

RULES CERTIFICATE

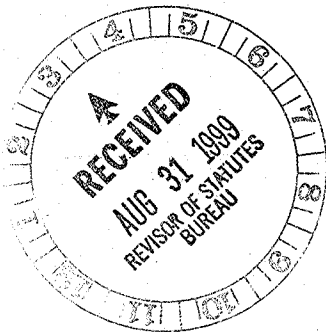
Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Brenda J. Blanchard, Secretary of the Department of Commerce,
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to
fire department dues entitlement
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and
that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set
my hand at 201 West Washington Avenue
in the city of Madison, this 30th
day of August A.D. 1999

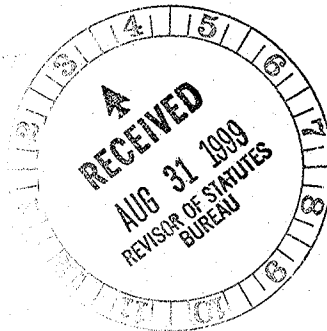
Brenda J. Blanchard
Secretary

11-1-99



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: Chapter Comm 14

Relating to: Fire Department Dues Entitlement

Clearinghouse Rule No.: 99-048

The Department of Commerce proposes an order to amend Comm 14.02 (2)(d) 2. h. and L., and Comm 14.02 (2)(d) 3.; to repeal and recreate Comm 14.02 (2)(d) 2. b., and Comm 14.02 (2)(e); and to create Comm 14.01 (11m) and (13m), Comm 14.02 (2)(d) 2. m. to r., Comm 14.02 (3), and Comm 14.025, relating to fire department dues entitlement.

Analysis of Proposed Rules

Statutory authority: Sections 101.14, 101.573 and 101.575, Stats.
Statutes interpreted: Sections 101.14, 101.573 and 101.575, Stats.

Chapter Comm 14 contains minimum safety standards for the prevention of fire in order to protect the health, safety and welfare of the public and employes in public buildings and at places of employment. In addition to specifying minimum safety standards, chapter Comm 14 requires fire prevention inspections to be conducted in public buildings and at places of employment. The inspections must be conducted twice per year except for specified occupancies that are allowed to be inspected once per year. These inspections must be conducted by the responsible fire department in order for the municipality to be entitled to receive a fire department dues payment from the state fire fund.

The proposed rules consist of revisions and additions in chapter Comm 14 relating to the fire prevention inspections and the entitlement to the fire fund dues payment. The proposed rules contain additional exceptions for specific occupancies that may be inspected once rather than twice per year. These occupancies include vacant buildings, confined spaces, certain residential buildings, and specified fully-sprinklered buildings.

The proposed rules contain a new section in chapter Comm 14 in order to codify the process and the requirements for entitlement to receive a payment from the fire dues fund as specified in section 101.575, Stats. The new requirements cover eligibility to receive the payment, determination of compliance, the self-certification audit process, the onsite audit process, and the registration of fire departments.

The proposed rules were developed with the assistance of the Fire Department Dues Entitlement Task Group. The members of that advisory group are as follows:

<u>Name</u>	<u>Representing</u>
David L. Berenz	Wisconsin State AFL-CIO
Larry Burton	Wisconsin Insurance Alliance
John Fulcher	Wisconsin State Fire Chiefs Association
Lee Jensen	City of Milwaukee
Keith Kesler	Brule Fire Department
Ed Ruckriegel	Madison Fire Department
Fred Schultz	Wisconsin Fire Inspectors Association
Robert W. Stedman	Fire & EMS Legislative Leadership Coalition

SECTION 1. Comm 14.01 (11m) and (13m) are created to read:

Comm 14.01 (11m) "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.

(13m) "Municipality" means a city, village or town.

SECTION 2. Comm 14.02 (2) (d) 2. b. is repealed and recreated to read:

Comm 14.02 (2) (d) 2. b. Non-occupied utility facilities, such as a water well facility, electric power substation and communication facility.

SECTION 3. Comm 14.02 (2) (d) 2. h. and L. are amended to read:

Comm 14.02 (2) (d) 2. h. ~~Condominiums~~ Residential condominiums and apartments, if there are less than 5 units under one roof.

L. Specialty occupancies covered under ch. ~~ILHR~~ Comm 62. If interior access to mini-storage buildings cannot be obtained, an exterior inspection shall be conducted.

SECTION 4. Comm 14.02 (2) (d) 2. m. to r. are created to read:

Comm 14.02 (2) (d) 2. m. Vacant buildings. If interior access to vacant buildings cannot be obtained, an exterior inspection shall be conducted.

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

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

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

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

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

Note: Fully-sprinklered buildings are protected throughout by an automatic fire sprinkler system as specified in NFPA 13 or 13R, as adopted by reference in chs. Comm 50 to 64.

SECTION 5. Comm 14.02 (2) (d) 3. is amended to read:

Comm 14.02 (2) (d) 3. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections

than required under this subsection. For the department to make a determination to grant a special order, the fire chief shall submit information regarding the fire safety plan that provides an equivalency to the inspections required under this subsection. The fire safety plan information shall consist of a fire safety evaluation identifying the fire risks and hazards that may be associated with the request for the special order.

SECTION 6. Comm 14.02 (2)(e) is repealed and recreated to read:

Comm 14.02 (2) (e) *Inspection reports.* Except in first class cities, the fire chief shall make and keep on file written reports of fire prevention inspections. In first class cities, the commissioner of the building inspection department shall make and keep the reports. The reports shall contain at least the information specified in s. Comm 14.04 (1)(b).

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

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

SECTION 7. Comm 14.02 (3) is created to read:

Comm 14.02 (3) INCIDENT REPORTS. The fire chief shall submit written fire incident reports to the department no later than April 1 for the previous year.

Note: It is recommended that fire incident reports be submitted monthly to facilitate processing of the reports.

Note: The department is participating in the National Fire Incident Reporting System (NFIRS), and all fire departments are encouraged to electronically submit fire incident reports using the NFIRS. NFIRS paper forms may also be used to submit fire incident reports. The forms are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone (608) 266-1818.

SECTION 8. Comm 14.025 is created to read:

Comm 14.025 Fire department dues. (1) ELIGIBILITY. (a) 1. In order to be eligible to receive a fire department dues payment, a municipality shall ensure that the fire protection and fire prevention services specified in ss. 101.14 and 101.575, Stats., are provided to the entire municipality.

2. The training program required under s. 101.575 (3) (a) 3., Stats., shall be in accordance with ch. Comm 30 for public sector fire departments and in accordance with 29 CFR 1910.156 of the federal Occupational Safety and Health Administration for private sector fire departments.

(b) The fire protection and fire prevention services shall be provided by a fire department. In first class cities, fire inspection services may be provided by the building inspection department. A municipality not maintaining a fire department shall have the services provided through a contract or mutual aid agreement.

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

(b) Where a municipality is served by more than one fire department and any one of the fire departments is determined to be in non-compliance within that municipality, the entire municipality shall be determined to be in non-compliance.

(c) The department shall issue a notice of non-compliance 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:

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

(3) SELF-CERTIFICATION AUDIT. (a) A municipality shall annually complete and submit a fire department dues entitlement self-certification audit form for the previous calendar year. The certification shall be made on form SBD-10318, and the form shall be returned to the department on or before March 1.

Note: The department annually sends form SBD-10318 to the municipality.

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

(c) The chief of the fire department that provided the fire protection or fire prevention services and the clerk of the municipality shall sign the self-certification audit form and indicate compliance or non-compliance with state regulations regarding the fire department dues entitlement program. In first class cities, the commissioner of the building inspection department shall also sign the self-certification audit form.

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

(b) The department shall periodically examine the fire department dues entitlement records to verify that the required fire prevention and fire protection services were provided within the territory served by the fire department and, within first class cities, by the building inspection department.

Note: The information required in the entitlement records is specified in ss. 101.14 and 101.575, Stats.

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

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

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

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

Note: The department annually sends form SBD-10114 to the fire department.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

August 30, 1999

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 99-048

RULE NO.: Chapter Comm 14

RELATING TO: Fire Department Dues Entitlement


Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


Brenda J. Blanchard
Secretary

