

**TOWN OF BLOOMING GROVE  
DANE COUNTY, WISCONSIN  
ORDINANCE NUMBER 3.04**

**AN ORDINANCE RELATING TO FIRE PROTECTION, EMERGENCY MEDICAL  
SERVICES AND CONVEYANCE REGULATIONS IN THE  
TOWN OF BLOOMING GROVE**

WHEREAS, in 2005 the Town of Blooming Grove ("Town") and City of Madison ("City") entered into a Cooperative Plan under Section 66.0307 of the Wisconsin Statutes (the "Plan"); and

WHEREAS, pursuant to the Plan, on October 31, 2027 (the "Transition Date"), any unattached territory in the Town will be attached to the City, and the Town will cease to exist; and

WHEREAS, the Plan requires the Town and the City to cooperate in good faith to implement the Plan and recognizes that the Town and the City may enter into further agreements to facilitate an orderly transition of town territory to the City on the Transition Date; and

WHEREAS, in June of 2015 the Town and City approved an intergovernmental agreement by which the City would provide fire protection and emergency medical services to the Town and Town residents effective July 1, 2015; and

WHEREAS, the Town Board finds that adoption of fee schedules and ordinances that conform to Madison General Ordinances Chapters 34 and 40, and providing certain authority to the Fire Chief of the City of Madison and other City of Madison Fire Department personnel, will promote public health, safety and welfare and will facilitate the provision of fire prevention services in the Town.

NOW, THEREFORE, the Town Board of the Town of Blooming Grove does ordain as follows:

**Section 1.** Chapter 29 of the Municipal Code of the Town of Blooming Grove, entitled Fire Prevention Code, is repealed.

**Section 2.** Chapter 30 of the Municipal Code of the Town of Blooming Grove, entitled Outdoor Fires, is repealed.

**Section 3.** Chapter 53 of the Municipal Code of the Town of Blooming Grove, entitled, False Alarms, is repealed.

**Section 4.** Chapter 3 of the Municipal Code of the Town of Blooming Grove, entitled Fire Department, is repealed and recreated as follows:

### 3.04 Fire Code

#### (1) General Provisions.

##### (a) Adoption of Standards.

1. City of Madison General Ordinances. Except as expressly provided in this section, City of Madison General Ordinances (MGO) Chapters 34 and 40 as they may be amended, are hereby adopted and incorporated by reference in this Code. The following sections of the MGO are not adopted:

- 34.01(10)
- 34.01(11)
- 34.01(13)(c)
- 34.903(1)
- 34.903(2)
- 34.904(1)
- 34.907(1) [with the exception of 34.907(1)(a),(c),(d) and (f) which are adopted]
- 34.907(3)
- 40.035
- 40.13

2. Other Standards. The National Fire Protection Association standards, Wisconsin State Statutes, and Wisconsin Administrative Code sections adopted in Chapters 34 and 40, MGO, including but not limited to the following, are adopted:

- SPS 307 – Explosive Materials
- SPS 310 – Flammable and Combustible Liquids
- SPS 314 – Fire prevention
- SPS 318 – Elevators, escalators and lift devices
- SPS 361 – Administration and enforcement
- SPS 362 – Building and structures
- SPS 364 – Heating, ventilating, and air conditioning
- SPS 365 – Fuel gas appliances
- SPS 366 – Existing buildings.

- ##### (b) Authority of the City of Madison Fire Chief. The Chief of the Madison Fire Department and the Chief's designee is authorized to issue permits, licenses, and notices or orders to correct violations pursuant to this section and any other Town ordinances relating to fire prevention, and to take any other action to enforce this section that he or she could take to enforce Chapters 34 and 40, MGO.

- ##### (c) Interpretation. In their interpretation and application, the provisions of this section shall be held to be minimum requirements liberally construed in favor of the Town and for the utmost protection of public health and safety and shall not be deemed a limitation on or repeal of any other power granted by state law.

(d) Appeal of Decision of Chief and Variance from Provisions.

(1) Appeal. Whenever the Chief shall disapprove an application or refuse to grant a permit, approval, or certificate applied for or revoke a permit, approval, or certificate, or when it is claimed that MGO Chapters 34 and 40 have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief as allowed by applicable state statutes.

(2) Variances. Individuals and entities may apply for or request a variance from the provisions of this Code as allowed by applicable state statutes.

(2) Definitions. For the purposes of this section as it relates to the Town, the following terms used in City of Madison General Ordinances (MGO) Chapters 34 and 40 are defined as follows:

(a) "Citizens of Madison" shall mean "Citizens of the Town of Blooming Grove".

(b) "City" shall mean the "Town".

(c) "City of Madison" shall mean the "Town of Blooming Grove". Notwithstanding the foregoing sentence, where a provision of Chapters 34 or 40, MGO requires payment of a fee to the City of Madison, the fee shall be paid to the City of Madison, and not the Town.

(d) "City Clerk" shall mean the City Clerk of the City of Madison, not the Town Clerk of the Town of Blooming Grove.

(e) "Common Council of the City of Madison" shall mean "Town Board of the Town of Blooming Grove".

**Section 5.** Section 92.01(2) of the Municipal Code of the Town of Blooming Grove is repealed and recreated as follows.

(3) Officials Authorized to Issue Citations. Citations authorized by this Code may be issued by Town and Dane County law enforcement officers and by the following designated officials, whenever there are such officials, with respect to matters directly related to each official's area of responsibility. Except as provided by this section, the officials granted authority to issue citations under this section may delegate that authority to others only with the approval of the Town Board:

(a) Building Inspector.

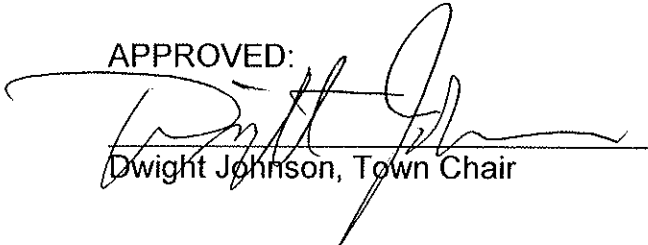
(b) Weed Commissioner.


(c) Health Inspector.

- (d) Animal Control Officer.
- (e) The Fire Chief of the City of Madison, his or her designated chief officers and Madison Fire Department officers assigned to Fire Prevention and Investigation Divisions.
- (f) Public Works Supervisor. The Town Public Works Supervisor/Road Supervisor/Highway Patrolman/Road Patrolman is authorized to issue a citation for the violation of any parking regulation contained in section 50.01 of this Code that is adopted from Chapter 346 of the Wisconsin Statutes and for the violation of section 50.08(2) of this Code.

**Section 6.** This ordinance shall be effective at 12:01am on July 1, 2015.

The foregoing ordinance was adopted by the Town Board of the Town of Blooming Grove at a regularly scheduled meeting on June 23, 2015, by a vote of 4 in favor, 0 opposed, and 0 not voting.

APPROVED:  
  
Dwight Johnson, Town Chair

ATTEST:  
  
Clerk/Treasurer/Administrator

Dated: June 24, 2015

## CHAPTER 34

### FIRE PREVENTION CODE

#### Section

- 34.01 General Provisions.
- 34.02 Design and Construction Reviews, Approvals and Permits for Fire Protection and Other Safety Features. (Am. by ORD-11-00151, 11-8-11)
- 34.03 Records For Inspecting, Testing & Maintenance of Fire Protection Systems.
- 34.04 Regulation of Fire Alarm Systems, False Alarms.
- 34.05 Ban on Sale of Novelty Lighters.
- 34.06 Causing Fire by Negligence. (Cr. by ORD-12-00001, 1-10-12)
- 34.104 Interference with Firefighting.
- 34.105 Licenses and Permits.
- 34.202 Definitions.
- 34.304 Combustible Waste.
- 34.307 License Required for Open Burning.
- 34.308 Open Flames.
- 34.313 Fueled Equipment.
- 34.315 Miscellaneous Combustible Materials Storage.
- 34.501 Fire Service Features.
- 34.503 Fire Apparatus Access Roads.
- 34.505 Premises Identification.
- 34.507 Fire Protection Water Supply.
- 34.508 Fire Command Center.
- 34.603 Fuel-Fired Appliances.
- 34.604 Emergency and Standby Power Systems.
- 34.605 Electrical Equipment.
- 34.703 Fire-Resistance-Rated Construction.
- 34.806 Decorative Vegetation in New and Existing Buildings.
- 34.903 Automatic Sprinkler Systems.
- 34.904 Commercial Cooking Systems.
- 34.906 Fire Extinguishers.
- 34.907 Fire Alarm and Detection Systems.
- 34.914 Reserved for Future Use. (Rep. by ORD-13-00102, 6-12-13)
- 34.1001 Administration.
- 34.1004 Occupant Load.
- 34.1022 Exit Enclosures.
- 34.1028 Assembly.
- 34.1100 Construction Requirements for Existing Buildings. (Am. by ORD-13-00102, 6-12-13)
- 34.5003 Hazard Identification Signs. (Am. by ORD-13-00102, 6-12-13)
- 34.5601 Recreational Fireworks. (Am. by ORD-13-00102, 6-12-13; ORD-14-00139, 8-13-14)
- 34.5608 Non-Recreational Fireworks. (Am. by ORD-13-00102, 6-12-13; R. & Rec. by ORD-14-00139, 8-13-14)
- 34.5704 Storage Tanks For Flammable and Combustible Liquids. (Am. by ORD-13-00102, 6-12-13)

#### **34.01 GENERAL PROVISIONS.**

##### (1) Intent of Code.

It is the intent of this chapter to prescribe regulations consistent with nationally recognized standards for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion

arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life, property and the environment in the use or occupancy of buildings or premises. Compliance with codes and standards of the National Fire Protection Association (NFPA), the International Code Council, Madison General Ordinances (MGO) or other approved nationally recognized safety standards, as later referred to or as specified in this code, shall be deemed to be prima facie evidence of compliance with this intent.

(2) Application of Code.

- (a) The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Chief.
- (b) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the U. S. Department of Transportation (DOT) or as applying to the military forces of the United States.
- (c) Except as provided herein, this code applies to each building and premises, public or privately owned and all public thoroughfares located within the City of Madison.
- (d) The Department shall be regulated by this chapter and not by International Fire Code (IFC) section 103.

(3) Authority of the Chief.

The Chief has the authority to administer and enforce this code. The Chief may delegate authority under this code to such subordinates in the Fire Department and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

(4) Authority to Enter Premises.

- (a) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises for the purpose of making any inspection or investigation, which, under the provisions of this code, may be deemed necessary.
- (b) The Chief may obtain a search warrant under Wis. Stat. §§ 968.10, 968.12, 66.0119 when necessary for the purpose of making an inspection or investigation of any building or premises where the owner or occupant has refused admission.
- (c) No person, having been duly informed of the existence of a search warrant to search the premises owned or occupied by that person, shall refuse to permit such search to be made. Each day, or part thereof, during which such refusal continues, shall be deemed to be a separate violation.

- (5) Inspection of Buildings and Premises. The Chief may inspect all buildings and premises, except the interiors of dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, explosion, dangerous condition or any violations of the provisions or intent of this code and of any other applicable ordinance. The Chief shall, as a condition of granting a permit, have the right to enter the premises for which said permit was issued, at any reasonable time during and throughout the course of such work and until final approval has been granted, for the purpose of inspecting said premises and its compliance with code regulations.

(6) Issuance of Orders.

(a) Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations. Whenever the Chief shall find in any building or upon any premises during any three (3) inspections or reinspections a fire prevention, detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:

1. If the system includes one or more exit light(s) which have not been illuminated during inspections the Chief may order that all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LED).
2. If the system includes one or more self-closing fire door(s) any of which have been found to have been held open with non-approved hold open devices during inspections the Chief may order that all of the fire doors in such premises be equipped with a door holder/release device.
3. If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock the Chief may order that all emergency exit doors within the premises be equipped with panic door release hardware.
4. This subsection shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations under this code nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any other applicable provision of the Madison General Ordinances, Wisconsin Administrative Codes or Wisconsin State Statutes.

- (b) Corrective Action. Whenever the Chief may find a violation of this code, Wisconsin State Statutes, or Wisconsin Administrative Codes, the Chief may order corrective action to cause the violation to be eliminated.
- (c) Fees for Reinspections.
  - 1. Any person who shall fail to comply with any lawful order of the Chief issued pursuant to the provisions of this Chapter may be assessed seventy-five dollars (\$75.00) per inspection for compliance inspections in excess of one.
  - 2. The Chief shall keep an accurate account of all unpaid inspection fees incurred for reinspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)
- (d) Authority to Abate Hazard. The Chief shall have the authority to order the immediate abatement of any hazard deemed by the Chief to be an imminent hazard to the life, safety and well-being of any individual. Whenever the owner shall refuse or neglect to abate said hazard, the Chief may cause the same to be abated and the City shall recover the expenses incurred thereby from the owner. The Chief shall keep an accurate account of all unpaid expenses incurred by the City for hazard abatement rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)
- (e) Authority to Vacate. The Chief shall have the authority to issue an order to vacate any property deemed by the Chief to be necessary due to an imminent hazard to the life safety and well being of the occupants.



- (7) Service of Orders.
- (a) The service of written orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises, or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner, as the Chief deems appropriate under the circumstances.
  - (b) If buildings or other premises are owned by one person and occupied by another the orders issued in connection with the enforcement of this code shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises, and in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.
  - (c) Mailing of such orders by the owner or occupant is sufficient notice to affect compliance with the order.
- (8) Liability for Damages. This code shall not be construed to hold the City of Madison or its employees responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any plans or equipment authorized herein.
- (9) Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals. The Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals, as established in Sec. 29.18, MGO, shall act upon appeals from the decision of the Chief in respect to the provisions of this code and to advise the Chief on any matters regarding this code on which the Chief may request its opinion. The Department shall be bound by the appeals process outlined in this section and not IFC section 108.
- (10) Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit, approval or certificate applied for or revoke a permit, approval or certificate, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief to the Board within thirty (30) days from the date of the decision appealed and upon payment of fifty dollars (\$50) payable to the City of Madison. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. (Am. by ORD-12-00042, 4-19-12)
- (11) Variances. The Board shall have power to modify any of the provisions of this code upon application in writing by the owner or lessee, or the duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed and public safety secure. The particulars of such modification when granted or allowed and the decision of the Board thereon shall be entered upon the records of the Board and a signed copy shall be furnished the applicant.

(12) Judicial Review.

- (a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- (b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.

(Cr. by ORD-11-00004, 1-12-11)

(13) Adoption by Reference: State and National Codes.

- (a) The codes in the *International Fire Code*<sup>®</sup> and the Wisconsin Administrative Codes that are adopted by reference are the most current edition of the referenced code and any subsequent editions of the referenced codes. (Am. by ORD-13-00102, 6-12-13; Rep. & Re-enacted by ORD-14-00102, 5-28-14)
- (b) IFC. The *International Fire Code*<sup>®</sup>, subject to the modifications specified in this chapter. (Am. by ORD-13-00102, 6-12-13; Rep. & Re-enacted by ORD-14-00102, 5-28-14)
- (c) The following Wisconsin Administrative Code Chapters:
  - SPS 305 – Licenses, Certifications and Registrations
  - SPS 307 – Explosive Materials
  - SPS 310 – Flammable and Combustible Liquids
  - SPS 314 – Fire Prevention
  - SPS 316 – Electrical
  - SPS 318 – Elevators
  - SPS 328 – Smoke Detectors
  - SPS 340 – Gas Systems
  - SPS 343 – Anhydrous Ammonia
  - SPS 361-366 – Wisconsin Commercial Building
  - SPS 366 – Existing Buildings
  - SPS 375-379 – Buildings Constructed Prior to 1914
  - SPS 381-387 – Plumbing

(Renum. by ORD-11-00004, 1-12-11; Am. by ORD-12-00035, 3-28-12)

[Editor's Note: 2013 Wis. Act 270 creates Wis. Stat. § 101.02(7r) which sets forth a restriction on local governments enacting or enforcing local ordinances related to construction and maintenance of public buildings. Under § 101.02(7r)(b) an exception is made for ordinances related to fire detection, prevention, or suppression if the ordinance was enacted before May 1, 2013. In accordance with Wisconsin Supreme Court precedent, Secs. 34.01(13)(a) and (b), MGO, are deemed to have been enacted and in force since March 29, 2012. *Van Dyke v. Tax Commission*, 217 Wis. 528, 539 (1935) (“[W]hen a repealing statute re-enacts a provision of an old statute in substantially the same words, no change in the old law is thereby effected, but the original law is deemed to continue in force from its first enactment”).

On January 26, 2015, this ordinance was determined to be in compliance with the provisions of Wis. Stat. § 101.02(7r).]

- (14) Miscellaneous Inspection Fees.
  - (a) Inspections outside of normal work hours whether required or requested shall be subject to the fees in this section. Inspections outside of normal work hours to verify compliance with permitted activities, which are conducted outside of normal work hours, shall be subject to the fees listed in this subsection. When fire inspection personnel are required for events or emergencies, the owner shall pay for personnel time in accordance with this subsection.
  - (b) Inspection fee – sixty dollars (\$60.00) per hour.
  - (c) The Chief shall keep an accurate account of all unpaid fees incurred for inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)

(Renum. by ORD-11-00004, 1-12-11)
- (15) Penalties. Violations shall be prosecuted as outlined within this code. The Department shall not follow IFC section 109.2.1 and 109.3.
  - (a) Any person violating any of the provisions of this Chapter for which a penalty is not otherwise specified shall upon conviction be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1000). Every day or fraction thereof during which any person fails or to comply with any provisions of this code shall constitute a separate violation.
  - (b) Any person who does not comply with any lawful order of the Chief issued pursuant to the provisions of this code shall be in violation of this Chapter, and every day or fraction thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.

(Renum. by ORD-11-00004, 1-12-11)
- (16) Severability. The Common Council of the City of Madison hereby declares that should any section, paragraph, sentence, or word of this chapter hereby adopted be declared for any reason to be invalid, it is the intent of said Common Council that it would have passed all other portions of this chapter independent of the elimination here from of any such portion as may be declared invalid. (Renum. by ORD-11-00004, 1-12-11)

**34.02 DESIGN AND CONSTRUCTION REVIEWS, APPROVALS AND PERMITS FOR FIRE PROTECTION AND OTHER SAFETY FEATURES. (Am. by ORD-11-00151, 11-8-11)**

- (1) Application for Permit, Plans and Specifications.
  - (a) No person may install, erect or construct or add to, enlarge, move, improve, alter, convert, extend replace components, or demolish or cause the same to be done, or commence any work covered by this code on any fire protection system, any access control, delayed egress, stair door locking system or device, or LPG containers, high-piled storage arrays, flammable and combustible liquid storage arrangements, including any system subject to plan review under Wis. Admin. Code ch. SPS 361, without first submitting plans for review and approval to the Chief and obtaining a fire department work permit. This requirement is irrespective of whether such person intends to submit such plans to any other lawful

- approving authority. Permits shall be issued in the name of the owner or owner's agent. The Chief by special permission may authorize work to start prior to compliance with this subsection. (Am. by ORD-11-00151, 11-8-11; Am. by ORD-12-00035, 3-28-12)
- (b) Applications for permits shall be filed with the Chief in writing on a form to be furnished for that purpose. Such application shall describe the land or structure upon which work is to be done, either by street number, lot, block or tract, or similar general description which will identify the proposed installation or work and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Chief. By filing, the applicant certifies the installation will comply with the applicable codes.
- (c) Working plans and specifications showing the location of each component or element of the proposed system, all drawings, manufacturers cut sheets for devices, calculations, material approvals, manufacturers listed installation and design manuals, pre-engineered design specifications, design specifications, and the manufacturer, model and type of each component element of such systems, when needed, shall accompany every application for a permit, and shall be filed with the Chief. Applicant shall submit three (3) sets of plan documents and one (1) set of supporting documents for review. However, the Chief may authorize the issuance of a permit without plans or specifications for minor or inconsequential work.
1. Plans submitted shall be drawn to scale on substantial paper. The submitted plans shall be working plans of sufficient clarity to indicate the nature and character of the work proposed and to show that the applicable regulations will be complied with. They shall be prepared in accordance with the provisions of this code, and shall bear the name of the architect, professional engineer, contractor or other person who prepared them.
  2. Specifications shall be in detail. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Fire Code" or "to the satisfaction of the Fire Chief" shall be deemed imperfect and incomplete. Every reference to the Fire code shall be to the section or subsection applicable.
  3. Alterations to or modifications of an existing system may not, at the discretion of the Chief, require a complete set of plans as set forth above, however, each such application for a permit shall include appropriate supporting documentation establishing that the proposed alterations or modifications comply with all appropriate codes, ordinances and standards.
  4. For state-owned buildings plans shall be approved by the appropriate state agency. A permit is required for said projects, a copy of the state plan approval letter is required as part of the permit application. The Chief shall inspect the fire protection systems in state owned buildings. When a State agency specifies plan review and inspection by the City, a complete submittal is required.
- (d) If the application, plans and specifications are in conformity with the requirements of this code and all other laws or ordinances applicable thereto, the Chief shall, upon receipt of the required fee, grant a permit for said work and shall sign, date and endorse all sets of submitted plans as approved or if approval is conditioned upon changes to the plan or compliance with other conditions, the plans may be conditionally approved. In all such cases where plans are conditionally approved the Chief shall return, with the plans, written notification of the conditions that must be satisfied. Whenever a submitted application is incomplete, the Chief may suspend any action on such application and shall notify the applicant of the information needed to process such application.
- (e) The work shall be installed as shown on the plans and there shall be no modifications or alterations made without written permission from the Chief.

- (f) Permits issued under this code shall lapse and be void unless the work authorized is commenced within one (1) year from the date or completed or resumed within one (1) year from the date that construction begins and in the event of further construction after either of the latter of these time periods, a new permit must be obtained pursuant to all the requirements of the code. The fees for such new permit shall be based upon the area (square footage of protected area) remaining to be done.
  - (g) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications or execution of the work, the Chief may require the correction of said errors in said application, plans, specifications or construction and may rescind the permit and prevent installation and work operations from continuing when in violation of this code or of any ordinance.
  - (h) Except as authorized by the Chief all portions of any system that are to be concealed must be tested by the installing contractor and be approved by the Chief before concealment.
  - (i) The data specified in all applicable IFC standards adopted by this code shall be a part of, or shall accompany, all plans submitted for approval.
  - (j) The initial tenant build-out for shell building projects, shall comply with this section regardless of the number of sprinklers to be altered, added or removed.
  - (k) The following language is substituted for IFC section 105.7.10: Construction permits are required for all Liquefied Petroleum Gas (LPG) retail cylinder exchanges and for LPG containers of one hundred (100) gallon, or aggregate, water capacity or more. Individual LPG containers of two thousand (2000) gallon water capacity or larger and individual LPG containers where the aggregate water capacity is four thousand (4000) gallon or larger must be submitted to the Department of Safety and Professional Services. (Am. by ORD-12-00035, 3-28-12)
- (2) Fees.
- (a) Scope. The fees fixed in this section shall be assessed and collected by the Chief for the examination and approval of system plans. These fees also include the inspection of newly installed and remodeled systems. These fees do not cover any re-inspections. These fees are collected in advance from the owner or agent. The appropriate portion of each fee, as set forth in Wis. Admin. Code § SPS 302.31, Table 2.31-3, shall be forwarded to Department of Safety and Professional Services. (Am. by ORD-12-00035, 3-28-12)
  - (b) Plan Examinations.
    1. Plans showing design and construction details, design computations and specifications submitted for examination and approval as required by this section shall be accompanied by a fee in the amount determined in accordance with this section.
    2. For the purpose of determining the fee on the basis of square foot, gross floor area measurements shall be taken from outside of building at each floor level, including basement and other areas affected or serviced by the system. Except as otherwise specified in this code, for remodeling or adding to an existing system, the appropriate fee shall be determined by calculating the square footage of the area to be serviced by such remodeling or addition to the system.
  - (c) (Renum. to Sec. 34.02(2)(d)9. by ORD-11-00151, 11-8-11)

(d) Fee Schedule.

- I. New Systems. Except as otherwise specified in this section, plan review fees for new systems shall be computed upon the basis of the total square footage of each building or affected area and determined by the following table:

**TABLE A**

AREA (SQUARE FEET)	FIRE ALARM SYSTEM PLANS	FIRE SUPPRESSION SYSTEM PLANS
Less than 2,500	\$200	\$200
2,501 - 5,000	\$250	\$250
5,001 - 10,000	\$300	\$300
10,001 - 20,000	\$600	\$600
20,001 - 30,000	\$900	\$900
30,001 - 40,000	\$1,200	\$1,200
40,001 - 50,000	\$1,500	\$1,500
50,001 - 75,000	\$1,800	\$1,800
75,001 - 100,000	\$2,100	\$2,100
100,001 - 200,000	\$2,400	\$2,400
200,001 - 300,000	\$2,700	\$2,700
300,001 - 400,000	\$3,000	\$3,000
400,001 - 500,000	\$3,300	\$3,300
Over 500,000	\$3,600	\$3,600

2. Alteration/Modifications and Repair/Replacement to Existing Devices/Systems.
  - a. The fee for review of submittals or review of plans for the alteration/modification to existing devices/systems shall be determined by Table B for each type of alteration/modification submitted.

**Table B-1 Alteration/modifications existing devices/systems**

<u>Device/System</u>	<u>Fee</u>
Existing Automatic Fire Sprinkler system of up to 20 Sprinkler Heads	\$100 per system
Other existing fire protection systems of up to 3 devices	\$100 per system
Dry Pipe preaction, deluge valve, and similar devices	\$100 per system
Fire Pump	\$200 per system
Fire Alarm Control Unit	\$200 per system
Backflow Prevention Valve	\$200 per system

**Table B-2 Closure, change in use or temporary removal of any tank system regulated by SPS 310**

Plan Review	\$50
Site Inspection, 1 <sup>st</sup> tank	\$75
Site Inspection, each additional tank	\$50

(Am. by ORD-11-00151, 11-8-11; ORD-12-00035, 3-28-12)

- b. The fee for review of submittals or review of plans for the repair/replacement to existing devices/ systems shall be determined by Table C for each type of repair/replacement submitted.

**Table C Repair/replacement existing devices/systems**

<u>Device/System</u>	<u>Fee</u>
Sprinkler head replacement, more than 3	\$100 per system
Nozzle replacement, more than 3	\$100 per system
Dry Pipe, preaction, deluge valve, and similar devices	\$100 per system
Fire Pump	\$200 per system
Fire Alarm Control Unit Replacement	\$100 per system
Backflow Prevention Valve	\$200 per system
Fire alarm initiating devices, more than 3	\$200 per system
Fire alarm notification appliances, more than 3	\$200 per system

3. Certain Devices/ Systems Subject to a Single Flat Fee. The fee for review of plans for the installation of new systems not subject to the fees in the above mentioned subsections shall be two hundred dollars (\$200) for each type of device/system submitted. The fee for review of submittals for the alteration, repair, or replacement of systems not subject to the fees in the above mentioned subsections shall be one hundred dollars (\$100) for each type of device/system submittal. However, no additional fee shall be due under this section if such device/system is included as a component in a system plan which has been submitted to the Chief and for which a fee has been paid pursuant to this code. The devices/systems subject to this fee shall include but not be limited to the devices/systems in Table D:

**Table D certain devices subject to single flat fee**

<u>Device/System</u>	<u>Fee</u>
Digital alarm communicator transmitters (DACT)	\$200 per system
Kitchen hood extinguishing systems	\$200 per system
Dry chemical extinguishing systems	\$200 per system
Fire detection devices that actuate fire doors/shutters (which are not part of any fire alarm system)	\$200 per system
Clean agent systems	\$200 per system
Fire pumps	\$200 per each
Standpipe systems (not to include combined sprinkler/standpipe systems)	\$200 per system
Smoke and Heat Vents	\$200 per system
High-piled Storage Arrays	\$200 each
Fire Command Center	\$200 each
LPG Retail Cylinder Exchanges of more than 100 gallons, or aggregate	\$200 each
LPG Individual containers less than 2000 gallons	\$200 each
LPG Individual containers aggregate less than 4000 gallons	\$200 each
Private fire service mains and hydrants	\$200 per system

(Am. by ORD-11-00151, 11-5-11)

4. Plan examination and inspection fees for storage tanks of liquids that are flammable, combustible or federally regulated hazardous substances are as outlined in Wis. Admin. Code § SPS 302.43. (Am. by ORD-12-00035, 3-28-12)
5. The fee for the inspection only of devices/systems in state-owned buildings shall be half (½) of the fees specified in this Chapter.
6. A permit shall be required for the demolition of any system. However, no additional fee shall be due under this paragraph if the installation of a new system has been submitted to the Chief and for which a fee has been paid pursuant to this code or a permit for the razing of the building is obtained from the City of Madison Inspection Division pursuant to Sec. 29.13, MGO. The permit fee shall be two hundred dollars (\$200).
7. The fee for review of submittals or review of plans for any work to be performed under this section, not specified in the fee schedules in this section, shall be two hundred dollars (\$200).



8. An additional fee of one hundred dollars (\$100) shall be assessed for incomplete plan submittals placed on hold. (Cr. by ORD-11-00151, 11-8-11)
9. Revisions.
  - a. The additional fee of two hundred dollars (\$200) or fifty percent (50%) of the original plan examination fee whichever is higher shall be assessed for review of system plans that have been submitted following denial of plan approval, if the submission is within eight (8) months of the original denial.
  - b. The fee of two hundred dollars (\$200) shall be assessed for revisions to previously approved plans.
  - c. The fee of two hundred dollars (\$200) shall be assessed for plan submittals that have been rejected for failing to comply with an administrative hold. Administrative holds shall be issued where plan submittals are incomplete. (Sec. 34.02(2)(c) Renum. to 9. and Am. by ORD-11-00151, 11-8-11)
- (e) Penalty. Penalty for failure to obtain a permit before starting work shall be double the required fee. This shall be in addition to any other penalties provided elsewhere in the code. In addition, a penalty of one hundred dollars (\$100) shall be assessed for each day that any work requiring a permit progresses without a permit, calculated from the date the notice of violation is delivered to either the property owner or the contractor performing the work, until the date the owner or contractor submits the proper plans in an approved format to the Chief.

#### 34.03 RECORDS FOR INSPECTING, TESTING & MAINTENANCE OF FIRE PROTECTION SYSTEMS.

These requirements are in addition to the record retention requirements found in Secs. 34.507, 34.703 and 34.901, MGO.

- (1) At least once each year, an individual with the applicable credential specified in Wis. Admin. Code ch. SPS 305, shall conduct the inspection, testing and maintenance specified for automatic fire sprinkler systems in NFPA 25. This section does not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72. (Am. by ORD-12-00035, 3-28-12)
- (2) All inspection, testing and maintenance of systems that occur annually or less frequent shall be filed with the City of Madison's electronic reporting system. Within thirty (30) days of said inspection the owner shall insure that the following information is filed electronically with the City:
  - (a) The address that was inspected;
  - (b) The type of fire protection system inspected;
  - (c) The applicable standard;
  - (d) List of any system deficiencies or code violations;
  - (e) The name, registration number and address of the registered contractor who performed the inspection, testing or maintenance; and
  - (f) Attestation that the inspection, test or maintenance activity was performed in accordance with the applicable IFC standards.

Free accesses to computers to complete the above-mentioned requirements are available at the Madison Fire Department Administration Building, the Madison Building Inspection Division and all Madison Public Libraries.
- (3) Electronic filing requirements in subsection (1) and (2) become effective on March 1, 2011. Prior to March 1, 2011, all individuals shall submit all records of system inspection, testing and maintenance to the Chief.

#### 34.04 REGULATION OF FIRE ALARM SYSTEMS, FALSE ALARMS.

- (1) Definitions. For the purpose of this ordinance, the following definitions shall apply:
 

“Alarm” means any sound, signal or message generated by an alarm system, alarm user or other person, to which fire personnel are expected to respond.

“Alarm user” means the person, partnership, corporation or other entity of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is in operation.

“Alarm System” means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video or other form of message to an alarm system monitoring company or some other number or emits an audible or visible signal that can be heard or seen by persons outside the protected premises or transmits a signal beyond the premises in some other fashion, except a medical alert alarm. An alarm system or alarm device may consist of one or more components all reporting to a central alarm station.

“Automatic dial device” means any device that automatically sends over regular telephone lines, by direct connection, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which fire personnel are expected to respond.

“Central alarm station” means a facility having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected and where operators supervise an alarm panel and upon receipt of emergency signals indicating fires may relay a message to the fire department and may notify an alarm agent for the purpose of responding to the alarm signal.

“Control” means the power or authority to manage, superintend, direct or oversee a building, structure or facility or portion thereof.

“Department” means the City of Madison Fire Department and its personnel and includes other fire agencies assisting the Madison Fire Department.

“False Alarm” means the reporting of or activation of any monitored or non-monitored alarm system where the Department arrives at the premises and determines that there is no evidence of a fire or emergency on the premises that would warrant a call for fire assistance or investigation. An alarm shall be presumed to be false if the responding Department does not locate evidence of a fire or emergency on the premises that might have caused the alarm to sound. False alarm includes an alarm caused by a power outage but shall not include alarms activated by unusually severe weather conditions or other causes which are identified by the Chief to be beyond the control of the Alarm User.

“Fire” means the City of Madison Fire Department and its personnel and includes other fire agencies assisting the Madison Fire Department.

- (2) Alarm Requirements.
- (a) Alarm System User Responsibility. It shall be the duty of the alarm user to properly use the alarm system, ensure that all alarm users are instructed in the proper use of the alarm system and are aware of the provisions of this chapter and to maintain the alarm system in proper working order. The alarm user shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Any special codes, combinations, or passwords must not be included in these instructions but must be maintained on site.
- (3) Alarm Companies and Private Responders.
- (a) Every alarm company shall provide its alarm customers with a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms, including the forfeiture amounts, and written guidelines on how to prevent false alarms.
- (b) Every alarm company shall provide training to its alarm customers in the proper use of the alarm system, including instructions on how to prevent false alarms.
- (4) Misuse of Alarm System. Use of an alarm system in the absence of an actual emergency situation, which results in the response of fire personnel; or use of an alarm system rather than a telephone to summon fire personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons and misuse of the alarm system. Misuse of an alarm system is unlawful.
- (5) False Alarm. Alarm users shall not have, permit or allow false alarms to occur at any building, structure, facility or portion thereof under their control and where an alarm system is in operation. Inspections, testing, maintenance, alteration and repair activities for fire protection systems shall not result in the transmission of a false alarm.

- (6) Orders. The Chief shall have the authority to order the installation of double action pull stations or pull covers with horn when the department has responded to three (3) or more intentional false alarms at a premise.
- (7) Exceptions. None of the provisions of this ordinance shall apply to any official governmental body or subdivision thereof, which owns, operates and maintains its own alarm equipment.
- (8) Penalty. An alarm company, a private responder, an alarm user or a person in control of an alarm system commits an offense if they violate any provision of this section by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon them by this ordinance and is subject to a forfeiture of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) for each offense. Prosecution action will be commenced if there is a malfunction of the alarm system or an unintentional false alarm if there are two (2) violations within one month or three violations within twelve (12) months. Prosecution action will be commenced if the false alarm occurs in the course of inspection, testing or maintenance of the alarm system. Prosecution action and penalties imposed will vary depending on whether the false alarm is a result of an intentional act, a malfunction of the alarm system, an unintentional act or a result of inspection, testing or maintenance of the alarms system for specifics regarding the individual penalties see Sec. 1.08(3)(a), MGO.

#### 34.05 BAN ON SALE OF NOVELTY LIGHTERS.

- (1) Intent and Purpose. The Common Council of the City of Madison hereby finds that:
  - (a) Novelty lighters have features which are attractive to children, including visual effects, flashing lights, musical sounds or toy-like designs.
  - (b) Designing lighters to disguise their true function increases the risk of injury and attracts children. Novelty lighters are easily mistaken by children and adults as children's toys or common household items.
  - (c) Novelty lighters are inherently dangerous products containing flammable fuel. If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.
  - (d) Disguising the true function of an inherently dangerous product unnecessarily threatens the health and safety of the citizens of Madison.
  - (e) Novelty lighters have been the cause of many personal injuries to children and adults and to property damage throughout the United States.
  - (f) The Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to their danger to public safety.
- (2) Definitions.
  - "Lighter" means a mechanical or electronic device that ignites a flame, typically used for lighting tobacco products.
  - "Novelty Lighter" means a lighter which is especially attractive to children due to a toy-like design. This includes, but is not limited, to lighters that depict or resemble cartoon characters, toys, weaponry, household products, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features.
- (3) Ban on Sale. The retail sale, offer of retail sale, gift or distribution of any novelty lighter is prohibited.

#### 34.06 CAUSING FIRE BY NEGLIGENCE.

- (1) It shall be unlawful for any person whose negligent or reckless behavior results in a fire to any property, any part of land or any part of a building so as to endanger life or property in any way or to any extent.
  - (2) Exception. It is not a violation of this section if the fire is contained within the cooking device.
  - (3) Penalty. Any person who violates any of the provisions of this section may be subject to a forfeiture of up to five thousand dollars (\$5000).
- (Cr. by ORD-12-00001, 1-10-12)

**34.104 INTERFERENCE WITH FIREFIGHTING.**

- (1) It shall be unlawful for any person to knowingly obstruct any firefighter in the performance of duties relating to an emergency or rescue.
- (2) It shall be unlawful for any person to give or cause to be given any false request for fire personnel.
- (3) It shall be unlawful to interfere with the proper function of a fire alarm system.
- (4) It shall be unlawful to interfere with the lawful efforts of a firefighter to extinguish a fire.
- (5) No person shall offer any hindrance or resistance to a firefighter in the discharge of the firefighter's duty.
- (6) No person shall drive any vehicle over or across a fire hose.
- (7) No person shall in any manner injure or interfere with any hose, fire engine, or other fire apparatus belonging to the City.
- (8) No person shall drive or operate any automobile or other vehicle over any portion of any street or alley occupied by the engines, auto trucks or other vehicles or apparatus of the Fire Department when engaged in extinguishing a fire unless precaution is taken so as not to do any injury to any property or apparatus of the Fire Department or interfere with the operation of the same.
- (9) Any person who violates this section shall forfeit up to one thousand dollars (\$1000).

**34.105 LICENSES AND PERMITS.**

The following requirements are in addition to the requirements found in IFC section 105:

- (1) All licenses shall not be transferable and any change in equipment, ownership, use or occupancy of premises shall require a new license.
- (2) All permits referenced in this section and IFC section 105 will be called licenses and shall comply with the requirements found in this section.
- (3) Applications required under IFC section 105.2 shall be filed with the City Clerk not the Chief.
- (4) All applications must be submitted thirty (30) days prior to commencing the prescribed activities. All applications shall be acted upon promptly. The Chief shall within fifteen (15) business days from the receipt of an application, either issue the requested license or state to the applicant the reasons for not issuing it.
- (5) Licenses shall be valid so long as the original conditions of their issuance are maintained, but shall not exceed one (1) year unless specifically provided. The term of each annual license shall be from July 1 to June 30 of the next year. Licenses for a part of a year may be issued, expiring on June 30. Licenses issued for a period of three (3) months to one (1) year shall be subject to the entire applicable fee.
- (6) A fee of one hundred dollars (\$100) shall be made for each license under this section, except as listed in this section or as specified elsewhere in this code, payable to the City of Madison.
- (7) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of a late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failing to possess or obtain a license. (Am. by ORD-12-00143, 11-12-12)
- (8) No license shall be issued to minors.
- (9) The Chief may revoke any license, issued under this code where any condition of issuance has not been complied with or maintained or where there has been any false statement or misrepresentation of any material fact in the application or plans on which the issuance was based. The Chief shall promptly notify the license holder of the revocation. The license holder may appeal the Chief's decision to the Board. Such revocation shall be in effect pending the decision of the Board, and the license holder shall immediately comply with the conditions of revocation.
- (10) The IFC section 105.6.30 exception for recreational fires is not included as part of this code. In addition to the requirements found in IFC section 105.6.30, a permit is required for recreational fires. A permit is not required for outdoor cooking, fire in approved outdoor fireplaces, campfires in approved campgrounds and burning related to training for fire departments.

- (11) Repair garage license holders shall not be required to obtain a separate flammable and combustible liquids license, as long as the flammable and combustible liquids stored, used or handled are incidental to the repair garage occupancy and are less than one hundred nineteen (119) gallons.
- (12) Spraying or dipping license holders shall not be required to obtain a separate flammable and combustible liquids license as long as the flammable and combustible liquids stored, used or handled are used in the operation of the spraying or dipping.
- (13) Hazardous materials license holders shall not be required to obtain additional licenses for the storage, use or handling of flammable and combustible liquids, compressed gases, cryogenic fluids, magnesium and organic coatings.
- (14) The following activities shall be required to obtain a license for a specific time period as approved by the Chief, but for no longer than a year.
  - (a) Open Burning. The license fee for an open burning license under Sec. 34.307 is fifty dollars (\$50). (Am. by ORD-14-00139, 8-13-14)
  - (b) Pyrotechnic Special Effects Materials. An operational permit is required for the use and handling of pyrotechnic special effects materials before a proximate audience or in a motion picture, television, theatrical and group entertainment productions. A permit is required for each display. The permit fee is two hundred and fifty dollars (\$250). All use and handling of pyrotechnic special effect materials shall comply with the requirements found in IFC section 105.6.36, IFC chapter 56 and Sec. 34.5608, MGO. (Am. by ORD-13-00102, 6-12-13; ORD-14-00139, 8-13-14)
  - (c) Fire Performance Art as defined Sec. 34.308(2)(a) – the license shall comply with Sec. 34.308(2)(e). (Cr. by ORD-14-00032, 2-18-14)
- (15) A permit is required for special events or use of the common area of a covered mall including but not limited to the display of goods, retail sales displays, fashion shows, art shows, motor vehicle displays and holiday events. A detailed floor plan drawn to scale of the area to be used shall be submitted with the permit application. The plan shall show the location of all assembly seating areas, stages, booths, displays, exhibits and demonstrate compliance with the means of egress system requirements of Wis. Admin. Code chs. SPS 361 to 365. (Am. by ORD-12-00035, 3-28-12)
- (16) Fireworks Permits.
  - (a) Recreational Fireworks Sellers Permit. A permit is required for the retail sales of recreational fireworks under Sec. 34.5601. The fee for this permit shall be one hundred dollars (\$100).
  - (b) Fireworks Event Permit. A permit is required for a fireworks event under Sec. 34.5608(5). The permit fee is two hundred and fifty dollars (\$250).
  - (c) Fireworks Shooters Permit. A permit is required for the possession or public display of fireworks under Sec. 34.5608(6). The fee for this permit shall be two hundred and fifty dollars (\$250).

(Cr. by ORD-14-00139, 8-13-14)
- (17) The following exceptions are in addition to the exceptions found in IFC section 105.6.43 - tents or canopies used for retail sales adjunct to a business; however a building permit is required. Funeral tents and curtain or extensions attached thereto, when used for funeral services. (Renun. by ORD-14-00139, 8-13-14)
- (18) The requirements of the following IFC subsections are not included as part of this code:
 

Section 105.1.3	Permits for same location
Section 105.6.4	Carnivals and fairs
Section 105.6.13	Exhibits and trade shows
Section 105.6.15	Fire hydrants and valves
Section 105.6.16	Flammable and combustible liquids – omit 1., 4., 6., and 7.
Section 105.6.17	Floor finishing
Section 105.6.18	Fruit and crop ripening
Section 105.6.19	Fumigation and thermal insecticidal fogging

Section 105.6.23	Hot work operations
Section 105.6.24	Industrial ovens
Section 105.6.26	Liquid- or gas-fueled vehicles or equipment in assembly buildings
Section 105.6.27	LP-gas
Section 105.6.31	Open flames and torches
Section 105.6.29	Miscellaneous combustible storage
Section 105.6.32	Open flames and candles
Section 105.6.35	Private fire hydrants
Section 105.6.38	Refrigeration equipment
Section 105.6.40	Rooftop heliports
Section 105.6.44	Tire-rebuilding plants
Section 105.7	Required construction permits

(Am. by ORD-13-00102, 6-12-13; Renum. by ORD-14-00139, 8-13-14)

**34.202 DEFINITIONS.**

The following definitions are in addition to the definitions in IFC section 202:

- (1) "Board" means the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals.
  - (2) "Chief" means the Chief of the Madison Fire Department and the Chief's designee.
  - (3) "Code" means Chapter 34 of the Madison General Ordinances.
  - (4) "Code Official" means the Chief of the Madison Fire Department.
  - (5) "Department" or "Fire Department" means the City of Madison Fire Department.
  - (6) "IFC" means the *International Fire Code*® as adopted and amended by this code.
  - (7) "Individual" means an owner, person or licensee.
  - (8) "Inspector" means Fire Inspector, Fire Code Enforcement Officer, Fire Prevention Officer, Fire Protection Engineer, Fire Marshal, Firefighter or other Fire Department personnel authorized by the Chief to perform the duties of administration and enforcement of this code.
  - (9) "License" shall also include a permit.
  - (10) "Licensee" shall mean all individuals required to obtain a license under this code.
  - (11) "NFPA" means the National Fire Protection Association.
  - (12) "Owner" means every person, firm, partnership or other person having the ownership, control, custody or management of any property.
  - (13) "Permit" shall also include a license.
  - (14) "Person" means every owner and licensee.
  - (15) "SPS" means Wisconsin Department of Safety and Professional Services.
- (Am. by ORD-12-00035, 3-28-12)

**34.304 COMBUSTIBLE WASTE.**

The following requirements are in addition to the requirements found in IFC section 304:

- (1) Accumulation of Combustible Waste:
  - (a) Combustible waste or refuse shall be properly stored or disposed of at the end of each working day, before vacating a building or premises and whenever necessary to prevent unsafe, uncontained accumulations.
  - (b) Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or refuse of any kind, except as permitted in Sec. 7.361, MGO.
  - (c) No person shall place, deposit, dump or otherwise dispose of hazardous material, combustible waste, refuse or rubbish in or on any street, alley, public sidewalk or public place except as permitted in Sec. 10.18, MGO.
- (2) IFC section 304.1 is modified to read: Waste accumulation prohibited. Combustible waste material, including confidential material intended for destruction, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

- (3) The following exception is in addition to the exceptions in IFC section 304.3.3:  
Dumpsters and containers constructed of noncombustible material with lids constructed of noncombustible material may be placed within five (5) feet of combustible walls, openings or combustible roof eave lines.
- (4) Refuse shall be in approved bins equipped with covers and doors in a closed position except while filling or emptying.
- (5) Interior storage prior to collection in apartment buildings:
  - (a) Refuse storage in excess of one (1) cubic yard for more than twenty-four (24) hours shall be in rooms constructed in accordance with Sec. 29.20(8)(c), MGO and shall be of sufficient size to store all refuse generated prior to removal.
  - (b) All refuse shall be removed at least once each week.
  - (c) Refuse holding rooms shall not be used for any other purpose.

### **34.307 LICENSE REQUIRED FOR OPEN BURNING.**

The following requirements are in addition to the requirements found in IFC section 307:

- (1) In addition to authorization from the Chief, a license must be obtained in accordance with Secs. 7.45 and 34.105(14)(a), MGO.
- (2) Open burning is not permitted without a license. The burning of rubbish, leaves, construction waste, and other similar material is prohibited.
- (3) No person shall kindle a recreational fire upon the land of another without the permission of the owner.
- (4) IFC section 307.4.3 shall be replaced with the following language: outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed without a license, as long as the following conditions are met: (Am. by ORD-13-00102, 6-12-13)
  - (a) Fireplaces shall include a bowl with supports to ensure clearances to combustibles;
  - (b) Pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks;
  - (c) Fireplaces or pits shall not be used within fifteen (15) feet of a building or lot line;
  - (d) Fireplaces or pits shall be used on a stable level surface;
  - (e) Fireplaces or pits shall not be used on any combustible deck, porch or patio;
  - (f) Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash, yard waste or construction material shall be burned;
  - (g) If the fireplace is a propane unit, only propane shall be burned;
  - (h) The smoke from the fireplace or pit shall not create a nuisance;
  - (i) A fire extinguisher, garden hose or other method of fire control shall be readily available;
  - (j) The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised;
  - (k) Fireplaces or pits shall not be operated when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR); and
  - (l) Manufactured outdoor fireplaces and pits shall be operated in accordance with the manufacturers assembly, safety and operating instructions.
- (5) IFC Section 307.4.1 shall be replaced with the following language and a bonfire is permitted if:
  - (a) In addition to authorization from the Chief, a license must be obtained in accordance with Sec. 34.105(14)(a), MGO. As a condition of the license, the applicant shall agree to indemnify, defend and hold the City and its officers, officials, employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the license was granted;

- (b) The applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars (\$1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case-by-case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The Certificate of Insurance shall provide thirty (30) days' written notice to the City upon cancellation, nonrenewal or material change in the policy. The applicant shall provide the Certificate of Insurance described above at the time of submitting the bonfire license application required in sub. (a);
- (c) The applicant shall contact the Chief one (1) month prior to the scheduled bonfire and provide the chief with the date, time, location and duration of the bonfire. If the Chief determines for safety reason fire personnel must be present during the entire bonfire, then two (2) weeks prior to the bonfire the Chief shall provide the applicant with an expense accounting of the event. If needed for safety reasons, the Chief shall arrange for a fire crew of four (4) firefighters and one firefighter vehicle to be at the bonfire during the entire event. The applicant shall post this monetary expense with the City Treasurer one (1) week prior to the bonfire. Failure to timely post this monetary amount will result in the revocation of said bonfire license;
- (d) The bonfire does not exceed eight (8) feet in diameter;
- (e) The height of the wood to start the bonfire does not exceed six (6) feet;
- (f) Only dry wood is permitted to be burned in bonfires. If trees are burned they may only have minimal branches, needles and leaves attached to them. No trash, yard waste, brush, flammable or combustible liquids or other materials shall be burned;
- (g) The bonfire must be placed on a non-combustible surface, such as dirt, rocks or concrete;
- (h) The smoke from the bonfire shall not create a nuisance;
- (i) The bonfire shall not be within fifty (50) feet of a building or lot line;
- (j) The bonfire shall not be within fifty (50) feet of other combustibles, such as trees, wooded areas, natural lawns, brush. Except if the lawn is mowed and is less than six (6) inches high.
- (k) Other than when igniting or extinguishing the bonfire, individuals are not permitted to be within eight (8) feet of the bonfire;
- (l) The bonfire must be supervised at all times by a responsible adult. The bonfire must be completely extinguished, including all embers, before it is left unsupervised; and
- (m) The bonfire shall not be ignited or maintained when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR).

(Sec. 34.307(5) Cr. by ORD-13-00103, 6-12-13)

### 34.308 OPEN FLAMES.

The following is in addition to the requirements in IFC chapter 308:

- (1) IFC section 308.1.4 shall be amended to remove Exception three (3). (Am. by ORD-13-00104, 6-12-13)
- (2) Fire Performance Art.
  - (a) General. Fire Performance Art is defined as any act in a public or private place, including street fairs, and outdoor public gatherings which utilizes fire as part of a theatrical or artistic performance or other form of live entertainment. This includes fire juggling, fire eating, fire dancing and other attended manually controlled fire effects. These acts do not include pyrotechnics or other open flame devices or effects as regulated by other code sections or permits.
  - (b) Fire performance artist and spotters shall;
    1. Be at least eighteen (18) years of age or otherwise be under the direct supervision of a permit holder under this section.
    2. Have valid state issued photo identification and fire performance permit readily accessible at each performance.



- (c) Permits. As specified in Sec. 34.105 a permit shall be secured from the fire code official prior to the date of the fire performance art taking place.
1. Anyone applying for a permit under this section must be at least eighteen (18) years of age.
  2. Fire performance artists shall obtain a Fire Performance Art Permit that will be valid only for the duration of the performance or event. Additional locations will be required to have separate permits.
  3. A written letter signed by the property owner or their representative authorizing the fire art performance. The letter clearly indicating the site address, business name (if any) printed name/title of person signing the letter and current contact information of the building owner or representative.
  4. Included with the permit application shall be;
    - a. A \$50 (fifty dollar) application fee, per event or contracted performance location not to exceed sixty (60) days.
    - b. A copy of the performers and spotter's names and photo ID.
    - c. A site plan of the venue including dimensions of the performance area, seating, equipment layout, rooms, aisles and exits.
    - d. Adequate ventilation for the number of ignited fire effects and duration of the production so to prevent the creation of a nuisance or a hazard.
    - e. Every public display permittee shall have and maintain Commercial General Liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence; additional limits may be requested upon review by the City Risk Manager. Said insurance shall include coverage for bodily injury, property damage, and contractual liability, and name the City, its officers, officials, employees and agents as additional insured's. It shall also provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the permit application. In addition, the applicant shall agree to indemnify, defend, and hold harmless the City and its officers, officials, employees and agents against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.
    - f. Permits must be received thirty (30) days prior to the initial request performance to accommodate plan review and a site visit, prior to issuing a permit.
    - g. The Chief may prohibit or terminate the use or display of fire performance art when in the opinion of the Chief atmospheric conditions or local circumstance make such use or display a fire hazard or other hazard to public safety.
- (d) Space Considerations. All performances shall maintain a minimum ten-(10) foot distance between the fire-involved item and the any member of an audience, any combustible decoration, and any combustible item within the immediate performance area.
1. All indoor fire performance art shall be conducted only in buildings with an approved fire sprinkler system.
  2. Indoor performances require a minimum ten-(10) foot ceiling height.

- (e) Extinguishing Agents. At minimum of one (1) 2A-10BC multipurpose fire extinguisher shall be required for every five (5) performers at each performance. Additional fire extinguishers may be required by the code official based upon the unique circumstances of the performance and occupancy.
1. One wet towel for each active fire performer shall be provided to extinguish fire implements. The towel shall be white in color to differentiate its use from other colors that may be used to clean up flammable or combustible liquid spills. Towels used for cleaning up flammable or combustible liquid spills shall be stored in a metal container with a tight fitting lid.
  2. One listed fire blanket shall be provided for every five (5) performers.
  3. Personal Safety. A five-(5) gallon open-topped bucket of water will be provided for each fire performance area.
  4. Spotter. One trained spotter shall be provided for each performance. The spotter shall be positioned between the active fire performer and the audience. Spotters should be trained in the proper use of fire extinguishers. The spotter may be a performer who is not engaged in the current performance. The fire code official may require additional spotters based on the unique circumstances of the performance and occupancy.
- (f) Fuels.
1. Approved common fuels used for fire performance art include:
    - a. Denatured Alcohol;
    - b. Lamp Oil (odorless and smokeless);
    - c. Kerosene (For outdoor performances only) Stove Fuel;
    - d. "Shell Sol T" brand fuel;
    - e. "Allume Fue" brand fuel;
  2. "Fire Water" brand fuel Gasoline is prohibited under any circumstances.
- (g) Fuel Quantities and Storage. All fuels shall be stored in their original container(s) with the caps in place when not in use. The maximum quantity of fuel on the site shall be one (1) U.S. gallon per performer.
- (h) Wicks. Wick material shall consist of cotton wrapped in Kevlar to prevent the breakdown of the cotton as it burns. Synthetic wick material shall be avoided.
- (i) Clothing. It is recommended that the clothing worn by the performers be made of fire resistive materials such as natural fibers or Nomex™/PBI.
- (j) Smoking. Smoking is prohibited by within fifty (50) feet of the performance area and fuel storage. No smoking signs shall be posted accordingly.

(Sec. 34.308 Am. by ORD-14-00032, 2-18-14)

**34.313 FUELED EQUIPMENT.**

The following requirements are in addition to the requirements found in IFC section 313:

- (1) Small engine power equipment fueled by a flammable or combustible liquid shall be kept outside of a public building or in a garage.
- (2) It shall be unlawful to keep or store small engine power equipment fueled by flammable or combustible liquid inside of a public building, unless:
  - (a) The fuel tank is drained;
  - (b) The fuel tank is vented to the outside for fifteen (15) minutes prior to placing the equipment in the building;
  - (c) The spark plug(s) is disconnected or removed;
  - (d) No more than four (4) pieces of fueled equipment are stored within the building;
  - (e) The equipment is not within a mechanical or electrical room; and
  - (f) The equipment is for on-site maintenance only.
- (3) All flammable or combustible fuel shall be stored in accordance with NFPA 30.

**34.315 MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE.**

- (1) The following requirement is in addition to the requirements found in IFC section 315: Outdoor storage of twenty (25) or more Combustible Idle Pallets: Pallet stacks shall not exceed fifteen (15) feet (4.6 m) in height nor shall cover an area greater than five hundred (500) square feet (46.5m<sup>2</sup>). Pallet stacks shall be arranged to form stable piles. Piles shall be separated by a minimum of eight (8) feet. Piles shall be a minimum of ten (10) feet from buildings and property lines. (Am. by ORD-11-00004, 1-12-11)
- (2) The following exception is added to IFC section 315.2.3: Combustible material may be stored in boiler rooms, mechanical rooms or electrical equipment rooms where in the judgment of the Chief it does not create a fire hazard. Access must be provided to the equipment and the clearances specified by the equipment manufacturer must be maintained.

**34.501 FIRE SERVICE FEATURES.**

- (1) Multiple Address Buildings. The following requirements are in addition to the requirements found in IFC section 501:  
When buildings or a complex of buildings are protected with a single or common fire protection system, a fire department connection and fire alarm annunciator shall be provided for each address in a location approved by the Chief. The fire alarm system shall transmit signals for each address to the central alarm station. In addition to the fire protection components, a key box or vault shall be installed for each address in a location approved by the Chief. The Chief may waive any requirements of this section when deemed appropriate.
- (2) Fire Wall Identification. The following requirements are in addition to the requirements found in IFC section 501:
  - (a) For the purposes of this section, fire division wall or occupancy separation wall means a wall extending from the lowest floor level to or through the roof and extending the full width or length of the building.
  - (b) All owners shall identify, in accordance with the requirement of this section, the location of a fire division wall or occupancy separation wall at the exterior walls of buildings with a sign. A sign may not be required to identify a fire division wall or occupancy separation wall for the following:
    1. Abutting exterior walls of two (2) or more buildings along streets in downtown areas;
    2. With a visible parapet from the street;
    3. Which extends above roofs and is an exterior wall of another part of a building; and
    4. In buildings more than three (3) stories high.
  - (c) Sign Requirements.
    1. General. The sign shall consist of three (3) circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.
    2. Size of Circle. Each circle shall be the same size. The diameter of the circle shall be at least one and one half (1 1/2) inches, but no greater than two (2) inches.
    3. Spacing. The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be twelve (12) inches.
    4. Color. The color of the circle shall be either red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.
    5. Location. The top of the sign shall be located on the face of the exterior wall of the building and located no more than twelve (12) inches below the eave, roof edge, fascia or parapet.

**34.503 FIRE APPARATUS ACCESS ROADS.**(1) Fire Access Roads on Public or Private Property Devoted to Public Use.

The following requirements are in addition to the requirements found in IFC section 503:

- (a) The marking of fire access roads on public property or private property devoted to public use shall be approved by the Chief.
- (b) Obstructing fire access roads shall be prohibited at all times, including the accumulation of snow.
- (c) Fire access roads shall be established on public property or private property devoted to public use where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles, personnel and equipment for the protection of persons and property.
- (d) At least two (2) exterior walls of each building shall be available for Fire Department access. The Chief may consider alternative designs that ensure adequate access for fire apparatus, equipment and personnel.

(2) Surface of Fire Apparatus Access Roads.

The following requirements are in addition to the requirements found in IFC sections 503.2.3 and 503.2.5:

- (a) Fire access roads shall be designed to support the imposed loads of fire apparatus and shall be constructed of asphalt or concrete.
- (b) Section 503.2.5 is hereby amended to add an exception. Exception: The fire chief is authorized to increase the dimension of one hundred fifty (150) feet to three hundred (300) feet where the dead end fire lane is geometrically straight between the point of two (2) access ways and the terminal end of the fire lane.

(Am. by ORD-14-00004, 1-14-14)

(3) Grade of Fire Apparatus Access Roads.

The following requirements are in addition to the requirements in IFC section 503.2.7:

The grade shall not exceed a slope of eight percent (8%).

(4) Aerial Fire Apparatus Access Roads.

The following requirements are in addition to the requirements found in IFC:

- (a) IFC Appendix D105.
- (b) Section D105.2 is hereby amended to include an additional sentence. The last fifty (50) feet of dead-end aerial fire apparatus access may be twenty (20) feet wide or greater. (Cr. by ORD-13-00102, 6-12-13)
- (c) Section D105.3 is hereby amended to include an exception. Exception: The Fire Chief is authorized to approve alternate access roads where the route(s) are parallel to at least twenty-five percent (25%) of the building perimeter. Each segment of access road used to meet the twenty-five percent (25%) of the building perimeter must be at least forty-five (45) feet in length, without overhead obstructions.

(Sec. 34.503(4) Cr. by ORD-11-00004, 1-12-11; Am. by ORD-14-00004, 1-14-14)

**34.505 PREMISES IDENTIFICATION.**

In IFC section 505.1, the words "or alphabetical letters" are not included as part of this chapter. (Am. by ORD-13-00102, 6-12-13)

**34.507 FIRE PROTECTION WATER SUPPLY.**

The following requirements are in addition to the requirements found in IFC section 507:

(1) Fire Protection Water Supply and Fire Hydrants.

- (a) Private fire hydrants and water mains shall be installed in accordance with NFPA 24, and Sec. 702.4 of the latest edition of the City of Madison Public Works Department "Standard Specifications for Public Works Construction." Private fire hydrants and water mains shall be maintained in accordance with NFPA 25.

- (b) Plans shall be submitted to the Chief for review to determine compliance with the applicable standards prior to the installation of private fire service mains and fire hydrants. The Chief shall act upon such applications within fifteen (15) days of receipt. Denials of such applications may be appealed to the Board. Exception: Plans for private fire service mains that do not supply a fire hydrant do not have to be submitted under this subdivision, if said plans for private fire service mains have been submitted, approved, and inspected by the City of Madison Building Inspection Division. (Am. by ORD-11-00152, 11-8-11)
- (c) Global Positioning System (GPS) coordinates of private fire hydrants shall be established and submitted to the Chief prior to final inspection. (Cr. by ORD-11-00153, 11-8-11)
- (d) All portions of the required fire apparatus access roads for newly constructed public buildings and places of employment and open storage of combustible materials shall be within five hundred (500) feet of at least two (2) fire hydrants. Hydrant spacing shall not exceed five hundred (500) feet between any two (2) hydrants. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within five hundred (500) feet of at least one (1) fire hydrant. On new streets hydrants shall also be located at the intersections and the end of dead end streets. Distances shall be measured along the path of the hose lay. Hydrants shall not be located where the hydrant is not accessible to fire apparatus.
- Private fire hydrants shall not be located in the public right of way. Hydrant requirements in accordance with this standard may be met with existing public or private hydrants. The Chief may approve alternative locations and spacing of fire hydrants provided hydrants meet the fire suppression tactical needs of the Fire Department. (Am. by ORD-11-00004, 1-12-11)
- (e) Fire hydrants shall not be located within forty (40) feet of any building. Fire hydrants shall be no more than ten (10) feet and no less than five (5) feet from the curb or edge of the fire access road. Parking lot islands shall be a minimum of three and half (3 ½) feet from the center of the hydrants to the curb.
- (f) Minimum Flow and System Design.
1. Private fire service mains serving fire hydrants shall be the same size as the public mains supplying the private water system unless hydraulically calculated to provide the minimum required flow and pressure in accordance with nationally recognized standards. In all cases, mains serving fire hydrants do not need to exceed ten (10) inches but shall be at least six (6) inches in diameter. Alternative designs, based on nationally recognized standards for calculating fire flow demands, may be approved by the Chief. If the minimum flow and pressure requirements cannot be supplied by a private water supply system, the owner may be required to install a water reservoir and pressure boosting system or a public water supply system and/or multiple points of connection to the public water main(s).
  2. Control valves shall be provided to limit the number of private hydrants affected by maintenance, repair or construction. Valves shall be located at street intersections and at no more than eight hundred (800) feet intervals. Valves shall be provided in each hydrant lead.
  3. All hydrants shall be positioned so the largest outlet faces the fire access road.
  4. The center of the lowest outlet cap of fire hydrants shall be at least eighteen (18) inches above grade and not more than twenty-four (24) inches above grade.
- (g) Whenever the location of a fire hydrant may be obscured by its placement, or due to the placement of a building, structure, fencing, grade of land, vegetation, snow accumulation or other obstruction of vision, the Chief may require such fire hydrants to be identified and marked with above grade markers. Above grade markers are any devices, approved for use by the Chief, designed to promote and enhance the ready identification of fire hydrant locations.
- (h) No obstructions, including but not limited to power poles, trees, bushes, fences or posts may be located within five feet of a fire hydrant. Grade changes exceeding one and half (1 ½) feet are not permitted within five (5) feet of a fire hydrant or hydrant lead.

- (i) Property owners shall remove snow, vegetation or other material that has covered or obscured the view of the hydrant(s) located on their property, including the terrace area.
- (j) Fire hydrants shall be installed and in-service prior to combustible construction.
- (k) Private fire hydrants and water systems placed out of service or made inoperable for maintenance, repair or construction shall be covered with a durable and weather resistant bag which indicates the hydrant is not useable. The Fire Prevention Division shall be immediately notified when hydrants and/or systems are out of service. Fire hydrants and/or water systems shall be repaired and returned to service within forty-eight (48) hours except as otherwise approved by the Chief.
- (l) Annual inspection, testing and maintenance shall be submitted as required in Sec. 34.03, MGO.

(Secs. 34.507(1)(c) - (k) Renum. (d) - (l) by ORD-11-00153, 11-8-11)

(2) Mobile Home Parks.

Any mobile home park created or modified after August 1, 2002, shall have an approved fire protection water supply system. The system shall include water mains, fire hydrants and appurtenances in accordance with this code. Approved fire hydrants shall be installed so that every lot or structure in the mobile home park is within five hundred (500) feet of a hydrant. Materials and equipment used must meet the standards, rules and regulations of the Madison Water Utility.

**34.508 FIRE COMMAND CENTER.**

The following requirements are in addition to the requirements found in IFC section 508.1.5, item 5: The status indicators and controls for air-handling systems required in subsection 5., shall be provided on the fire-fighters control panel, with the appearance and performance required in IFC section 909.16. (Am. by ORD-11-00004, 1-12-11; ORD-13-00102, 6-12-13)

**34.603 FUEL-FIRED APPLIANCES.**

The following language is substituted for IFC section 603.4: Portable unvented fuel-fired heating equipment is prohibited, except during construction or demolition of a building as allowed under IFC section 1403.

**34.604 EMERGENCY AND STANDBY POWER SYSTEMS.**

- (1) The following language is in addition to IFC section 604.1.1:  
Where an emergency or standby power supply system is required by this code, that power shall be supplied by an on-premise generator with an onsite fuel supply source, except when determined by the Chief not to be necessary for safety purposes.
- (2) In IFC section 604.2.14.1.1, the exception for the use of pipeline natural gas as the fuel supply for the generator is not included as part of this code.

**34.605 ELECTRICAL EQUIPMENT.**

The following requirements are in addition to the requirements found in IFC section 605:

- (1) Extension Cords and Relocatable Power Taps.
  - (a) Definitions.
    - “Extension cord” means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.
    - “Relocatable power tap” means a system consisting of an attachment plug cap and a length of flexible cord terminated in an enclosure in which one or more receptacles are mounted. A relocatable power tap may be provided with supplementary overcurrent protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters.
  - (b) Listing. Extension cords and relocatable power taps shall be listed by an approved nationally recognized testing agency.

- (c) General Requirements.
  - 1. Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.
  - 2. Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.
- (d) Ampacity. The current carrying capacity of the extension cord or relocatable power tap may not be exceeded.
- (e) Use of Extension Cords and Relocatable Power Taps.
  - 1. Except as provided in subdivision (1)(c), extension cords and relocatable power taps may not be multiplied or plugged into one another.
  - 2. Extension cords may be used for temporary wiring at construction sites provided the cords comply with Article 305 of the National Electrical Code as adopted in Wis. Admin. Code ch. SPS 316. (Am. by ORD-12-00035, 3-28-12)
  - 3. Extension cords shall be permitted only with portable appliances, hand tools or fixtures.
  - 4. Relocatable power taps are permitted only with portable electronic equipment such as audio-visual equipment, computers and peripheral equipment.
  - 5. Except for listed adapter cord sets intended for construction site use, each extension cord shall serve only one portable appliance, hand tool or fixture.
- (f) Physical Protection.
  - 1. Extension cords and relocatable power taps shall be protected from physical impact and environmental damage.
  - 2. Extension cords and relocatable power taps may not be attached to structures or placed under doors or floor coverings.

**34.703 FIRE-RESISTANCE-RATED CONSTRUCTION.**

In addition to the requirements found in IFC chapter 703, all records for inspecting, testing and maintenance must be filed according to the requirements found in Sec. 34.03, MGO.

**34.806 DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS.**

The requirements of IFC section 806.1.1 do not apply to natural cut seasonal holiday trees.

**34.903 AUTOMATIC SPRINKLER SYSTEMS.**

- (1) The following requirements are in addition to the requirements found in IFC section 903.3.5: Automatic sprinkler systems shall provide a minimum safety factor of ten percent (10%) or 5psi, whichever is greater, in the fire protection system hydraulic calculations below the water supply curve.
- (2) The following language is substituted for IFC section 903.4.2:  
Approved audible and visual notification devices shall be connected to every automatic sprinkler system. Such notification devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building located above the fire department connection. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
- (3) Records for the inspecting, testing and maintenance of automatic sprinkler systems shall be kept in accordance with Sec. 34.03, MGO.

**34.904 COMMERCIAL COOKING SYSTEMS.**

- (1) The following requirements are in addition to the requirements found in IFC section 904.11.6: Duct and hood systems, including the fire extinguishing system, shall be maintained in accordance with NFPA 96, as referenced in Wis. Admin. Code chs. SPS 361 to 365.



- (2) The following language is substituted for IFC section 904.11.6.2:  
Automatic fire-extinguishing systems shall be serviced at least every six (6) months and after every activation of the system. Inspection shall be by qualified individuals and a certificate of inspection shall be maintained and made available to the Chief upon request.

### 34.906 FIRE EXTINGUISHERS.

The following requirements are in addition to the requirements in IFC chapter 906:

- (1) Substandard Extinguishers Prohibited.  
The Chief shall order the removal, repair or testing of any fire extinguisher that has been found to be a danger. It shall be unlawful to allow any fire extinguisher to remain on the premises for which the Chief has ordered the removal thereof.
- (2) Recharging of Extinguishers.  
All fire extinguishers shall be recharged at periodic intervals so as to be maintained in continuous effective operating condition in accordance with the applicable standard specified in this code. Records kept regarding the inspection, testing and maintenance of fire extinguishers shall be kept in accordance with Sec. 34.03, MGO.
- (3) Licensed Contractors Required.  
Only qualified persons who have obtained a license in accordance with Sec. 34.105, MGO for such work shall do the recharging and servicing of fire extinguishers. The Chief shall issue such license after examination of the applicant, to make sure the applicant understands the requirements for recharging.

### 34.907 FIRE ALARM AND DETECTION SYSTEMS.

- (1) Smoke Alarms. Buildings built before 2009 shall comply with this section, all buildings built after 2009 shall comply with IFC section 907.
- (a) Definitions. For the purposes of this section, the following terms are defined as follows:  
 “Residential building” means any building located in the City of Madison used in whole or in part for sleeping or lodging purposes including, but not limited to, any single family home, duplex, multifamily house, apartment house, rooming house, hotel, motel, children's home, dormitory, community-based residential facility and any other building used for sleeping or lodging purposes, but does not include a hospital or nursing home.  
 “Sleeping area” means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Sleeping area includes the area within an efficiency unit for sleeping purposes.  
 “Smoke alarm” means a single or multiple station alarm system responsive to smoke and not connected to a fire alarm system. Smoke alarms contain an audible warning device. Smoke alarms may use either photoelectric or ionization sensing technology.  
 “Smoke detector” means a device, suitable for connection to a circuit, which has a sensor that responds to visible or invisible particles of combustion. Smoke detectors are connected to a fire alarm control panel.  
 “Tenant” means an individual with a residential rental agreement whether written or verbal with the owner of the property.
- (b) Required Installation.
1. On August 15, 2009 all residential buildings, except owner-occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
    - a. A smoke alarm with two (2) independent power sources consisting of a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.

- b. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
  2. On August 15, 2009 all owners of residential buildings, except owner-occupied single family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six (6) feet of each door leading to a bedroom or sleeping area of each unit and on each floor of the building. This subdivision does not apply to owners of hotels and motels.
  3. If the residential building has smoke alarms powered by the building's commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturer's instructions or sub. (3)(h). Replacement smoke alarms must meet the requirements of sub. (2)(a)1.
  4. Owner-Occupied Single Family Homes. It shall be the responsibility of the owner of an owner-occupied single family home to install smoke alarms as required by sub. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.
  5. Smoke Alarm Installation. Smoke alarms should be installed in accordance with this section and other applicable state building codes. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
  6. Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.
- (c) Maintenance of Smoke Alarms.
  1. Replacement of Batteries.
    - a. The owner of any residential building shall replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
    - b. The owner of any residential building shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
  2. The owner of any residential building shall provide all tenants with the manufacturer's maintenance and testing instructions.
  3. Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
  4. The tenant shall be responsible for maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy. The tenant shall be responsible for notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the requirements of sub. (2)(a).
  5. Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.
  6. Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer's instructions. Non-operational, damaged, or missing smoke alarms shall be replaced with smoke alarms meeting the requirements of sub. (2)(a)1.
  7. The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.
  8. No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.

- (d) Fire Safety Education Required. Upon each new lease and at least once every twelve (12) months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Chief. The Chief shall prepare the text and make the text available for distribution by the owner.
  - (e) This ordinance does not apply to any buildings that have smoke detectors installed as required by other codes, ordinances, or standards and located in locations specified in sub. (2)(b).
  - (f) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance.
- (2) Fire Safety Education Required. Upon each new lease and at least once every twelve (12) months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Chief. The Chief shall prepare the text and make the text available for distribution by the owner.
- This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).
- (Cr. by CHA-14-00002, 3-26-14, Eff. 5-25-14)
- (3) Alarm Notification Appliances. In IFC section 907.5.2.1.1 the sentence is in addition to:  
The minimum sound pressure levels shall be: 75dBA in occupancies in Groups R and in I-1; 90 dBA in mechanical equipment rooms and 70dBA in other occupancies. (Renum. by CHA-14-00002, 3-26-14, Eff. 5-25-14)  
(Am. by ORD-13-00102, 6-12-13)  
(Sec. 34.907 Am. by ORD-11-00004, 1-12-11)

#### **34.914 RESERVED FOR FUTURE USE.** (Rep. by ORD-13-00102, 6-12-13)

#### **34.1001 ADMINISTRATION.**

- (1) In IFC section 1001 the phrases "Section 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings." are not included as part of this code.
- (2) The following language is in addition to IFC section 1001:  
1001.3 Existing Buildings. Sections 1003 through 1030 shall apply to existing buildings.  
Exceptions: Means of egress conforming to the requirements of the building code under which they were constructed shall be considered as complying means of egress if, in the opinion of the Chief, they do not constitute a hazard to life.

#### **34.1004 OCCUPANT LOAD.**

The Department is not required to follow IFC section 1004.2 regarding increased occupant load.

#### **34.1022 EXIT ENCLOSURES.**

The lettering size of the signage requirements found in IFC section 1022.8.1 is substituted as follows:

- (1) The signs shall be a minimum of 17 inches (431 mm) by 11 inches (279 mm).
- (2) The letters designating the identification of the stair enclosure shall be a minimum of 1 inch (25 mm) in height.
- (3) The number designating the floor level shall be a minimum of 3 ½ inches (88 mm) in height and located in the center of the sign.
- (4) All other lettering and numbers shall be a minimum of ¾ inch (19 mm) in height.

#### **34.1028 ASSEMBLY.**

The following exception is added to the exceptions found in IFC section 1028.12:

Seats not fastened to the floor are permitted for companions of a person with a disability.

#### **34.1100 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS.**

Chapter 11 of the IFC are not included as part of this code.

(Am. by ORD-13-00102, 6-12-13)

**34.5003 HAZARD IDENTIFICATION SIGNS.**

The following requirements are in addition to the requirements found in IFC section 5003.5:

- (1) Hazardous Material Identification.
  - (a) Identification Signs Required. Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain hazardous materials shall be identified with signs in accordance with this section. Signs shall be maintained at all times and shall be located as directed by the Chief. Signs shall be durable, weather resistant and unobstructed.
  - (b) Exemptions. The following are not required to be identified with a sign:
    1. Buildings used primarily for a retail trade activity that do not store or sell hazardous materials in quantities to present hazard to first responders.
    2. Doors that directly access a laboratory shall be identified with a notice at least eight and a half (8½) inches by eleven (11) inches in size. The notice shall contain at least the laboratory emergency information as specified in Table A.
  - (c) Building Identification. A sign at least two and a half (2 ½) inches square with no numbers shall be conspicuously placed on or near all of the exterior building exit doors to identify the building to the Fire Department as a labeled building. A sign at least seven and a half (7 ½) inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.
  - (d) Room Identification. Doors that directly access a room or area that contains a hazardous material shall be identified with a numbered sign at least seven and a half (7 ½) inches square. In any room or area that has more than one hazardous material, the sign shall list the highest number of the most hazardous material for each hazard. The sign shall be placed on the door or as designated by the Chief.
  - (e) Above Ground Tank Identification. A sign at least seven and a half (7 ½) inches square with the required identification numbers shall be placed on each individual tank in such a manner so that the sign is clearly visible on two (2) sides.

(Am. by ORD-13-00102, 6-12-13)

TABLE A  
LABORATORY EMERGENCY INFORMATION

Department:	Room:	Date of Latest Update:
Supervisor Responsible for Lab.:	Office Phone:	Home Phone or 24 hr. access:
Alternate Contact:	Office Phone:	Home Phone or 24 hr. access
Alternate Contact:	Office Phone:	Home Phone or 24 hr. access
Building Emergency Coordinator:	Office Phone:	Home Phone or 24 hr. access
Alternate Contact:	Office Phone:	Home Phone or 24 hr. access
<b>BIOHAZARD</b>		
Biosafety Level 1 <input type="checkbox"/> Low	<b>Pathogens:</b> <input type="checkbox"/> None <input type="checkbox"/> Human <input type="checkbox"/> Animal <b>Toxins:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Other: <input type="checkbox"/> <input type="checkbox"/>	<b>CHEMICALS</b> <input type="checkbox"/> Flammable Liquid <input type="checkbox"/> Air/Water Reactive <input type="checkbox"/> Toxic/Carcinogen <input type="checkbox"/> Corrosives <input type="checkbox"/> Gas Cylinder <input type="checkbox"/> Oxidizing Material <input type="checkbox"/> <input type="checkbox"/>
Biosafety Level 2 <input type="checkbox"/>		
Biosafety Level 3 <input type="checkbox"/>		
Biosafety Level 4 <input type="checkbox"/> High		
None <input type="checkbox"/>		
<b>RADIATION</b>		
Special Fire Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Laser <input type="checkbox"/> Irradiator <input type="checkbox"/> Radiation Sealed Source <input type="checkbox"/> Radioactive Materials <input type="checkbox"/> Radioactive Waste Other: <input type="checkbox"/> <input type="checkbox"/>	Classification of Radiation: <input type="checkbox"/> Radioactive I <input type="checkbox"/> Radioactive II <input type="checkbox"/> Radioactive III <input type="checkbox"/> None
Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Location: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Nearest Safety/Contamination Shower Location:		
Additional Information:		

**34.5601 RECREATIONAL FIREWORKS.** (Am. by ORD-14-00139, 8-13-14)

The following requirements are in addition to the requirements found in IFC Chapter 56:

- (1) Recreational Fireworks means the following:
  - (a) A cap containing not more than one-quarter (¼) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct body contact with a cap when it is in place for explosion.
  - (b) A toy snake that contains no mercury.
  - (c) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or one quarter (¼) inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (¼) grain of explosive mixture.
  - (e) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
- (2) The following exceptions are additional exceptions to the requirements in IFC section 5601.1.3: The retail sales, storage, handling and use of recreational fireworks as specified in this section are permitted.
- (3) The following requirements are in addition to the requirements in IFC section 5601.2:
  - (a) As specified in Sec. 34.105, MGO, a permit is required for the retail sales of recreational fireworks.
  - (b) An application for a permit for the sales of recreational fireworks shall be made in writing at least thirty (30) days in advance of the sale or offer to sell, and shall specify:
    1. The name and address of the permit holder;
    2. The date on and after which sales or offers to sell shall be made;
    3. The kind, quantity, and location of each device to be offered for sale.
- (4) Storage and Handling. The following requirements are in addition to the requirements in IFC section 5704.1:
  - (a) A person who stores or handles fifty pounds (50 lbs) or more of recreational fireworks shall immediately notify the Chief of the location, description and quantity of the recreational fireworks.
  - (b) No person may store recreational fireworks within one hundred (100) feet of a dwelling.
  - (c) No person may store recreational fireworks within one hundred (100) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.
- (5) The Chief may seize, at the expense of the owner of recreational fireworks that is stored, handled, sold, possessed or used by any person in violation of this code. Such seized products shall be destroyed after conviction for a violation and other returned to the owner.

(Am. by ORD-13-00102, 6-12-13)

**34.5608 NON-RECREATIONAL FIREWORKS.**

- (1) Applicability. The requirements in this Section are in addition to those incorporated herein by IFC section 5608. If these requirements differ with those set forth in IFC section 5608, these requirements are applicable.
- (2) Definitions. In this Section the following definitions shall apply:
  - (a) Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of Fireworks as set forth in IFC section 202. This term does not include recreational fireworks, which are subject to Sec. 34.5601.
  - (b) Fireworks Event means any occasion or occurrence, or series of occasions or occurrences, that includes the public display of fireworks.

- (c) Public Display means the use of fireworks or pyrotechnics in a setting where the discharge is for public or private entertainment purposes.
  - (d) Pyrotechnic Special-Effect Material means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration or detonation. Such a chemical mixture predominantly consists of solids capable of producing a controlled, self-sustaining and self-contained exothermic chemical reaction that results in heat, gas, sound, light or a combination of these effects.
- (3) Prohibitions.
- (a) Fireworks Displays Prohibited. The public display of fireworks without a fireworks event permit issued under Sec. 34.105(16)(b) and sub. (5) below is prohibited.
  - (b) Possession or Use of Fireworks Prohibited. No person may possess or use fireworks without a fireworks shooters permit issued under Sec. 34.105(16)(c) and sub. (6) below.
- (4) Exclusions. No permit otherwise required under this Section is needed under any of the following conditions:
- (a) The possession of fireworks in the City is solely in the course of transportation activities;
  - (b) The use or sale of blank cartridges; and,
  - (c) The use or sale of flares for railway signal and motor vehicle emergency warning purposes.
- (5) Fireworks Event Permit.
- (a) Requirement. A fireworks event permit may be issued by the Chief to allow a person to stage a fireworks event. A permittee shall follow all conditions imposed on the fireworks event permit holder by the Chief under this Subsection. The failure to comply with any such conditions is a violation of this Subdivision.
  - (b) Permit Application. An application by a person, group, organization or other entity sponsoring, organizing or planning a fireworks event shall be submitted at least sixty (60) days in advance of the date set for the public display of fireworks and shall contain the following:
    1. The name and contact information of the person seeking the permit.
    2. The address and exact location of the proposed public display.
    3. The date and time of the proposed public display, including any potential “rain dates” in the event the proposed public display is delayed due to weather or other public safety concerns.
    4. A general summary of the proposed fireworks event and public display.
    5. The written permission of the property owner where the fireworks event will occur, an approved or submitted street use permit application for the fireworks event, or an explanation why no such permission of the land owner is necessary.
    6. A proposed site plan for the fireworks event, showing where the public display will take place, the firing area, distances to the audience, buildings, roadways and public pathways, and other special conditions.
    7. A security plan for the safekeeping and security of fireworks while they are on-site. The plan must cover the time from when the fireworks arrive in the City until the post-display site survey is completed and all fireworks are used or properly disposed of. The security plan must include the contact information for any persons or companies that will be responsible for firework security at the event.
    8. A preliminary clean-up plan, as set forth below in sub. (c)4.
    9. Proof of insurance as required under sub. (10).

- (c) Permit Conditions. A fireworks event permit may be issued by the Chief, subject to the following conditions:
1. Shooters Permittee. Within thirty (30) days of the public display, the fireworks event permittee must provide the Chief with the fireworks shooters permit holder who will possess and discharge the fireworks as part of the public display. A fireworks event permit will be void if this information is not timely provided.
  2. Time Restrictions. No fireworks shall be discharged after 11:00 p.m., or before 8:00 a.m., unless specifically provided for by the Chief.
  3. Public Safety. No fireworks event permit may be granted for any public display where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush. To ensure public safety at the event, the permittee shall work with the shooters permittee to ensure that spectators are located behind an approved secured perimeter by means of barriers, security or safety staffing, posting and/or any other means necessary to keep people out.
  4. Clean-Up Plans. Every fireworks event shall have an approved clean-up plan. The goal of a clean-up plan is to minimize the environmental impacts associated with a public display of fireworks. The permittee is responsible for complying with the approved clean-up plan as set forth in this paragraph.
    - a. Lake Clean-Up Plan. A public display of fireworks that will occur over a lake or river must comply with an approved lake clean-up plan. The City Engineer shall review the submitted lake clean-up plan and make any modifications necessary to ensure adequate clean-up following the fireworks event. The lake clean-up plan, as approved by the City Engineer, shall be incorporated into the conditions of the permit, and may include post-event reporting requirements as determined by the City Engineer.
    - b. Park Clean-Up Plan. A public display of fireworks that will occur over a City park must comply with an approved park clean-up plan. The Parks Superintendent shall review the submitted park clean-up plan and make any modifications necessary to ensure adequate clean-up following the fireworks event. The park clean-up plan, as approved by the Parks Superintendent, shall be incorporated into the conditions of the permit, and may include post-event reporting requirements as determined by the Parks Superintendent.
    - c. General Clean-Up Plan. For a public display of fireworks that will occur over lands not covered by subparagraphs a. and b., the public display must comply with an approved general clean-up plan. The Chief shall review the submitted general clean-up plan and make any modifications necessary to ensure adequate clean-up following the fireworks event. The general clean-up plan, as approved by the Chief, shall be incorporated into the conditions of the permit, and may include post-event reporting requirements as determined by the Chief.
  5. Public Safety. The permittee shall be responsible for immediately cancelling or terminating any public display as part of a permitted fireworks event in the interests of public safety should such a cancellation or termination be necessary to ensure the health, safety and welfare of the public, including permittee, permittee's employees, agents, and contractors, spectators, emergency personnel, or any other persons or property that may be placed in substantial risk if the public display were to commence or continue.



6. Special Conditions. The Chief may impose special conditions on a permit as deemed appropriate under the circumstances of the planned fireworks event.
- (d) Revocation. If a permittee fails to comply with the permit conditions or fails to follow this Section, the permit may be revoked. In addition, the Chief may determine that, in the interests of the public welfare and public safety, the permittee may not apply for a new fireworks event permit for at least fifteen (15) months.
- (6) Fireworks Shooters Permit.
- (a) Requirement. A fireworks shooters permit may be issued by the Chief under the procedures set forth in Sec. 34.105 and this Section to allow a person to possess or use fireworks as part of an approved fireworks event. A permittee shall follow all conditions imposed on the fireworks shooters permit holder by the Chief under this Subsection. The failure to comply with any such conditions is a violation of this Subdivision.
- (b) Permit Application. An application for a fireworks shooters permit shall be submitted at least thirty (30) days in advance of the date set for the public display of fireworks and shall contain the following:
1. The name and contact information of the person seeking the permit.
  2. A resume of experience detailing the applicant's experience in conducting public displays of fireworks.
  3. The name of the fireworks event for which the permit is being sought.
  4. The address and exact location of the proposed public display.
  5. The date and time of the proposed public display.
  6. A general summary of the proposed public display.
  7. A proposed site plan for the event, showing where the public display will take place, the firing area, distances to the audience, buildings, roadways and public pathways, and other special conditions.
  8. Any additional information needed to demonstrate compliance with NFPA standards.
  9. Copies of valid ATF and/or United States DOT licenses allowing the applicant to transport and handle the fireworks that will be used as part of the public display.
  10. Proof of insurance as required under sub. (10).
- (c) Permit Conditions. A fireworks shooters permit may be issued, subject to the following conditions:
1. Approved Event. A fireworks shooters permit may only be issued for an approved fireworks event. The Chief may consider an application for a fireworks shooters permit at the same time as a fireworks event permit, but a fireworks shooters permit is conditioned upon the existence of a valid fireworks event permit.
  2. Authority. The permittee shall inform the Chief of all persons authorized to possess or use fireworks pursuant to the permittee's authority.
  3. Standards. A permittee, and all those persons working pursuant to the permittee's authority, must comply with all federal, state and local requirements regarding the safe handling, transportation, storage, use, and disposal of fireworks, explosives, and pyrotechnic special-effect material.
  4. Permissible Fireworks.
    - a. Authorized Fireworks. A firework shooters permit only authorizes the permittee to possess or use fireworks approved by the United States Department of Transportation as set forth in the American Pyrotechnics Association's Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, as adopted in 68 Fed Reg. 48562 (eff. Oct. 1, 2003) as 49 CFR Part 171.7, as that rule may be updated from time-to-time.
    - b. Casings. Plastic shell casings are prohibited, unless authorized by the Chief for safety purposes.

5. Mortar Caps.
  - a. Mortars shall be covered to prevent entry of rain and debris and to indicate the shell lifted from the mortar.
  - b. Plastic caps shall not be allowed if the event is to discharge near any lake, river, waterway or other area where recovery may be difficult.
6. Time Restrictions. No fireworks shall be discharged after 11:00 p.m., or before 8:00 a.m., unless specifically provided for by the Chief.
7. Manual Display. Manually ignited firework displays are prohibited.
8. Event Safety and Setback Requirements.
  - a. No fireworks shooters permit may be granted for any public display where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush.
  - b. The permittee shall work with the event permittee to establish and maintain separate perimeters for the preparation and unloading of fireworks and the discharge of fireworks.
  - c. No fireworks shall be unloaded, prepared, or discharged if any person, other than the permittee, permittee's authorized employees, or emergency personnel, are within an event's secured perimeters.
  - d. Only authorized persons shall be allowed inside of the approved perimeters.
  - e. Spectators at a fireworks event shall be located behind an approved, secured perimeter by means of barriers, security or safety staffing, posting and/or any other means necessary to keep people out.
  - f. No fireworks may be fired from a point less than the NFPA standards for setbacks.
  - g. Fireworks events not in conformance with any of the conditions in this paragraph may be approved by the Chief if proper safeguards are provided to protect life and property.
9. Unfired Devices. Any fireworks or other devices that remain unfired after a public display or after a public display is cancelled shall be disposed of or removed in a safe manner or other permissible way pursuant to NFPA standards. Upon the conclusion of any event, the permittee under this subsection shall make a complete and thorough search for any unfired fireworks or other devices which have failed to fire or function and shall dispose of them in a safe manner.
10. Event Conditions. The permittee shall, at least thirty (30) days prior to a fireworks event, provide the Chief with the following information, which information, upon being approved, shall be a condition of the fireworks shooters permit. The permittee is under a continuing obligation to update this information prior to the fireworks event as additional information becomes known to the permittee, or as circumstances change:
  - a. The number and kinds of fireworks which will be fired as part of the permitted event.
  - b. The net weight of explosives in the public display.
  - c. A list of all the chemicals in the fireworks that will be used as part of the public display.
  - d. The location where the fireworks will be stored prior to the public display.
  - e. A site plan for the event, showing where the public display will take place, the firing area, distances to the audience, buildings, roadways and public pathways, and other special conditions.

11. Public Safety. The permittee shall be responsible for immediately cancelling or terminating any public display as part of a permitted fireworks event in the interests of public safety should such a cancellation or termination be necessary to ensure the health, safety and welfare of the public, including permittee, permittee's employees, agents, and contractors, spectators, emergency personnel, or any other persons or property that may be placed in substantial risk if the public display were to commence or continue.
12. Special Conditions. The Chief may impose special conditions on a permit as deemed appropriate under the circumstances of the planned fireworks event.
- (d) Revocation. If a permittee uses or displays fireworks contrary to this Section or the permit conditions, the permit shall be revoked and the permittee may not apply for a new fireworks shooters permit for at least fifteen (15) months.
- (7) Issuance and Denial of Licenses and Permits. Following receipt of an application for a fireworks shooters permit or a fireworks event permit, the Chief shall review the application to ensure compliance with this Section. The Chief may modify any time limit requirements in this Section for good cause shown by the applicant or permittee. The Chief may make an investigation of the site of a proposed event to determine compliance with this Section. The Chief may request additional information, and the failure to provide all information requested two (2) weeks prior to the proposed public display, or a determination by the city that the proposed fireworks event would violate the requirements of this Section or subject the public to undue hazards shall be sufficient cause for the Chief to deny the fireworks event permit and/or the fireworks shooters permit.
- (8) Authority to Terminate or Delay Display. The Chief may order a permitted fireworks event or the permitted public display of pyrotechnic special-effect material to be delayed or terminated if any requirement of this Section is being violated, when in the opinion of the Chief atmospheric conditions or local circumstance make such use or public display a fire hazard or other hazard to public safety, or if the public display is causing, or is likely to cause, a hazard to life or property. During such prohibition, no person may use or display or permit the starting of any use or display of fireworks or pyrotechnic special-effect material.
- (9) Authority to Seize Fireworks. The Chief may seize, at the expense of the owner, all explosives, fireworks or pyrotechnic special-effects material that is stored, handled, sold, possessed or used by any person in violation of this Section. Such seized products shall be destroyed after conviction for a violation, unless ordered returned to the owner.
- (10) Insurance Requirement. Every permittee and license holder under this Section and Sec. 34.105(14)(b) shall have and maintain Commercial General Liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence; additional limits may be requested upon review by the City Risk Manager. Said insurance shall include coverage for bodily injury, property damage, and contractual liability, and name the City, its officers, officials, employees and agents as additional insureds. It shall also provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the license or permit application. In addition, the applicant shall agree to indemnify, defend, and hold harmless the City and its officers, officials, employees and agents against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.
- (11) Penalty. Any person violating any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1000). Every day or fraction thereof during which any person fails or to comply with any provisions of this Section code shall constitute a separate violation.

(Section 34.5608 R. and Rec. by ORD-14-00139, 8-13-14)

**34.5704 STORAGE TANKS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS.**

The following requirements are in addition to the requirements found in IFC section 5704.2:

- (1) The owner and operator of storage tanks for flammable and combustible liquids, at service stations or other locations, is responsible for the integrity and maintenance of each and all tanks at the location, together with the piping and dispensing systems connected therein at all times from original installation until termination of use of the tanks, piping and dispensing equipment. The provisions contained in Wis. Admin. Code ch. SPS 310, shall apply to the abandonment, closure, removal, change-in-service, or placing the system temporarily out of service of aboveground and underground tanks. (Am. by ORD-12-00035, 3-28-12)
- (2) Approval from the Chief shall be required for the closure, change-in-service or the temporary removal from service of any tank system for flammable and combustible liquids. Tank "system" includes aboveground and underground storage tanks in excess of sixty (60) gallons and system components including but not limited to piping, vents, leak detection, cathodic protection and spill or overfill protection systems. Documents submitted under this section shall comply with all requirements found in Sec. 34.02, MGO.

(Am. by ORD-13-00102, 6-12-13)

(Chapter 34 Repealed and Recreated by ORD-10-00083, 9-15-10)

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## CHAPTER 40

### CONVEYANCE CODE

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**40.01 STATEMENT OF PURPOSE.** The purpose of this chapter is to protect the health, safety, and welfare of the public and employees by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of conveyances installed in the City of Madison.

**40.02 EFFECTIVE DATE OF CHAPTER.** This chapter is effective April 1, 2009 and upon the City receiving from the Wisconsin Department of Safety and Professional Services a designation as an agent municipality, granting the Fire Chief and the Chief's designees the authority to review and approve conveyance plans and specifications, conduct inspections and issue permits to operate for those types of installations to be located within the City of Madison, pursuant to the Wis. Admin. Code § SPS 318.1016. (Am. by ORD-12-00035, 3-28-12)

**40.03 ADOPTION OF STANDARDS.** The most current edition and any subsequent editions of the following are adopted by reference and made a part of this chapter:

- (1) Wis. Admin. Code ch. SPS 318 (SPS 318).
- (2) Wis. Admin. Code chs. SPS 361 to 365.
- (3) The Safety Code for Elevators and Escalators, ASME A17.1 and referenced codes and standards, as adopted and modified by SPS 318 and Sec. 40.035, MGO. (Am. by ORD-10-00083, 9-15-10)
- (4) The Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1 and referenced codes and standards, as adopted and modified by SPS 318.

(Am. by ORD-12-00035, 3-28-12)

**40.035 CHANGES, ADDITIONS OR OMISSIONS TO ASME A17.1.**

- (1) The following language is in addition to the requirements in ASME A17.1: In each elevator an audible signaling device shall be provided. It shall be operable from the emergency stop switch, where required, and from a switch identified as "ALARM", which shall be provided in or adjacent to each car operating panel. The "ALARM" switch of visual identification shall illuminate when the "ALARM" switch is actuated. One audible signaling device shall be permitted to be used for a group of elevators. The audible signaling device shall:

- (a) Have a rated sound pressure rating of not less than 80dBA and no more than 90dBA at 3 m (10 feet);
- (b) Respond without delay after the switch has been activated;
- (c) Be located inside the building and audible inside the car and outside the hoistway; and
- (d) For elevators with a travel greater than 30 m (100 ft), be duplicated as follows:
  - 1. One device shall be mounted on the car; and
  - 2. A second device shall be placed at the designated level.

(Sec. 40.035 Cr. by ORD-10-00083, 9-15-10)

**40.04 DEFINITIONS.** To the extent the terms in this section and any other terms used in this chapter are defined by Wis. Stat. ch. 101 and SPS 318, such definitions shall apply to this chapter. In the event any definition contained in Wis. Stat. ch. 101 is modified by SPS 318, the definition in the Administrative Code shall apply. (Am. by ORD-12-00035, 3-28-12)

For purposes of this chapter, the following definitions apply:

- (1) "Alteration" means any change to equipment, including its parts, components, or subsystems, other than maintenance, repair, or replacement.
- (2) "ANSI" means the American National Standards Institute.
- (3) "ASME" means the American Society of Mechanical Engineers.
- (4) "Chief" means the Madison Fire Department Chief and the Chief's designees.
- (5) "Conveyance" means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of the Department of Safety and Professional Services. "Conveyance" does not include a grain elevator, a ski lift or towing device or an amusement or thrill ride. (Am. by ORD-12-00035, 3-28-12)
- (6) "Dwelling Unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.
- (7) "Elevator" means a hoisting or lowering machine, other than a dumbwaiter, equipped with a compartment or platform that moves in guides and serves two or more floors or landings of a building or structure.
- (8) "Elevator contractor" means an individual holding an elevator contractor's license from the Wisconsin Department of Safety and Professional Services under Wis. Stat. § 101.985(1).
- (9) "Elevator inspector" means an employee of the Madison Fire Department that holds an elevator inspector license from the Wisconsin Department of Safety and Professional Services pursuant to Wis. Stat. § 101.985(3).
- (10) "Elevator mechanic" means an individual holding an elevator mechanic's license from the Wisconsin Department of Safety and Professional Services under Wis. Stat. § 101.985(2).
- (11) "Equipment" means any of the equipment covered by this chapter as defined in Sec. 40.05 of this chapter.
- (12) "Escalator" means a power-driven, moving stairway used for raising and lowering people.
- (13) "Material lift" means a lift, other than a personnel lift, that is used to raise or lower materials during construction, alteration, or demolition of a building or structure.
- (14) "Personnel lift" means a lift that is installed inside or outside a building or structure during the construction, alteration, or demolition of the building or structure and that is used to raise and lower individuals and materials which the lift is designed to carry.
- (15) "Power Dumbwaiter" means a power-driven hoisting and lowering mechanism that satisfies all of the following conditions:
  - (a) Is equipped with a compartment that moves in guides in a substantially vertical direction and has a floor area of not more than nine (9) square feet.
  - (b) Has a maximum lifting and lowering capacity of not more than five hundred (500) pounds.
  - (c) Is used exclusively for carrying materials.

**40.05 AUTHORITY OF THE FIRE CHIEF.**

- (1) The Fire Chief shall have the authority, as a designated municipal agent of the Department of Safety and Professional Services pursuant to Wis. Admin. Code § SPS 318.1016, to review and approve conveyance plans and specifications, including plans to construct, install, or alter any equipment covered by this chapter, to conduct inspections, and issue permits to operate for devices located with the City of Madison requiring approval and inspection under this chapter. (Am. by ORD-12-00035, 3-28-12)
- (2) The Chief may delegate authority and duties under this chapter to individuals who hold the necessary licenses and qualifications for performing duties under this chapter as specified by Wis. Admin. Code § SPS 35.64 and § SPS 318.1016. The activities of such individuals shall be construed as a valid activity of the Chief. (Am. by ORD-12-00035, 3-28-12)
- (3) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises containing equipment subject to this chapter for the purpose of making any inspection or investigation which, under the provisions of this chapter, s/he may deem necessary.
- (4) The Chief may obtain a special inspection warrant under Wis. Stat. § 66.0119 when necessary for the purpose of making an inspection of any building or premises containing equipment subject to this chapter where the owner or occupant has refused admission to the Chief.
- (5) No person, having been duly informed of the existence of a warrant pursuant to sub. (4) to inspect the building or premises owned or occupied by that person, shall refuse to permit such search to be made. Each day or portion thereof during which such refusal continues shall be deemed a separate offense.

**40.06 APPLICATION**

- (1) Covered Equipment. This chapter applies to any of the following equipment installed in or at a public building, a place of employment, or a dwelling unit within the City of Madison:
  - (a) Passenger elevators
  - (b) Freight elevators
  - (c) Limited-use/limited application elevators
  - (d) Inclined elevators
  - (e) Power sidewalk elevators
  - (f) Rooftop elevators
  - (g) Special purpose personnel elevators
  - (h) Private residence elevators installed in public buildings or places of employment prior to July 1, 2002
  - (i) Escalators
  - (j) Moving walks
  - (k) Stage and orchestra lifts
  - (l) Type B material lifts
  - (m) Vertical platform lifts within the scope of ASME A18.1a
  - (n) Inclined platform lifts within the scope of ASME A18.1a
- (2) Covered Equipment. This chapter applies to any of the following equipment installed in or at a public building or a place of employment within the City of Madison:
  - (a) Power dumbwaiters
  - (b) Stairway chairlifts
- (3) Except as otherwise specified in Subchapter VII of Chapter 101 of the Wisconsin Statutes and SPS 318, all new and existing installations and alterations of equipment covered by this chapter shall conform to the provisions in this chapter. Existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Fire Chief. (Am. by ORD-12-00035, 3-28-12)

- (4) In the event of a conflict between any provisions of this chapter and the Wisconsin Administrative Code, the Safety Code for Elevators and Escalators, ASME A17.1, or the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1a, the code or chapter containing the strictest provision shall apply.
- (5) A copy of the codes and standards incorporated by references shall be kept at all times and available for inspection during reasonable hours in the office of the Chief.

#### 40.07 PLAN REVIEW AND PERMITS FOR CONSTRUCTION, INSTALLATION, AND ALTERATION.

- (1) General Requirements. An elevator contractor shall submit plans and permit applications for the installation of any new or altered conveyance to the Chief for approval. Such application shall be submitted on a permit form as required by the Chief. No work shall commence before the plans and permit application for conveyances are approved by the Chief in writing and the appropriate plan examination and permit fees have been paid. The Chief will authorize commencement of work by means of a written approval letter, issued by the Chief. Such approval letter shall be posted prior to construction at or near the equipment space at the construction site and shall remain posted until the final inspection determines compliance with this chapter. The approval letter shall be considered a permit specified by Wis. Stat. § 101.983(1).
- (2) New Installations.
  - (a) Number of Plans. An elevator contractor shall submit all of the following to the Chief for plan review and approval for the proposed installation of any new conveyance:
    - 1. At least three (3) copies of bound equipment layout plans and specifications.
    - 2. At least three (3) copies of the permit application.
  - (b) Information on Equipment Plans or Specifications. Information on equipment plans or specifications shall conform to the applicable sections in ASME A17.1 and ASME A18.1a and include all of the following:
    - 1. A plan of the car, hoistway, and machine room, control room or control space showing all clearances, including all inside car or platform dimensions specified in this chapter and in Wis. Admin. Code chs. SPS 361 to 365. (Am. by ORD-12-00035, 3-28-12)
    - 2. A cross-section drawing through the hoistway, pit, car and machine room, control room or control space that shows all applicable dimensions. Landings shall be shown, indicating types of hoistway doors or gates.
    - 3. A complete dimensioned layout of the machine room, control room, or control space showing working clearances around machine, controller and disconnecting means.
    - 4. The size and weight per foot of guiderails and details of the guiderail supports, including reinforcements where required.
    - 5. Sufficient data and information to determine if the conveyance and machine room, control room or control space comply with the requirements of this chapter.
    - 6. For conveyances serving public buildings and places of employment, at least one copy of the equipment plans and specifications containing the original shop drawing stamp of the supervising building designer.
  - (c) Building Plan Approval. Building plan approval, where applicable, shall be included with the conveyance plan submittal.
- (3) Alterations.
  - (a) Equipment Plans and Application Required.
    - 1. A permit application form provided by the Chief and at least three (3) copies of equipment plans and specifications complying with sub. (2) shall be submitted

for examination to the Chief for the proposed alteration of conveyances as specified in Tables SPS 318.1013-1 through 18.1013-7, Wis. Admin. Code § SPS 318.1013.

2. Evidence of building plan approval, where applicable, shall be included with the conveyance plan submittal.

(b) Application Required. At least three (3) copies of the completed permit application form shall be submitted to the Chief for examinations for the alterations, repairs, and replacements specified in Tables SPS 318.1013-4 to 318.1013-7.

(Am. by ORD-12-00035, 3-28-12)

(4) Plan Review Actions.

(a) Review of Plans. All approvals of permit application and plans for installation, repair, replacement, or alteration of equipment covered by this chapter in the City of Madison shall be performed by the Chief.

(b) Conditional Approval. If, upon examination, the Chief determines that the permit application and plans for installation, repair, replacement, or alteration substantially comply with the provisions of this chapter, a condition approval, in writing, shall be granted. All conditions that do not comply with this chapter shall be stated in the conditional approval and shall be corrected prior to completion of installation. A conditional approval issued by the Chief shall not be construed as an assumption of any responsibility or liability for the design or construction of the equipment.

(c) Revocation of Approval. The Chief may revoke any approval, issued under this chapter if the Chief determines any of the following:

1. Information provided in the application or the permit contains false statements of material fact or misinterpretations of material fact.
2. That the approval was issued in error.
3. That the work performed is not consistent with the approval or is in violation with this chapter.

(d) Denial of Approval. If the Chief determines the plans or permit application do not substantially comply with the provisions of this chapter, the permit application for approval shall be denied in writing.

(e) Processing Time. The Chief shall review and make a determination on a permit application for approval of an installation or an alteration of a conveyance within fifteen (15) business days. If a permit application has been submitted with inadequate information or fees, the application will be placed on hold and the Chief will notify the applicant of the information needed to process the application. Upon receipt of the complete information, the Chief will process the permit. The length of the processing time shall begin the day after the receipt of the completed permit or application, additional information or fees. The ending date, which shall be used to assess whether the permit was timely processed, shall be the date the Chief made a determination to approve, deny or withhold the permit.

(f) Expiration of Approval. An approval issued under this chapter expires under any of the following circumstances:

1. If the work authorized under the approval is not commenced within six (6) months after the date on which the approval is issued.
2. If the work authorized under the approval is suspended or abandoned for sixty (60) consecutive days at any time following the commencement of the work.

(g) Resubmittal. When an approval expires under sub. (f), plans shall be resubmitted in accordance with this section.

(h) Chief's Option to Waive Jurisdiction. The Chief may waive jurisdiction for plan review and approval of any project at the Chief's discretion, in which case such plan review and approval shall be conducted by the Department of Safety and Professional Services.



**40.08 PERMITS TO OPERATE.**

- (1) Issuance. No owner may use or operate a conveyance in the City of Madison until an acceptance inspection, periodic inspection, or test of equipment covered by this chapter has been performed by the Chief and the conveyance is found to be in compliance with the provisions of this chapter. Upon finding a conveyance to be in compliance with this chapter, the Chief shall issue a permit to operate within thirty (30) business days of the inspection by the Chief provided such inspection demonstrates to the satisfaction of the Chief the equipment complies with the provisions of this chapter. (Am. by ORD-09-00096, 6-20-09)
- (2) Display. The owner of a building in which a conveyance is located shall display the permit to operate issued under this section applicable to the conveyance on or in the conveyance, or, if applicable, in the machinery room or space. No owner may operate or use any conveyance without displaying the permit to operate as required by this subsection.
- (3) Term. The term of any permit to operate shall be for one year, the expiration date shall be established by the Chief. (Am. by ORD-09-00096, 6-20-09)
- (4) Renewal. Upon performing the inspection, the Chief shall give the owner notice of relevant conveyance safety requirements that must be complied with and shall instruct the owner as to the procedure for obtaining periodic inspections and reviewing the permit under which the conveyance is operated. (Am. by ORD-09-00096, 6-20-09)
- (5) Revocation. The Chief may revoke a permit to operate if the equipment is found to be in non-compliance with the applicable safety standard. Upon revocation of the permit to operate, the Chief shall notify the owner, in writing, of the non-complying items and the appeal rights outlined in Sec. 40.13.

**40.09 INSPECTION RESPONSIBILITIES.**

- (1) General.
  - (a) All inspections of conveyances required by this chapter and SPS 318 shall be conducted by the Chief who is licensed in accordance with Wis. Admin. Code § SPS 35.64. (Am. by ORD-12-00035, 3-28-12)
  - (b) The Chief shall prepare an inspection report that identifies items of noncompliance. Items listed on the inspection report as being out of compliance with this chapter shall be corrected on or before the compliance date stated on the report.
- (2) Inspection Procedures.
  - (a) The Chief shall be notified at least seven (7) days from when work covered by Section 40.07 is complete and ready for an inspection to be scheduled.
  - (b) If the equipment is not complete and ready at the time of the scheduled inspection, the inspection will not be made and a fee as specified in Sec. 40.11(3) shall be assessed and a reinspection will be scheduled.
  - (c) Unless the Chief receives in writing a cancellation of a scheduled inspection at least seven (7) days prior to the scheduled inspection date, a fee as specified in Sec. 40.11(3) will be assessed for the cancellation.
  - (d) Equipment found to be in noncompliance must be reinspected as determined by the Chief to obtain compliance with the provisions of this chapter.
- (3) Types of Inspection or Tests.
  - (a) Acceptance of Inspection or Tests. The Chief shall conduct acceptance inspections and tests as specified in ASME A17.1 section 8.10, and ASME A18.1a section 10.1.3.
  - (b) Periodic or Routine Inspections. The Chief shall conduct periodic or routine inspections as specified in ASME A17.1 section 8.11, and ASME A18.1a sections 10.2 and 10.3.
  - (c) Periodic Tests.
    1. Periodic tests as specified in ASME A17.1 section 8.11 and ASME A18.1a section 10.3 shall be conducted by persons licensed or registered as specified by Wis. Admin. Code § SPS 35.991. (Am. by ORD-12-00035, 3-28-12)

2. Reports containing complete information for these tests shall be kept on site in a conspicuous location adjacent to the conveyance controller on Madison Fire Department test form. Within thirty (30) days of testing, results shall be reported electronically via the City of Madison electronic reporting system. Incomplete tests or failed tests shall be submitted within three (3) business days to the Madison Fire Department for review. (Am. by ORD-10-00083, 9-15-10)
3. Periodic tests or retests may be required to be witnessed by the Chief.

**40.10 ORDERS.** Pursuant to the authority granted under this chapter, whenever the Chief shall find any equipment covered by this chapter in a condition deemed by the Chief to constitute a danger to health, safety, or well-being, the Chief shall order such condition(s) to be immediately corrected.

- (1) Stop Work Orders. The Chief has authority under this chapter to order the stoppage of work on any equipment covered by this chapter when such work is not authorized by the Chief or when such work is in violation of this chapter.
- (2) Stop Use Orders. The Chief has authority under this chapter to order the stoppage of use of any equipment covered by this chapter which the Chief deems necessary due to the imminent hazard to the life, safety, and well-being of the public.
- (3) Notice. The notice of orders shall be made upon the owner or occupant of the building in which the equipment is contained, either by personal service of such order upon the owner or occupant or by mailing such orders to the owner, occupant, or other responsible person.

**40.11 FEES.** Fees for plan review, permit applications, inspection, permits to operate, and other services performed by the Chief pertaining to conveyances shall be submitted as follows:

- (1) Plan Examination, Application and Initial Inspection Fees. Fees for the initial inspection of plans or for an application for installation or alteration, submitted in accordance with the requirements of Wis. Admin. Code § SPS 318.1013 shall be determined as shown in the table below. A reinspection fee as specified in the table below shall be charged for each inspection conducted until the installation or alteration qualifies for a permit to operate: (Am. by ORD-12-00035, 3-28-12)

**Plan Examination and Inspection Fees  
for Conveyances**

Type of Unit	Plan Examination		Type of Inspection		
	New Installations	Alterations, Repairs and Remodeling	Acceptance or Acceptance Re-inspection		Periodic or Periodic Re-inspection
			New Installations	Alterations, Repairs and Remodeling	
1. Traction elevator, other elevator driving machines	\$400.00	\$200.00	\$800.00	\$400.00	\$320.00
2. Hydraulic elevator	\$320.00	\$160.00	\$720.00	\$360.00	\$240.00
3. Dumbwaiter, platform lift, stair chair lift, special application elevator	\$320.00	\$160.00	\$640.00	\$320.00	\$160.00
4. Escalator, moving walk	\$320.00	\$160.00	\$800.00	\$400.00	\$320.00

- (2) Periodic Inspection and Reinspection Fees. Fees for periodic inspections and reinspections of all classes of conveyance devices within the scope of this chapter shall be determined in accordance with the fee table in sub. (1). An inspection fee shall be charged for each reinspection of an elevator in accordance with the fee table in sub. (1) until the installation qualifies for a permit to operate.
- (3) Fee for Failure to Have Equipment Ready for Inspection. A fee equal to fifty percent (50%) of the applicable inspection fee shall be assessed for failure to have the conveyance ready for inspection on the date specified, unless the Chief is notified, in writing, seven (7) business days prior to the specified inspection date.
- (4) Miscellaneous Fees. Inspections outside of normal work hours (Monday through Friday 7:00 a.m. to 5:00 p.m.) whether required or requested shall be subject to a fee of eighty dollars (\$80) per hour in addition to the applicable fees as specified in this section.
- (5) Fee for Permit to Operate. The fee for a permit to operate under this chapter shall be fifty dollars (\$50) effective January 1, 2012. Such fee shall be paid with any inspection fees due and owing to the Clerk of the City of Madison. The City shall retain the inspection fee and forward the permit fee to the Department of Safety and Professional Services. (Am. by ORD-11-00150, 11-8-11)
- (6) Unpaid Fees. The Chief shall keep an accurate account of all unpaid fees incurred for plan examinations, inspections, reinspections, failure to have equipment ready under this chapter, permits to operate, and any other fees for services rendered under this chapter, and report the same to the Finance Director, who shall annually prepare a statement of these unpaid fees as a special charge at each lot or parcel of land and shall report such statement of unpaid fees to the City Clerk, and the amount charged therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)

#### 40.115 CONVEYANCE MAINTENANCE.

All conveyances, required under this chapter or Chapter 29 of the Madison General Ordinances, shall be maintained and operational at all times. Exceptions:

1. When the conveyance is undergoing routine testing.
2. When the conveyance is undergoing routine maintenance.

(Sec. 40.115 Cr. by ORD-11-00056, 4-7-11)

#### 40.12 PETITION FOR VARIANCE.

Any variance from the provisions of the SPS 318, ASME 17.1, ASME 18.1, or ANSI Codes must be submitted to the Wisconsin Department of Safety and Professional Services.

#### 40.13 APPEALS.

The owner of conveyance subject to this chapter or any other person directly affected by a decision of the Chief under this subsection may appeal such decision to the Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals, as provided in Sec. 29.18, MGO. Such appeal must be commenced by filing a written notice of appeal with the City Clerk and upon payment of fifty dollars (\$50) payable to the City of Madison within thirty (30) days of the Chief's decision to be appealed. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. Nothing in this section shall limit an owner's authority under the Wis. Admin. Code § SPS 318.1009(2) to challenge a local order as unreasonable and in conflict with the rules of the Department of Safety and Professional Services. (Am. by ORD-12-00035, 3-28-12; ORD-12-00042, 4-19-12)

**40.14 SEVERABILITY.** If any section, paragraph, sentence, or word of this chapter hereby adopted by the Common Council of Madison should be declared for any reason to be invalid, it is the intention of said Council that other sections, provisions, or applications of such chapter to other persons or circumstances shall not be affected thereby. It is the stated intention of the Council that this chapter would have been adopted had such invalid portions, if any, not been adopted.

**40.15 CITY'S RIGHT TO RELINQUISH PLAN EXAMINATION AND INSPECTION AUTHORITY.**  
The City of Madison maintains the right to relinquish any and all responsibility for plan examination and inspection under this chapter by providing written notice to the Department of Safety and Professional Services no less than ninety (90) days prior to the date upon which the City intends to relinquish such authority.

**40.16 PENALTIES.**  
Any person violating a provision of this chapter may be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1000). Each day or portion thereof such violation continues shall be considered a separate offense.

(Chap. 40 Cr. by ORD-09-00019, 3-14-09)