

SECTION 1. Comm 14 subchapter I (title) and 14.001 (1) (a) and Note and (b) are amended to read:

Comm 14 Subchapter I (title) – Adoption and Application of NFPA 1, *Uniform Fire Code*

Comm 14.001 (1) (a) *Adoption of model fire code.* NFPA[®] 1, *Uniform Fire Code*[™] – 2006 2009, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

Note: A copy of NFPA 1, *Uniform Fire Code*, is on file in the offices of the ~~department~~ Department and the ~~legislative reference bureau~~ Legislative Reference Bureau. Copies of NFPA 1, *Uniform Fire Code*, may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA, 02269-9101.

(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.

SECTION 2. Comm 14.001 (2) (a) is renumbered Comm 14.001 (2) and amended to read:

Comm 14.001 (2) Where a municipality has by ordinance adopted requirements of the *International Fire Code* – 2006 2009 and any additional requirements, that, in total, are equivalent to NFPA 1 as referenced in sub. (1) and to subch. II, the department will not consider that ordinance to be in conflict with sub. (1) and subch. II; and property owners or managers, or employers, need only comply with that ordinance.

SECTION 3. Comm 14.001 (2) (b) is repealed.

SECTION 4. Comm 14 subchapter II (title) and Note are amended to read:

Comm 14 Subchapter II (title) – Modifications of NFPA 1, *Uniform Fire Code*

Note: The sections in this subchapter are generally numbered to correspond to the chapter and section numbering of NFPA 1, *Uniform Fire Code*; e.g., ~~s-~~ section Comm 14.01 contains modifications of NFPA 1, chapter 1.

SECTION 5. Comm 14.01 (1) (a) is amended to read:

Comm 14.01 (1) (a) ~~Except as provided in pars. (b) to (f), this~~ This chapter applies to all public buildings and places of employment that exist on or after [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], except as provided in pars. (b) to (f).

SECTION 6. Comm 14.01 (1) (a) Note is created to read:

Comm 14.01 (1) (a) Note: As established in section Comm 14.01 (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 Comm 60 to 66 for design requirements for public buildings and places of employment.

SECTION 7. Comm 14.01 (1) (c) (intro.) and 5. and Note, (e) and (f) are amended to read

Comm 14.01 (1) (c) (intro.) This chapter does not apply to all of the buildings, structures or situations specified in subds. 1. to 3; and all of the following types of buildings, structures or situations are neither public buildings nor places of employment under this chapter:

5. A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a ~~child-caring institution having 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 ~~s. section 48.02, Stats., of the Statutes~~ limit foster homes to no more than 4 children unless ~~all~~ 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~~ Department of health Children and family Families services, a group home or a ~~child-caring institution having residential care center for children and youth that has~~ a capacity for 8 or fewer children may be located in a one- and 2-family dwelling as a community living arrangement, as defined in ~~s. section 46.03 (22), Stats., of the Statutes.~~

(e) 1. The requirements in sub. ~~(9)~~ (11) apply to ~~all~~ fire responses for all buildings, rather than only to fire responses for public buildings and places of employment.

2. The requirements in sub. ~~(11)~~ (13) (d) 2. apply to fire responses to first alarms for all buildings, rather than only for public buildings.

(f) Except for facilities as that are exempted from this code chapter under par. (c) 1. to 3. – and ~~notwithstanding~~ regardless of pars. (b), (c) 4. to 7. and (d) – ~~this code chapter~~ applies to all facilities and structures which exist on or after ~~March 1, 2008~~ [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], and which involve flammable-, combustible- or hazardous-liquid storage, transfer or dispensing.

SECTION 8. Comm 14.01 (1) Note [3] is repealed and recreated to read:

Note: See the annotations under section 101.11 (3) of the Statutes for further guidance in determining which facilities are or are not places of employment.

SECTION 9. Comm 14.01 (1) (g) and Notes are created to read:

Comm 14.01 (1) (g) 1. Except for facilities that are exempted from this ~~code chapter~~ under par. (c) 1. to 3. – and ~~notwithstanding~~ regardless of pars. (b), (c) 4. to 7. 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 [the effective date of this paragraph . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], 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 sections 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 Comm 14.01 (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.

SECTION 10. Comm 14.01 (2) (intro.) is renumbered Comm 14.01 (2) (a) (intro.) and amended to read:

Comm 14.01 (2) (a) (intro.) General. Substitute the following wording for the requirements in NFPA 1 ~~section 1.3.1~~ sections 1.3.2.4. to 1.3.2.4.3:

SECTION 11. Comm 14.01 (2) (a) 1. (intro.) and a. are repealed.

SECTION 12. Comm 14.01 (2) (a) 1. b. is renumbered Comm 14.01 (1) (a) 2. and amended to read:

Comm 14.01 (1) (a) 2. ~~The~~ 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 ~~March 1, 2008~~ [the effective date of this paragraph . .

. LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], except as provided in pars. (b) to (g).

SECTION 13. Comm 14.01 (2) (a) 2. to 4. are renumbered Comm 14.01 (2) (a) 1. to 3., and Comm 14.01 (2) (a) 1. and Note and 3., as renumbered, are amended to read:

Comm 14.01 (2) (a) 1. The design ~~and construction~~ requirements in NFPA 1, *Uniform Fire Code* 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 subd. 4. 3. a.

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 ~~chs. chapters~~ Comm 60 to 66 for design and construction requirements for public buildings and places of employment.

3. a. The design ~~and construction~~ 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 ~~March 1, 2008~~ [the effective date of this subdivision . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE].

SECTION 14. Comm 14.01 (2) (b) (intro.) is created to read:

Comm 14.01 (2) (b) (intro.) Substitute the following wording for the requirements in NFPA 1 section 1.3.3:

SECTION 15. Comm 14.01 (5) is repealed.

SECTION 16. Comm 14.01 (2) (c) to (f) and 14.01 (3), (4) and (6) to (12) are renumbered to Comm 14.01 (6) (a) and (b), (3) and (5) (intro.) to (d), and 14.01 (4) and (7) to (14).

SECTION 17. Comm 14.01 (3) (intro.) is created to read:

Comm 14.01 (3) (intro.) Substitute the following wording for the requirements in NFPA 1 section 1.4.1:

SECTION 18. Comm 14.01 (4) and Note, as renumbered in SECTION 16, are amended to read:

Comm 14.01 (4) Substitute the following wording for the requirements in NFPA 1 ~~section 1.4.3~~ 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. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the ~~department~~ 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 from the Department's Web site at www.commerce.wi.gov, through links to Safety and Buildings Division forms.

SECTION 19. Comm 14.01 (4) Note [2] is created to read:

Note: See chapter Comm 2 for the fee that must be included when submitting a petition for variance.

SECTION 20. Comm 14.01 (5) (intro.) and (b), as renumbered in SECTION 16, is amended to read:

Comm 14.01 (5) (intro.) These are department rules in addition to the requirements in NFPA section 1.4: A ~~municipal fire or building~~ 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:

(b) ~~Except as provided in subd. 3., buildings~~ 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).

SECTION 21. Comm 14.01 (6) (intro.) is created to read:

Comm 14.01 (6) (intro.) These are department rules in addition to the requirements in NFPA section 1.7.3:

SECTION 22. Comm 14.01 (7) (a) 1. and (8) Note [1], as renumbered in SECTION 16, are amended to read:

Comm 14.01 (7) (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, ~~1.9.2~~ to 1.9.3, and 1.10.

(8) Note: Pursuant to ~~§ section 101.11 (2) (a), Stats. 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) 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.

SECTION 23. Comm 14.01 (9) (b) Note and (11) (a) and (b), as renumbered in SECTION 16, are repealed and recreated to read:

Comm 14.01 (9) (b) Note: See Appendix for a reprint of section 101.02 (7)(c) of the Statutes and the statutory definition of “local order.”

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

2. The record in subd. 1. shall contain the 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.

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.

SECTION 24. Comm 14.01 (13) (b) 3., as renumbered in SECTION 16, is amended to read:

Comm 14.01 (13) (b) 3. ‘Scheduling of inspections.’ ~~Except as provided in subds. 4. to 6., fire~~ 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.

SECTION 25. Comm 14.01 (13) (b) 3. Note is created to read:

Comm 14.01 (13) (b) 3. Note: The Department of Health Services may require additional fire inspections for nursing homes.

SECTION 26. Comm 14.01 (13) (b) 5. (title) and s., as renumbered in SECTION 16, are amended to read:

Comm 14.01 (13) (b) 5. (title) ‘~~Exception~~ General exception for other municipalities.’

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.

SECTION 27. Comm 14.01 (13) (b) 6. to 10. as renumbered in SECTION 16, are renumbered Comm 14.01 (13) (b) 7. to 11.

SECTION 28. Comm 14.01 (13) (b) 6. and Note are created to read:

Comm 14.01 (13) (b) 6. ‘Discretionary exception for other municipalities.’ For the following occupancies, 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:

- a. Seasonal occupancies.
- b. Temporary-occupancy uses – such as farm structures temporarily used for winter storage, horse stables or riding arenas.
- c. Home-occupation accessory buildings used as businesses.
- d. Seldom or infrequently occupied buildings.
- e. Unoccupied buildings.

Note: To reduce the potential for difficulties to arise during the audits addressed in section Comm 14.01 (15) (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.

SECTION 29. Comm 14.01 (13) (b) 7. c. and 8. and Note and (e), as renumbered in SECTION 16, are amended to read:

Comm 14.01 (13) (b) 7. c. Any special order granted by the Department prior to ~~March 1, 2008~~ [the effective date of this subdivision 6. c. . . . LEGISLATIVE REFERENCE BUREAU TO INSERT DATE], that authorized a city, village or town to reduce the number of required inspections shall ~~remain in effect until the expiration~~ expire by that date specified in that order.

8. ‘Inspection reports.’ Except in first class cities, the fire chief shall make and keep on file reports of fire prevention inspections. In first class cities, the commissioner of the building inspection department shall make and keep the reports. For at least ~~5~~ 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~~ 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 Safety and Buildings Division 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 www.commerce.wi.gov, through links to Safety and Buildings Division forms.

(e) *Availability of records.* For at least ~~5~~ 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.

SECTION 30. Comm 14.01 (14) (a) 1. a. and 2. a., (c) 1. Note, (d) 2. and Note and (f) 1. Note and 2. Note, as renumbered in SECTION 16, are amended to read:

Comm 14.01 (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 and fire prevention services specified in ss. 101.14 (2) and 101.575, Stats., and this chapter, throughout the entire municipality.

2. a. ~~Except as provided in subd. 2. b., the fire~~ 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.

(c) 1. **Note:** The ~~department~~ Department annually sends form SBD-10318 to the municipality. This form is also available from the Safety and Buildings Division 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 www.commerce.wi.gov, through links to Safety and Buildings Division forms.

(d) 2. The department shall periodically examine fire department dues entitlement records, including the records required in sub. ~~(11)~~ (13) (b) 7. 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 ~~ss. sections~~ sections 101.14 (2) and 101.575, ~~Stats of the Statutes~~. Under those sections, the fire incident reports that are addressed in ~~sub. (9) subsection (11)~~, and any records of fire prevention inspections beyond public buildings and places of employment, are not fire dues entitlement records.

(f) 1. **Note:** The ~~department~~ Department annually sends form SBD-10638 to the fire department. This form is also available from the Safety and Buildings Division 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 www.commerce.wi.gov, through links to Safety and Buildings Division forms.

2. **Note:** The ~~department~~ Department annually sends form SBD-10114 to the fire department. This form is also available from the Safety and Buildings Division 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 www.commerce.wi.gov, through links to Safety and Buildings Division forms.

SECTION 31. Comm 14.03 (intro.), (1) to (6), (7) and (8) to (10) are renumbered Comm 14.03 (1) (intro.), (a) to (f), (2) and (g) to (i); and Comm 14.03 (1) (f), as renumbered, is amended to read:

Comm 14.03 (1) (f) "NFPA 1" means the ~~2006~~ 2009 edition of NFPA 1, *Uniform Fire Code*TM, as adopted and modified in this chapter.

SECTION 32. Comm 14.03 (2) (intro.) is created to read:

Comm 14.03 (2) (intro.) Substitute the following definition for the definition in NFPA 1 section 3.3.170.20:

SECTION 33. Comm 14.03 (2), as renumbered in SECTION 31, is amended to read:

Comm 14.03 (2) "One- ~~and~~ or 2-family dwelling" has the meaning as defined for dwelling in s. 101.61 (1), Stats.

SECTION 34. Comm 14.10 (1) Note is amended to read:

Comm 14.10 (1) Note: As established in s. Comm 14.01 (2) (a) ~~2-~~ 1., the design ~~and construction~~ requirements that are included in NFPA 1, *Uniform 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.

SECTION 35. Comm 14.10 (2) is renumbered Comm 14.10 (4)

SECTION 36. Comm 14.10 (2) and Note and (3) and Note are created to read:

Comm 14.10 (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) 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 www.commerce.wi.gov, through links to the Fire Prevention program in the Safety and Buildings Division.

SECTION 37. Comm 14.13 Note is amended to read:

Comm 14.13 Note: Wisconsin has unique design and construction requirements for these manual wet systems, as established in ~~chs. chapters~~ Comm 60 to 66.

SECTION 38. Comm 14.20 is amended to read:

Comm 14.20 Open flame devices and pyrotechnics. Substitute the following wording for the introductory paragraph in NFPA 1 section ~~20.1.4.3~~ 20.1.5.3: No open flame devices or pyrotechnic devices may be used in any occupancy, unless otherwise permitted by the following:

SECTION 39. Comm 14.50 is created to read:

Comm 14.50 Commercial cooking equipment for mobile kitchens. This is a department exception to the requirements 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.

SECTION 40. Comm 14 Appendix section A-14.01 (2) (b) 4. is created to read:

Comm 14 Appendix section A-14.01 (2) The following tanks, containers, tank systems and facilities are not regulated by chapter Comm 10:

(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.

SECTION 41. Comm 14 Appendix section A–14.01 (6) is renumbered Comm 14 Appendix section A–14.01 (8).

SECTION 42. Comm 14 Appendix sections A–14.01 (9) and (13) are created to read:

Comm 14 Appendix section A–14.01 (9) Section 101.02 (7) (c) of the Statutes reads as follows: “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” as any ordinance, order, rule or determination of any common council, board of alders, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the Department has jurisdiction.

(13) The following pages 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 www.commerce.wi.gov, through links to Safety and Buildings Division forms.

[NOTE TO LEGISLATIVE REFERENCE BUREAU: The forms referenced in this section are included at the end of this document.]

SECTION 43. Comm 21.03 (1) (c) is amended to read:

Comm 21.03 (1) (c) An additional exit may discharge to an outside balcony that complies with sub. ~~(10)~~ (8).

SECTION 44. Comm 21.25 (8) (e) 2. is amended to read:

Comm 21.25 (8) (e) 2. ‘Exception.’ Spacing between braced wall lines may be increased to 50 feet; however, the percentage of wall bracing on the braced wall lines perpendicular to the spacing, must be increased by multiplying the values in Table ~~21.25-G~~ 21.25-H by a factor equal to the braced wall line spacing divided by 35 feet, and the length to width ratio for the floor/roof diaphragm as measured between braced wall lines does not exceed 3:1.

SECTION 45. Comm Table 21.25-H footnote 5 is amended to read:

Comm Table 21.25-H footnote 5 For continuous sheathing method with wood structural panels, percent requirement may be decreased 10% when openings on the wall line do not exceed 85% of wall height and may be decreased 20% when openings do not exceed 67% of wall height. See Table ~~21.25-J~~ 21.25-K.

SECTION 46. Comm 21.25 (9) (b) 3. is amended to read:

Comm 21.25 (9) (b) 3. ‘Supporting floor and roof only.’ In the first story of two-story buildings, each braced wall panel shall be in accordance with subd. ~~4~~ 2., except that the wood structural panel sheathing edge nailing spacing shall not exceed four inches on center.

SECTION 47. Comm Table 21.25-J footnote 2 is amended to read:

Comm Table 21.25-J footnote 2 ~~A~~ For a garage supporting a roof only, a 4:1 aspect ratio is permitted for full-height sheathed wall segments on either side of the garage openings.

SECTION 48. Comm Figure 21.25-G (c) is amended to read:

FIGURE 21.25-G
TYPICAL EXTERIOR CORNER FRAMING FOR CONTINUOUS STRUCTURAL
PANEL SHEATHING SHOWING REQUIRED STUD-TO-STUD NAILING
(Partial Figure)

(c) Garage door corner

See sub. (9) (c) ~~6~~ 5.

SECTION 49. Comm 21.25 (9) (c) 4. is amended to read:

Comm 21.25 (9) (c) 4. ‘Braced wall percentage.’ In addition to bracing percentage adjustments specified elsewhere in this code, the braced wall percentages for ~~method~~ methods

under sub. (8) (b) 4. from Table ~~21.25-G~~ 21.25-H shall be permitted to be multiplied by a factor in accordance with Table 21.25-K.

SECTION 50. Comm 21.26 (8) (a) 3. and Note are amended to read:

Comm 21.26 (8) (a) 3. Flashing that will be exposed to ultraviolet light shall consist of materials ~~that~~ which are durable and permanently UV-resistant, such as sheet metal or heavy-gauge PVC.

Note: Materials including house wrap, asphalt-impregnated building paper, plastic sheeting, peel-and-stick rubberized sheet material, and light-gauge PVC are not acceptable as meeting this requirement.

SECTION 51. Comm 22.10 (17) is amended to read:

Comm 22.10 (17) “Sun room” means a one-story structure attached to a dwelling with a glazing area in excess of 40% of the gross area of the structure’s exterior walls and roof and with any screened areas capable of being covered or replaced with glazing during the heating season.

SECTION 52. Comm Table 22.31-1 footnote c and Table 22.31-4 footnote d are amended to read:

Comm Table 22.31-1 footnote c The first R-value applies under the entire slab, regardless of depth below grade. The second R-value applies to the slab edge where the bottom of the slab is less than 12 inches below adjacent grade. Slab edge insulation shall extend downward from the top of the slab for a minimum of 48 inches or downward to at least the bottom of the slab and then horizontally to the interior or exterior for a minimum total distance of 48 inches. Also, see s. Comm 21.16 for protection against frost for slabs with supports less than 4 feet below grade.

Table 22.31-4 footnote d The R-value applies to ~~any~~ the slab perimeter insulation, where the bottom of ~~which~~ the slab is less than 12 inches below adjacent grade. Slab edge insulation shall extend downward from the top of the slab for a minimum of 48 inches or downward to at least the bottom of the slab and then horizontally to the interior or exterior for a minimum total distance of 48 inches. Also, see s. Comm 21.16 for protection against frost for slabs with supports less than 4 feet below grade.

SECTION 53. Comm 22.33 (1) (title), (1) and (2) are amended to read:

Comm 22.33 (1) (title) ~~HEATED OR UNHEATED SLABS.~~ Any unheated slab floor, the bottom of which is less than 12 inches below adjacent grade, shall be insulated in accordance with Table 22.31-1 or Table 22.31-4.

(2) HEATED SLABS. In addition to meeting the requirement under sub. (1), if applicable, heated ~~slabs~~ slab floors of any depth below grade shall meet the R-value requirement in accordance with Table 22.31-1 or Table 22.31-4.

SECTION 54. Comm 22.38 (3) (d) is repealed.

SECTION 55. Comm 22.38 (3) (e) is renumbered Comm 22.38 (3) (d).

SECTION 56. Comm 22.40 (3) Note is amended to read:

Comm 22.40 (3) Note: Residential heat balance, residential load factor, Canadian F280 and ACCA ~~Manual~~ Manuals J and S are among the methods recognized as equipment-sizing protocols under chapter 29.

SECTION 57. Comm 23.08 (4) is amended to read:

Comm 23.08 (4) UNDERGROUND DUCTS. Ducts, plenums and fittings constructed of metal encased in concrete or ceramic, or other approved materials, may be installed in the ground. Supply Encasement of underground supply air ducts shall be insulated with a moistureproof material having a resistance value of at least R-5.

SECTION 58. Comm 61.60 (2) (a) 3. and 4. and (b) 3. are renumbered Comm 61.60 (2) (a) 5. and 6. and (b) 4., and Comm 61.60 (2) (a) 5., as renumbered, is amended to read:

Comm 61.60 (2) (a) 5. Forward to the department any information requested by the department relative to the qualifications and ability to perform examination of plans and inspection of buildings.

SECTION 59. Comm 61.60 (2) (a) 3. and 4. and (b) 3. are created to read:

Comm 61.60 (2) (a) 3. Adopt this code in its entirety by ordinance.

4. Forward to the department a copy of the ordinance adopting this code and any subsequent revisions to that ordinance.

(b) 3. Forward to the department any revisions to the ordinance adopting this code.

SECTION 60. Comm 61.60 (2) (c) (intro.) and (d) 1. are amended to read:

Comm 61.60 (2) (c) (intro.) Second class cities intending to perform the expanded plan examination and inspection specified in sub. (5) (b) shall comply with pars. (a) 1. to 4. 6. and (b) 3. and 4., sub. (7) (b), and all of the following:

(d) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (a) 1. to 4. 6. and (b) 3. and 4., except the plan examination requirements

do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

SECTION 61. Comm 61.60 (2) (e) is renumbered Comm 61.60 (2) (f).

SECTION 62. Comm 61.60 (2) (e) is created to read:

Comm 61.60 (2) (e) The department shall review and make a determination on a notification received under par. (a) 1. within 20 business days of that receipt.

SECTION 63. Comm 61.61 (2) (a) 3. is amended to read:

Comm 61.61 (2) (a) 3. Include in the request a description of the qualifications and ability the applicant has for assuming the desired responsibilities.

SECTION 64. Comm 61.61 (2) (a) 4. and (b) 4. are renumbered Comm 61.61 (2) (a) 6. and (b) 5.

SECTION 65. Comm 61.61 (2) (a) 4. and 5. and (b) 3. are created to read:

Comm 61.61 (2) (a) 4. Adopt this code in its entirety by ordinance.

5. Forward to the department a copy of the ordinance adopting this code and any subsequent revisions to that ordinance.

(b) 3. Forward to the department any revisions to the ordinance adopting this code.

SECTION 66. Comm 61.61 (3) is renumbered Comm 61.61 (4).

SECTION 67. Comm 61.61 (3) is created to read:

Comm 61.61 (3) DETERMINATION. The department shall review and make a determination on a request received under sub. (2) (a) 1. within 20 business days of that receipt.

SECTION 68. Comm 62.0202 (1) (a) is amended to read:

Comm 62.0202 (1) (a) “Air ~~retarder~~ barrier” means a material or combination of materials collectively ~~having a maximum air leakage rate of 0.06 0.04 cfm/ft.² at 0.30 in. H₂O,~~

~~when tested in accordance with ASTM E 783, installed to resist air leakage of indoor air into the exterior envelope of a building.~~

SECTION 69. Comm 62.1403 is created to read:

Comm 62.1403 Exterior Walls. These are department rules in addition to the requirements in IBC section 1403:

(1) AIR BARRIERS. (a) 1. The design of above-grade exterior walls, floors and ceilings may not create conditions of accelerated wall deterioration from moisture condensation.

2. Except as specified in sub. (2), a continuous durable air barrier shall be provided where a building component or assembly separates a building's interior conditioned space from the outdoors.

(b) The air barrier shall have a maximum air leakage rate of 0.04 cfm/ft.² at 0.30 in. H₂O, when tested in accordance with ASTM E 2357.

(c) The air barrier shall be located on the warm-in-winter side of the thermal insulation.

(2) EXCEPTIONS. An air barrier is not required in the following locations:

(a) Where other approved means to avoid condensation and frost within the wall, floor or ceiling assembly are provided.

(b) Where other air-leakage provisions are established under this code.

Note: For examples of other air-leakage provisions established under this code, see the following sections of the International Energy Conservation Code for allowable air leakage through various openings in exterior walls: IECC section 402.4, for windows, skylights, sliding glass doors, and recessed lighting, in residential occupancies; and IECC section 502.4 for curtain walls, storefront glazing, glazed entrance doors, outdoor-air intakes, exhaust openings, and recessed lighting, in commercial occupancies.

(c) In monolithic portions of plain or reinforced concrete exterior walls that are designed and constructed in accordance with IBC chapter 19.

Note: Although air barriers are to reduce transmission of water vapor by convection (air movement), and vapor retarders are to reduce transmission of water vapor by diffusion, these functions may be combined when desired into a single membrane. In practice, considerably more moisture is transported by convection than by diffusion.

SECTION 70. Comm 62.3500 (3) (b) to (d) are renumbered Comm 62.3500 (3) (c) to (e).

SECTION 71. Comm 62.3500 (3) (b) is created to read:

Comm 62.3500 (3) (b) ASTM E 2357 – 05, Standard Test Method for Determining Air Leakage of Air Barrier Assemblies.

SECTION 72. Comm 63.0102 (1) and Note are repealed.

SECTION 73. Comm 63.0504 (3) is created to read:

Comm 63.0504 (3) POOL COVERS. The requirements in IECC section 504.7.3 are not included as part of this chapter.

SECTION 74. Comm 66.0101 (2) is renumbered Comm 66.0101 (2) (a), and Comm 66.0101 (2) (title) and (a) are amended to read:

Comm 66.0101 (2) (title) CHANGE OF OCCUPANCY TO A PUBLIC BUILDING OR PLACE OF EMPLOYMENT OCCUPANCY. (a) Where a building or portion of a building that has not been previously occupied or used as a public building or place of employment is to be changed to an occupancy or use that constitutes a public building or place of employment, the building or portion of a building shall comply with the IBC for new construction, except for IBC rules relating to the properties of building materials, and except as provided in par. (b).

SECTION 75. Comm 66.0101 (2) (b) and Note are created to read:

Comm 66.0101 (2) (b) Where any previously constructed building is converted to a community-based residential facility for five to 20 residents, the facility shall be classified as Group R-4; and if that facility has no more than eight residents, it may comply with chs. Comm 20 to 25 instead of all other requirements of this code.

Note: See s. Comm 61.02 Notes for a statutory definition of community-based residential facility.

[NOTE TO LEGISLATIVE REFERENCE BUREAU: The forms on the following pages are for inclusion in the chapter Comm 14 Appendix.]

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall become effective on the first day of the month commencing after publication in the Wisconsin administrative register.

File reference: Comm 14/rules 2008ph8