above are based on the WSFCA's participation in numerous councils, committees and administrations dating back to 1986. The WSFCA has been a consistent participant over the years and remains committed to improving the safety of the built environment for the safety of our fire fighters and citizens of Wisconsin.

cc Chief Glenn Linzmeier, President WSFCA
Chief Dave Bloom, Legislative Liaison WSFCA
Andrew Bronson, WSFCA