

Assembly Housing Committee

MEMO

To: Members of The Assembly Housing Committee

From: Representative Carol Owens, Chair

Date: February 8, 1996

The following Clearinghouse rule has been referred to the Assembly Housing Committee:

Rule No. 95-199: AN ORDER to repeal . . . relating to uniform requirements for the design and construction of multifamily dwellings.

Enclosed is a copy of the rule. The deadline for committee action on this rule is March 8, 1996. If you are interested in requesting a hearing and/or submitting comments, please do so prior to that date.



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

Rule No.:

Chapters ILHR 51, 57, and 66

Relating to:

The Uniform Multifamily Dwelling Code

95-199

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 57.001 (1)(e), 57.016 (2), 66.33 (1)(a), 66.33 (1)(c) and Table 66.33-B, 66.33 (1)(g) Note, and 66.46 (1)(title);

to renumber ILHR 51.01 (71o), 57.016 (1), 57.11 (2) and (3), 66.33 (1)(e), 66.33 (1)(h), 66.34 (8), 66.36 (2)(d)3. to 5. and 7., 66.46 (1)(a) to (d);

to renumber and amend ILHR 66.33 (1)(d), 66.33 (1)(e)2., 66.33 (1)(f) and (g), 66.33 (1)(h)(intro.) and (i), 66.36 (2)(d) 2. and 6., and 66.47 (3)(b);

to amend ILHR 57.05 (2)(b)8., 57.11 (1)(intro.), 66.03 (10), 66.04 (1)(e), 66.32 (3)(c) and (d), 66.32 (4)(a), 66.33 (2)(b)1., 66.34 (2)(a), 66.36 (2)(b)2., 66.37 (2)(a) and (b), 66.42 (2)(b), 66.44 (1), 66.46 (title), and 66.49 (2)(c);

to repeal and recreate ILHR Table 66.33-C, 66.34 (4) to (7), and 66.36 (2)(c); and

to create ILHR 66.03 (8) Note, 66.32 (2)(a)1. Note, 66.33 (1)(a) Note, 66.33 (1)(c)2.b. and Note, 66.36 (2)(b)8., 66.36 (2)(d)2., 66.47 (3)(b)2., and 66 Appendix Section A-66.04 (1)(e).

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1) and (15), 101.972, 101.973 (1), and 101.974 (2) and (4).

Statutes Interpreted: ss. 101.14 (4m) and 101.971 to 101.978.

Under s. 101.02, Stats., the Department of Industry, Labor and Human Relations has the responsibility of protecting public health, safety, and welfare relative to the construction of public buildings and places of employment.

Under s. 101.973 and 101.974, Stats., the Department is required to periodically review and update the Uniform Multifamily Dwelling Code that is mandated by s. 101.973, Stats.

The proposed rules would enhance the statewide uniformity of the Multifamily Dwelling Code by clarifying that only municipalities with fire sprinkler ordinances adopted prior to January 1, 1992, can use the lower thresholds in s. 101.14 (4m), Stats., for requiring sprinkler systems or 2-hour fire resistance.

The rules would also (1) reinstate the previous, less restrictive exiting requirements for lofts, rowhouses, and rescue platforms, (2) delete area limits for buildings that are smaller than the thresholds for sprinklering or 2-hour fire resistance, (3) exclude exterior dwelling unit areas from the calculations for determining whether sprinklers or 2-hour fire resistance is required, and (4) clarify some minor, problematic technical provisions.

These rules would replace an emergency rule adopted by the Department on August 9, 1995.

SECTION 1. ILHR 51.01 (71o) is renumbered ILHR 66.03 (4m).

SECTION 2. ILHR 57.001 (1)(e) is repealed.

SECTION 3. ILHR 57.016 (1) is renumbered 57.016.

SECTION 4. ILHR 57.016 (2) is repealed.

SECTION 5. ILHR 57.05 (2)(b)8. is amended to read:

ILHR 57.05 (2)(b)8. The building is not a residential care facility, ~~or group foster home or home for the elderly.~~ or group foster home

SECTION 6. ILHR 57.11 (1) (intro.) is amended to read:

ILHR 57.11 (1)(intro.) GENERAL. Living units in residential buildings ~~other than housing for the elderly~~ having habitable rooms or parts on floor levels below grade shall comply with the following:

SECTION 7. ILHR 57.11 (2) is renumbered ILHR 66.44 (3).

SECTION 8. ILHR 57.11 (3) is renumbered ILHR 57.11 (2).

SECTION 9. ILHR 66.03 (8) Note is created to read:

ILHR 66.03 (8) Note: Under this definition, an attached garage that serves a single dwelling unit is not part of the nondwelling unit portions, because that garage is not a common use area.

SECTION 10. ILHR 66.03 (10) is amended to read:

ILHR 66.03 (10) "Rowhouse" and "Townhouse" mean ~~an apartment~~ a building not more than 3 stories in height, arranged to accommodate 3 or more attached, vertically separated, side-by-side or back-to-back dwelling units, with each dwelling unit served by an individual exterior exit within ~~3~~ 6 feet of the exit discharge grade.

SECTION 11. ILHR 66.04 (1)(e) is amended to read:

ILHR 66.04 (1)(e) A municipality may enact an ordinance requiring the automatic fire sprinkler system protection or 2-hour fire resistance specified in either s. ILHR 66.33 (1)(b) or (e). Under subch. VI of ch. 101, Stats., only a municipality with a preexisting stricter sprinkler ordinance as specified under par. (g) may enact an ordinance requiring the automatic fire sprinkler system protection or 2-hour fire resistance specified in s. 101.14 (4m)(d) and (e), Stats. Under s. 101.14 (4m)(am), Stats., no municipality may enact an ordinance specifying thresholds for sprinkler protection or fire resistance that differ from Tables 66.33 A and B s. ILHR 66.33 (1)(a) or s. 101.14 (4m)(d) and (e), Stats. Specifying the thresholds in s. 101.14 (4m)(d) and (e) does not enable a municipality to depart from any other criteria or procedure in this chapter.

Note: See Appendix A for a tabular listing of the thresholds in s. 101.14 (4m)(d) and (e), Stats., and for a listing of the municipalities that the department believes have a preexisting stricter sprinkler ordinance.

SECTION 12. ILHR 66.32 (2)(a)1. Note is created to read:

ILHR 66.32 (2)(a)1. Note: Section ILHR 66.345 (3)(e) requires a 1-hour rated dwelling unit separation that extends from the foundation to the underside of the roof deck, for rowhouse or townhouse dwelling units which are exempt from the secondary egress requirements in that section. The same separation is referenced under ch. ILHR 16 for 2 adjacent rowhouse or townhouse dwelling units that share a single electrical service.

SECTION 13. ILHR 66.32 (3)(c) and (d) are amended to read:

ILHR 66.32 (3)(c) All exterior walls that are in contact with the soil shall be of masonry or concrete. foundations shall meet the requirements for the soil bearing values contained in s. ILHR 53.21 and the structural design standards listed in s. ILHR 53.61. All pressure-treated wood and plywood shall be treated and identified in accordance with adopted standards of the American Wood Preservers Bureau.

(d) Exposed exterior walls between the first floor structural system and grade shall be of masonry or concrete except other materials may be used if the following conditions are satisfied:

1. The construction shall meet the requirements of Table 51.03 A for the specified class of construction.

2. In buildings where the class of construction permits exterior walls to be of combustible construction, no floor level that is more than one level below the first floor framing system may have exterior walls constructed of combustible materials.

SECTION 14. ILHR 66.32 (4)(a) is amended to read:

ILHR 66.32 (4)(a) An attached garage that is larger than 600 square feet in area shall either be separated from the rest of the multifamily dwelling by 3-hour fire-resistive rated construction, or be protected by an automatic fire sprinkler system and be separated by 2-hour fire-resistive rated construction. As used throughout this chapter, an attached garage includes, but is not limited to, a basement garage.

SECTION 15. ILHR 66.33 (1)(a) is repealed.

SECTION 16. ILHR 66.33 (1)(b) is renumbered ILHR 66.33 (1)(a) and amended to read:

ILHR 66.33 (1)(a) An automatic fire sprinkler system or 2-hour fire resistance shall be provided in every multifamily dwelling that contains floor areas or dwelling units exceeding any of the thresholds established in Table 66.33-A. The floor areas specified in the thresholds do not include any of the following:

1. Areas that are outside a building, as in the following:

a. Porches that are open to the outside atmosphere.

b. Exterior stairs.

c. Exterior platforms.

d. Exterior landings.

e. Exterior decks.

2. An attached garage that meets all of the following criteria:

a. Has a floor area of 600 square feet or less.

b. Serves a single dwelling unit.

c. Is accessed directly from the dwelling unit.

d. Is separated from the remainder of the building by at least 1-hour rated fire-resistive construction.

SECTION 17. ILHR 66.33 (1)(a) Note is created to read:

ILHR 66.33 (1)(a) Note: Housing units that receive federal funding may be required by federal regulations to have sprinkler protection regardless of building size.

SECTION 18. ILHR 66.33 (1)(c) and Table 66.33-B are repealed.

SECTION 19. ILHR 66.33 (1)(d) and (e) are renumbered ILHR 66.33 (1)(b) and (c) and 66.33 (1)(b), as renumbered, is amended to read:

ILHR 66.33 (1)(b) An unpierced 4-hour-rated building division wall constructed as specified in s. ILHR 51.02 (13) may be used to separate a building into smaller buildings which individually do not exceed the thresholds in Table 66.33-A ~~or B~~ and which therefore are not required to have an automatic sprinkler system or 2-hour fire resistance.

SECTION 20. ILHR 66.33 (1)(c)2., as renumbered, is renumbered ILHR 66.33 (1)(c)2.a. and amended to read:

ILHR 66.33 (1)(c)2.a. ~~A 1-hour roof ceiling assembly and extension~~ Extension of all 2-hour vertical separations to the underside of the roof deck, except as provided in subpar b.

SECTION 21. ILHR 66.33 (1)(c)2.b. and Note are created to read:

ILHR 66.33 (1)(c)2.b. Where an exterior wall of a dwelling unit extends above the roof of an adjoining unit, the portion of the wall extending above that roof is not required to have a 2-hour rating if the underlying roof-ceiling assembly has a rating of at least 1-hour or the ceiling membrane provides a finish rating of at least 60 minutes.

Note: A floor-ceiling assembly separating one level of a dwelling unit from another level of the same unit is not required to have a 2-hour fire-resistive rating, except as specified in ILHR Table 51.03-A. However, under s. ILHR 66.32 (1), the ratings in that Table do not apply to floor systems for mezzanines, lofts, and open balconies within a dwelling unit.

SECTION 22. ILHR 66.33 (1)(f) and (g) are renumbered ILHR 66.33 (1)(d) and (e) and are amended to read:

(d) Automatic fire sprinkler systems in buildings of 4 stories or less shall comply with NFPA 13R or 13, as adopted by reference in s. ILHR 51.25, except the sprinklers within the dwelling units shall be residential type ~~conforming to NFPA 13R~~ and installed in accord with the recommendations and requirements of the manufacturer. However, any dwelling unit areas

for which sprinkler manufacturers do not have residential-type installation recommendations shall be protected in accord with NFPA 13.

(e) Automatic fire sprinkler systems in buildings of 5 to 6 stories shall comply with NFPA 13 as adopted by reference in s. ILHR 51.25, except the sprinklers within the dwelling units shall be residential type ~~conforming to NFPA 13R~~ and installed in accord with the recommendations and requirements of the manufacturer. However, any dwelling unit areas for which sprinkler manufacturers do not have residential-type installation recommendations shall be protected in accord with NFPA 13.

SECTION 23. ILHR 66.33 (1)(e) Note, as renumbered, is repealed.

SECTION 24. ILHR 66.33 (1)(h) and (i) are renumbered (f) and (g) and (f)(intro.) and (g), as renumbered, are amended to read:

ILHR 66.33 (1)(f)(intro.) In the automatic fire sprinkler systems specified in pars. ~~(d)~~ and ~~(g)~~ (e), sprinklers may be omitted in the following locations:

(g) Except as specified in par. ~~(h)~~ (f) 3., a building that will contain a sprinklered portion and a 2-hour fire-resistive unsprinklered portion shall have those portions separated by a 4-hour unpierced fire wall.

SECTION 25. ILHR 66.33 (2)(b)1. is amended to read:

ILHR 66.33 (2)(b)1. Buildings without the sprinkler protection or 2-hour fire resistance required by sub. (1) shall comply with Table ~~66.33-C~~ 66.33-B, except that Type 8 buildings may be built to the Type 7 ~~limits~~ limit in that table if the structural parts and the enclosing walls and ceilings, as listed in Table 51.03-A, are protected with at least the 5/8-inch type X wallboard construction specified in s. ILHR 66.32 (2).

SECTION 26. ILHR Table 66.33-C is repealed and recreated to read:

**TABLE 66.33-B
HEIGHT LIMITATIONS FOR BUILDINGS WITHOUT AUTOMATIC FIRE
SPRINKLER SYSTEM PROTECTION OR TWO-HOUR FIRE RESISTANCE**

Class of Construction	Number of Stories
Type 1 - Fire Resistive Type A	
Type 2 - Fire Resistive Type B	6
Type 3 - Metal Frame Protected	4

Type 4 - Heavy Timber	4
Type 5A - Masonry Protected	
Type 5B - Masonry Unprotected	3
Type 6 - Metal Frame Unprotected	
Type 7 - Wood Frame Protected	
Type 8 - Wood Frame Unprotected	2

SECTION 27. ILHR 66.34 (2)(a) is amended to read:

ILHR 66.34 (2) DISTANCE TO EXIT. (a) 1. Except as provided in subd. 2. and s. ILHR 66.36 (2)(c), exits shall be distributed so that the entrance to each dwelling unit is no more than 100 feet from an exit, measuring along ~~public~~ the shortest horizontal distance in common-use passageways or corridors.

2. Where 2-hour fire resistance or fire sprinkler system protection as specified in s. ILHR 66.33 (1) is provided, an increase in exit distance to 200 feet is permitted, except as provided in s. ILHR 66.36 (2)(c)2.

SECTION 28. ILHR 66.34 (4) to (7) are repealed and recreated to read:

ILHR 66.345 EGRESS WITHIN DWELLING UNITS (1) EGRESS FROM SLEEPING ROOMS. Every sleeping room shall have at least 2 means of egress. Windows complying with s. ILHR 66.36 (2)(d)3. to 6. may be used as a substitute for one of these 2 means of egress. This subsection does not apply to lofts as specified in sub. (2).

(2) LOFTS. (a) The minimum opening in a loft's common wall to the floor below may be infringed upon by an open guardrail constructed in compliance with s. ILHR 66.40, but not by a window or half-wall guardrail. All habitable rooms of a loft shall be open to the floor below.

(b) A loft exceeding 400 square feet in area shall have at least 1 stairway to the floor below.

(c) A loft 400 square feet or less in area shall have at least 1 stairway or ladder to the floor below. A ladder shall comply with s. ILHR 66.39 (4).

(3) EGRESS FROM AN UPPER FLOOR OF A MULTILEVEL DWELLING UNIT. (a) Except as provided in sub. (2), par. (e), and s. ILHR 66.39 (3)(e), at least 2 means of egress shall be provided from each habitable floor above the main floor of a multilevel dwelling unit. As used in this subsection, the main floor of a multilevel dwelling unit means the floor level that contains the main entrance to the unit.

b) The means of egress shall be located such that in case any means is blocked, some other means will still be available.

(c) At least one of the means of egress shall be a stairway or ramp that discharges to either the next lower floor, to grade, or to a common-use corridor or passageway.

(d) The second means of egress may be egress windows that comply with s. ILHR 66.36 (2)(d), a rescue platform that complies with s. ILHR 66.36 (2)(b), or a stairway or ramp which complies with par. (c) or which discharges to a rescue platform that complies with s. ILHR 66.36 (2)(b). If the upper floor does not contain any bedrooms, egress windows that otherwise comply with s. ILHR 66.36 (2)(d) may be provided in each habitable room on that floor, as the second means of egress from that floor.

(e) An upper floor of a rowhouse or townhouse may be provided with a single means of egress, if that means of egress is a stairway or ramp which discharges to the next lower floor, and if each dwelling unit is separated from any adjacent unit by 1-hour fire-resistive rated construction which extends from the foundation to the underside of the roof deck. This paragraph does not exempt a sleeping room on an upper floor from the requirements in sub. (1).

Note: See s. ILHR 66.03 (10) for a definition of rowhouse and townhouse.

SECTION 29. ILHR 66.34 (8) is renumbered ILHR 66.34 (4).

SECTION 30. ILHR 66.36 (2)(b)2. is amended to read:

ILHR 66.36 (2)(b)2. The height of the platform floor is either at the elevation of the second story or no more than 15 feet above the adjacent grade below the platform, whichever is less. If a roof that complies with subd. 8 occurs below the platform, the grade where exit from the roof occurs is no more than 15 feet below the platform.

SECTION 31. ILHR 66.36 (2)(b)8. is created to read:

ILHR 66.36 (2)(b)8. The platform is accessible to firefighters and firefighting equipment. Walls, fences, substantial grade changes, or other obstructions shall not impede access to the platform. An underlying roof having a slope of less than or equal to four in twelve is not considered to impede access.

SECTION 32. ILHR 66.36 (2)(c) is repealed and recreated to read:

ILHR 66.36 (2)(c) Where a rescue platform or egress windows are provided as the second required exit, the distance to the primary exit may not exceed 35 feet.

SECTION 33. ILHR 66.36 (2)(d)2. to 7. are renumbered 3. to 8.

SECTION 34. ILHR 66.36 (2)(d)2. is created to read:

ILHR 66.36 (2)(d)2. A window complying with this paragraph shall be provided in each bedroom.

SECTION 35. ILHR 66.36 (2)(d)3. and 7., as renumbered, are amended to read:

ILHR 66.36 (2)(d)3. The window shall be accessible to firefighters and firefighting equipment. Walls, fences, substantial grade changes, or other obstructions shall not impede access to the window. An underlying roof having a slope of less than or equal to four in twelve is not considered to impede access.

7. The bottom of the window opening shall be no more than 15 feet above either the adjacent grade directly below the window, or the grade where exit occurs from a roof which is below the window and which complies with subd. 3.

SECTION 36. ILHR 66.37 (2)(a) and (b) are amended to read:

ILHR 66.37 (2) OPENINGS INTO CORRIDORS. (a) ~~Except as provided in par. (b), all~~ All doors opening into public exit access corridors shall be ~~protected by at least 20-minute labeled fire door assemblies. The doors shall be self-closing or automatic-closing, except that any fire door extending across a corridor shall have an automatic-closing device which is activated by a smoke detector complying with s. ILHR 66.49 (3) and (4).~~ Except as provided in par. (b), the door openings shall be protected by at least 20-minute labeled fire-door assemblies.

(b)1. In a building having ~~2-hour fire-resistance or~~ the sprinkler protection specified in s. ILHR 66.33 (1), the fire-resistive rating for a door opening from a dwelling unit into a corridor may be applied to only the door, rather than to the door assembly. A listed door assembly is not required at this location.

2. In a building having the 2-hour fire-resistance specified in s. ILHR 66.33 (1), any dwelling unit door opening into an exit access corridor shall be protected by at least a 1 1/2-hour labeled fire-door assembly.

SECTION 37. ILHR 66.42 (2)(b) is amended to read:

ILHR 66.42 (2)(b) *Protected construction.* 1. In a building protected with a sprinkler system in accordance with s. ILHR 66.33 (1), and except as provided in ss. ILHR 66.33 (2)(a) ~~or 66.36 (2)(c)2.~~, exit access corridor walls may be of 30-minute fire-resistive construction. The 1/2-inch type X wallboard construction specified in s. ILHR 66.32 (2) shall be considered as meeting this requirement.

2. In a building having 2-hour fire resistance, exit access corridor walls may be of 4-inch nominal masonry construction ~~except as provided in s. ILHR 66.36 (2)(e)2.~~

SECTION 38. ILHR 66.44 (1) is amended to read:

ILHR 66.44 HABITABLE ROOMS WITH FLOORS BELOW GRADE. (1) WINDOWS. ~~Every~~ Except as provided in sub. (3), every habitable room with a floor level below grade shall have at least one outside window that can be opened from the inside without the use of tools. The window shall have a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area, with the bottom of the opening not more than 46 inches above the floor.

SECTION 39. ILHR 66.46 (title) is amended to read:

ILHR 66.46 (title) NATURAL LIGHT.

SECTION 40. ILHR 66.46 (1)(title) is repealed.

SECTION 41. ILHR 66.46 (1)(a) to (d) are renumbered ILHR 66.46 (1) to (4).

SECTION 42. ILHR 66.47 (3)(b) is renumbered ILHR 66.47 (3)(b)1. and amended to read:

ILHR 66.47 (3)(b)1. ~~A furnace and water heater~~ Heating equipment serving a single dwelling unit, when located within that unit, may be used without a fire-resistive rated enclosure.

SECTION 43. ILHR 66.47 (3)(b)2. is created to read:

ILHR 66.47 (3)(b)2. Vent piping from heating equipment installed in accordance with subd.1 which passes through another portion of the building and which is recommended by the equipment manufacturer to be metallic rather than plastic shall be enclosed in accordance with the shaft requirements in s. ILHR 66.41 (1).

SECTION 44. ILHR 66.49 (2)(c) is amended to read:

ILHR 66.49 (2)(c)1. At the door on each floor level leading to every enclosed stairway, except as provided in subds. 2 or 3.

2. A rate-of-rise heat detection or other smoke or fire detection device that is not activated by vehicle exhaust shall be used at these doors in an attached garage for a building containing a fire alarm system, and that device shall be installed and maintained in accordance with subs. (3) and (4).

Note: A rate-of-rise heat detection device is not a smoke detector.

3. In a building without a fire alarm system, or in a building with a basement garage, a smoke detector shall be placed on the stair side of a door into the garage.

SECTION 45. ILHR 66 Appendix Section A-66.04 (1)(e) is created to read:

A-66.04 (1)(e) Lower Thresholds for Municipalities With Preexisting Stricter Sprinkler Ordinances. Section 101.14 (4m)(d) and (e) provides the following thresholds above which fire sprinklers or two-hour fire resistance can be required by a municipality with a preexisting stricter sprinkler ordinance.

Class of Construction	Total Floor Area Within Individual Dwelling Units	Number of Units	Total Floor Area of Nondwelling Unit Portions (Common use areas, such as corridors, stairways, basements, cellars, vestibules, community rooms, laundry rooms, pools, etc.)
Type 1 - Fire Resistive Type A	8,000 sq ft	8 units	12,000 sq ft
Type 2 - Fire Resistive Type B			10,000 sq ft
Type 3 - Metal Frame Protected			8,000 sq ft
Type 4 - Heavy Timber			5,600 sq ft
Type 5A - Masonry Protected			
Type 5B - Masonry Unprotected			
Type 6 - Metal Frame Unprotected			
Type 7 - Wood Frame Protected			4,800 sq ft
Type 8 - Wood Frame Unprotected			

The department believes the following municipalities have a preexisting stricter sprinkler ordinance:

Appleton	Greenfield	Muskego	Shorewood Hills
Brookfield	Madison	New Berlin	Sussex
Franklin	Menomonee Falls	Oak Creek	West Allis
Greendale	Monona	Racine	West Bend

(END)

EFFECTIVE DATE

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

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**PUBLIC HEARING COMMENT AND AGENCY RESPONSE
DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS**

Rule Number: ILHR 51, 57, and 66
Relating To: The Multifamily Dwelling Code

Hearing Location: GEF-1, Madison
Hearing Date: December 11, 1995

DIVISION OF SAFETY AND BUILDINGS

Sup.	Commenting		Exh. No.	Presenter, Group Represented, City, State	Comments/Recommendations	Agency Response
	In	For				
X			1	John Bakes National Fire Sprinkler Assn. Whitefish Bay, WI	ILHR 66.33 Automatic fire sprinkler protection should be required in all the buildings within the scope of this code, regardless of building size or number of dwelling units. Due to recent advancements in sprinkler technology that have lower its cost, sprinkler installation for a new apartment now costs less than the carpeting. The sprinkler installation cost ranges from \$1.25 to \$1.75 per square foot. Residential sprinklers in combination with smoke detectors almost guarantee there would be no loss of life in an apartment building. DILHR would be remiss in their mission if they did not adequately recognize the importance of residential sprinklers.	The building thresholds above which sprinkler protection or 2-hour fire resistance is required are mandated by s. 101.14 (4m), Stats. The department has no authority to adopt more restrictive thresholds.
X			1	Bill Binns Self and Wisconsin Builders Assn. Lake Geneva, WI	ILHR 66 The proposed rule changes are all good. However, they should be expanded so that only municipalities with preexisting stricter sprinkler ordinances will be able to adopt the more restrictive sprinkler thresholds in Table 66.33-B. The cost for installing sprinklers in the 6-unit condominiums he is building is about \$1.70 per square foot, which is about \$3700 per unit. Allowing any municipality to require sprinklers in these units makes these units cost nearly \$4000 more in one of those municipalities than in a municipality which has not adopted Table 66.33-B. This cost difference seriously jeopardizes the uniformity intended by this code. In addition to making this change in ILHR 66, all of the ordinances which have been adopted with the Table 66.33-B thresholds and which are not in a municipality with a preexisting stricter ordinance must be rescinded.	The department agrees. The rule draft has been changed as suggested, and the department is working toward having the referenced ordinances rescinded.
X				Jerry Deschane Wisconsin Builders Assn. Madison, WI	ILHR 66 The proposed changes are all good -- they go a long way toward cleaning up some unfinished aspects and unforeseen circumstances for this new code, and they have been difficult to accomplish. They have all been arrived at through consensus with the Multifamily Dwelling Code Council, which is critical.	See previous response.

**PUBLIC HEARING COMMENT AND AGENCY RESPONSE
DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS**

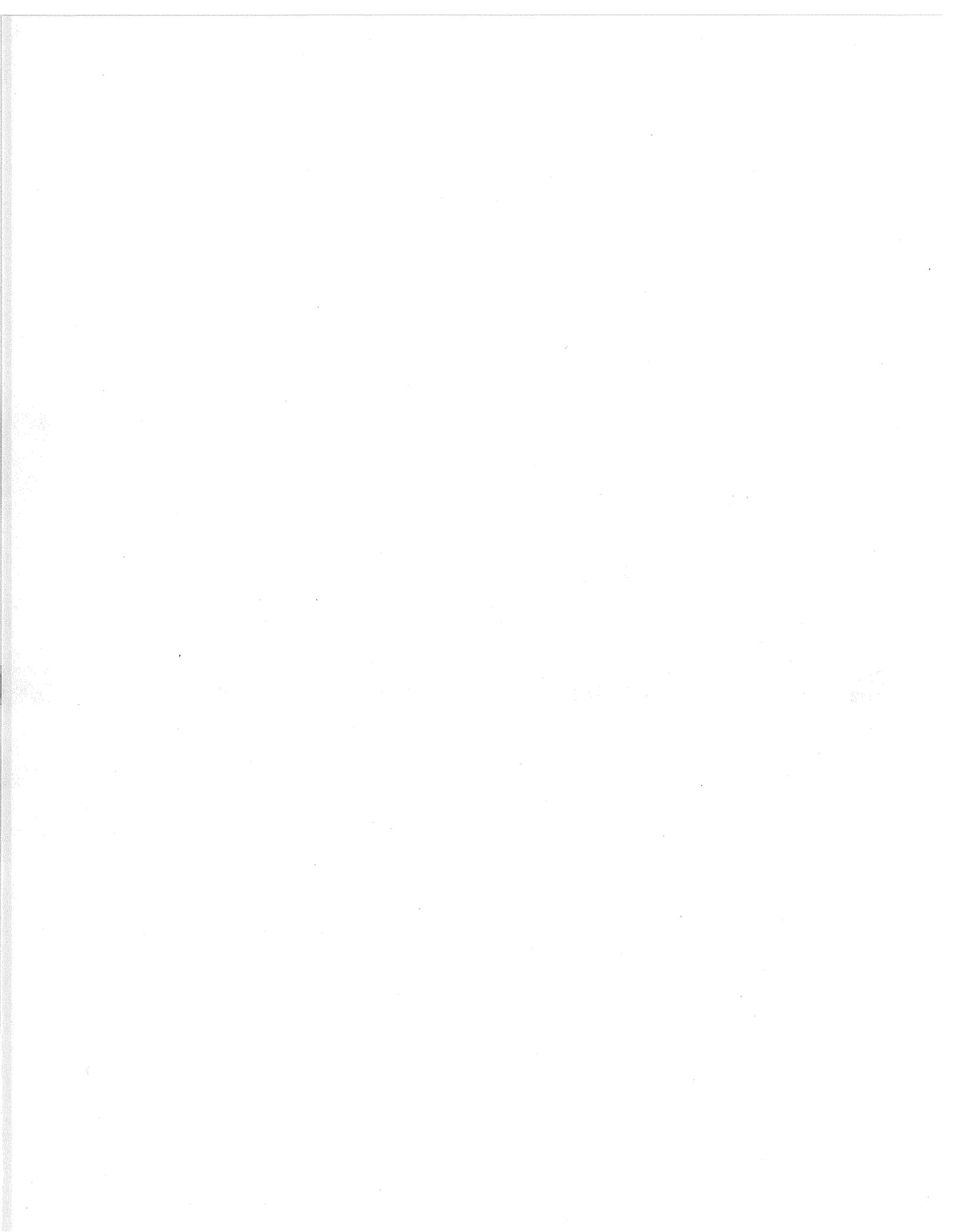
Rule Number: ILHR 51, 57, and 66
 Relating To: The Multifamily Dwelling Code

DIVISION OF SAFETY AND BUILDINGS

Hearing Location: Mailed in
 Hearing Date: December 11, 1995

Sup.	Commenting		Exh. No.	Presenter, Group Represented, City, State	Comments/Recommendations	Agency Response
	In Opp.	For Info.				
	X		3	Edwin J. Ruckriegel Wisconsin Fire Inspectors Assn. Madison, WI	ILHR Table 66.33-C The proposed table should be changed so that building heights are also limited by setbacks and the number of building sides on a street. Adequate setbacks and multiple streets benefit fire ground operations and limit fire exposures, which relate to fire safety.	The ILHR 66 Table that was replaced by the emergency rule had those limits and caused unworkable confusion, which disrupted construction. The current ILHR 66 requirements for fire department access to the building perimeter, which were expanded from the pre-ILHR 66 requirements, should enable adequate fire ground operations. Also, the draft has been changed to require rescue platforms and all rescue windows to be accessible to fire departments.
					ILHR 66.36 (2)(c) The proposed elimination of a 1-hour rated enclosure for a primary exit access corridor serving a dwelling unit with egress windows or a rescue platform negatively impacts life safety, leaves no standard for construction or maintenance of that corridor, and should be deleted.	The proposed language essentially reinstates the pre-ILHR 66 language for these corridors, and shortens the corridor length from 50 feet to 35 feet. Recent property insurance data indicates the previous language provided more than adequate fire safety protection. Sections ILHR 66.42 (2) and (4) currently contain the standards for construction and maintenance of these corridors.
X			4	John Lautz and Gerald Wuebben Wisconsin Builders Assn. Madison, WI	ILHR 66.37 (2)(a) The proposed language clarifying that a fire-rated assembly is not required for corridor doors in 2-hour fire resistance construction negatively impacts on life safety. Rated door assemblies should be required at these locations.	The draft has been changed as suggested. The Department has recently interpreted the statutes as requiring a rated door assembly at these locations.
					The proposed revisions are good -- they clarify critical areas of the new code and eliminate barriers to continued construction of safe, quality, and affordable housing. The revisions have been discussed by the Multifamily Dwelling Code Council and have the unanimous support of that council. However, the draft should be expanded to incorporate the additional revisions being discussed by the Council, especially clarification of which municipalities can	The department agrees. The rule draft has been expanded as suggested.

				adopt more restrictive thresholds for requiring fire sprinkler systems. This clarification is needed now, before additional municipalities mistakenly adopt thresholds for sprinklering that are lower than the statewide uniform threshold, which adds thousands of dollars to the cost of rental housing units.	
X	5	Steve Spilde Landmark Builders Inc. Madison, WI	ILHR 66.34 (4) and (5) Stop requiring townhouse-style buildings to have more than 1 exit from 2nd or higher floor levels. Dwelling units in these buildings each have an outside entrance and are vertically separated from each other by firewalls, which presents less fire risk than a living unit with common hallways and stairways as the only means of primary exit. Providing a second stairway for these floor levels is totally impractical, a waste of space, and costly to the home owner.	The department agrees. The rule draft has been changed as suggested.	
X	6	Marilyn Kneebone Realtor Madison, WI	Same comments as Exhibit No. 5.	See previous response.	
X	7	JoAnne Jefferis Realtor Madison, WI	Same comments as Exhibit No. 5.	See previous response.	



FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Industry, Labor and Human Relations

CLEARINGHOUSE RULE NO.: 95-199

RULE NO.: Chapters II, HR 51, 57, and 66

RELATING TO: The Uniform Multifamily Dwelling Code

Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Builders and owners of multifamily dwellings constructed under these rules are expected to have lower costs for that construction due to (1) the rule's reduction of the number of municipalities that can adopt lower thresholds for requiring fire sprinkler protection or 2-hour fire resistance, (2) deletion of area limits for buildings that are smaller than the thresholds for sprinklering or 2-hour fire resistance, (3) exclusion of exterior dwelling unit areas when determining whether sprinklers or 2-hour fire resistance is required, and (4) reinstatement of the previous, less restrictive exiting requirements where lofts, rowhouses, or rescue platforms are used. Reducing the number of municipalities that can adopt the lower thresholds will also lower costs by increasing the state-wide uniformity of these rules -- lack of such uniformity was cited by Governor Thompson's Wisconsin Housing Task Force in 1988 as making it more difficult and costly for developers to construct multifamily housing in different communities around the state.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

The two issues raised by small businesses during the hearings were to (1) allow only municipalities with sprinkler ordinances adopted prior to January 1, 1992, to use the lower thresholds in s. 101.14 (4m), Stats., for requiring sprinkler systems or 2-hour fire resistance; and (2) to reinstate the previous exiting requirements for rowhouses. Both of these changes are now in the proposed rules.

3. Nature and estimated cost of preparation of any reports by small businesses.
No new reports are required by the proposed rules.

4. Nature and estimated cost of other measures and investments required of small businesses.
No new measures or investments are required by the proposed rules.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.
None known.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.
None known.

1995 Session		LRB or Bill No./Adm. Rule No.		LLHR 66		Amendment No. if Applicable	
FISCAL ESTIMATE		<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> CORRECTED <input type="checkbox"/> UPDATED <input type="checkbox"/> SUPPLEMENTAL		DOA-2048 (R10/92)			
Subject Uniform Multifamily Dwellings							
Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Increases Costs - May be possible to Absorb <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Within Agency's Budget							
Local: <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Governmental Units Affected: <input type="checkbox"/> Cities <input type="checkbox"/> Villages <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S Affected Ch. 20 Appropriations					
Assumptions Used in Arriving at Fiscal Estimate The department currently regulates the construction of multifamily dwellings. The proposed rule replaces some current requirements with requirements that are somewhat less restrictive and easier to apply.							
Long-Range Fiscal Implications None known.							
Agency/Prepared by: (Name & Phone No.) DILHR Sam Rockweiler 266-0797		Authorized Signature/Telephone No. 		Date October 4, 1995			

Subject

Uniform Multifamily Dwellings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:

Annualized Fiscal Impact on State Funds from:		
Increased Costs	Decreased Costs	
\$ -	\$ -	

A. State Costs By Category

State Operations - Salaries and Fringes	(0	FTE)
(FTE Position Changes)	(0	FTE)
State Operations - Other Costs	-		
Local Assistance	-		
Aids to Individuals or Organizations	-		

TOTAL State Costs By Category

	\$	0	\$
Decreased Costs	\$ -		

B. State Costs By Source of Funds

GPR			
FED	-		
PRO/PRS	0		
SEG/SEG-S	0		

III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)

GPR Taxes			
GPR Earned	-		
FED	-		
PRO/PRS	0		
SEG/SEG-S	0		

TOTAL State Revenues

	\$	0	\$
Decreased Rev.	\$ -		
Increased Rev.	0		

NET ANNUALIZED FISCAL IMPACT

STATE LOCAL

NET CHANGE IN COSTS

\$	0
----	---

NET CHANGE IN REVENUES

\$	0
----	---

Agency/Prepared by: (Name & Phone No.)
 DILHR

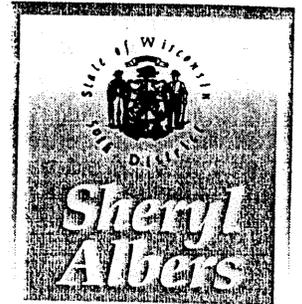
Authorized Signature/Telephone No.

Sam Rockweiler

Sam Rockweiler 266-0797

Date

October 4, 1995



To: Representative Owens-Chair Committee on Housing
From: Representative Sheryl K. Albers
Re: Emergency Rule relating to Multifamily Dwellings
Date: August 22, 1995

Anticipating that the above-referenced emergency rule will come to your committee, I would like to request that a hearing be held. After talking with people from the Wisconsin Builders Association, I understand that there is the possibility of a rise in costs of \$3000 per unit.

Thank you for your consideration of my request.

Office: P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • (608) 266-8531
Message Hotline: (800) 362-9472

Home: S6896 Seeley Creek Rd. • Loganville, WI 53943 • (608) 727-5084

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Department of Industry, Labor and Human Relations
Emergency Rule Relating to Multifamily Dwellings

Finding of Emergency and Rule Analysis

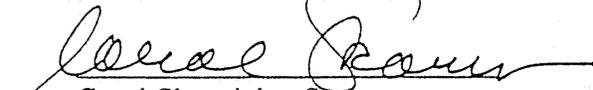
The Department of Industry, Labor and Human Relations finds that an emergency exists and that adoption of the rule included in this order is necessary for the immediate preservation of public health, safety and welfare.

The facts constituting the emergency are as follows. As required by sections 101.14 (4m) and 101.971 to 101.978, Wisconsin Statutes, the Department adopted rules earlier this year establishing uniform construction standards for multifamily dwellings. The rules include some minor technical provisions which have been difficult to apply and which are needlessly disrupting new construction.

The proposed rules essentially reinstate the exiting requirements that applied to smaller apartments prior to adoption of the current rules, and clarify and simply other problematic minor technical provisions.

Pursuant to section 227.24, Stats., these rules are adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

Dated at Madison this 9th
day of August, A.D. 1995,
by the Department of Industry,
Labor and Human Relations


Carol Skornicka, Secretary

*called
for
- four days
of small
projects
\$3000/unit*

SECTION 1. ILHR 51.01 (71o) is renumbered ILHR 66.03 (4m).

SECTION 2. ILHR 57.001 (1)(e) is repealed.

SECTION 3. ILHR 57.016 (1) is renumbered 57.016.

SECTION 4. ILHR 57.016 (2) is repealed.

SECTION 5. ILHR 57.05 (2)(b)8. is amended to read:

ILHR 57.05 (2)(b)8. The building is not a residential care facility; or group foster home ~~or home for the elderly.~~

SECTION 6. ILHR 57.11 (1) is amended to read:

ILHR 57.11 (1) GENERAL. Living units in residential buildings ~~other than housing for the elderly~~ having habitable rooms or parts on floor levels below grade shall comply with the following:

SECTION 7. ILHR 57.11 (2) is renumbered ILHR 66.44 (3).

SECTION 8. ILHR 57.11 (3) is renumbered ILHR 57.11 (2).

SECTION 9. ILHR 66.03 (8) Note is created to read:

ILHR 66.32 (8) Note: Under this definition, an attached garage that serves a single dwelling unit is not part of the nondwelling unit portions, because that garage is not a common use area.

SECTION 10. ILHR 66.33 (1)(a) Note is created to read:

ILHR 66.33 (1)(a) Note: Housing units that receive federal funding may be required by federal regulations to have sprinkler protection regardless of building size.

SECTION 11. ILHR 66.33 (1)(e)2. is renumbered ILHR 66.33 (1)(e)2. a. and amended to read:

ILHR 66.33 (1)(e)2. a. ~~A 1-hour roof-ceiling assembly and extension~~ Extension of all 2-hour vertical separations to the underside of the roof deck, except as provided in subpar b.

SECTION 12. ILHR 66.33 (1)(e)2.b. is created to read:

ILHR 66.33 (1)(e)2.b. Where an exterior wall of a dwelling unit extends above the roof of an adjoining unit, the portion of the wall extending above that roof is not required to have a 2-hour rating if the underlying roof-ceiling assembly or its interior finish has a rating of 1-hour.

SECTION 13. ILHR 66.33 (1)(e) Note is created to read:

ILHR 66.33 (1)(e) Note: A floor-ceiling assembly separating one level of a dwelling unit from another level of the same unit is not required to have a 2-hour fire-resistive rating, except as specified in ILHR Table 51.03-A. However, under s. ILHR 66.32 (1), the ratings in that Table do not apply to floor systems for mezzanines, lofts, and open balconies within a dwelling unit.

SECTION 14. ILHR 66.33 (1)(g) is amended to read:

ILHR 66.33 (1)(g) Automatic fire sprinkler systems in buildings of ~~4~~5 to 6 stories shall comply with NFPA 13 as adopted by reference in s. ILHR 51.25, except the sprinklers within the dwelling units shall be residential type conforming to NFPA 13R and installed in accord with the recommendations and requirements of the manufacturer.

SECTION 15. ILHR 66.33 (1)(g) Note is repealed.

SECTION 16. ILHR 66.33 (2)(b)1. is amended to read:

ILHR 66.33 (2)(b) *Buildings at or below the thresholds in sub. (1).* 1. Buildings without the sprinkler protection or 2-hour fire resistance required by sub. (1) shall comply with Table 66.33-C, except that Type 8 buildings may be built to the Type 7 limits in that table if the structural parts and the enclosing walls and ceilings, as listed in Table 51.03-A, are protected with at least the 5/8-inch type X wallboard specified in s. ILHR 66.32 (2).

SECTION 17. Table 66.33-C is repealed and recreated to read:

ILHR TABLE 66.33-C
HEIGHT LIMITATIONS FOR BUILDINGS BELOW THE THRESHOLDS OF TABLE
66.3-A

Class of Construction	Number of Stories
Type 1 Fire Resistive Type A	6
Type 2 Fire Resistive Type B	
Type 3 Metal Frame Protected	4
Type 4 Heavy Timber	
Type 5A Masonry Protected	
Type 5B Masonry Unprotected	
Type 6 Metal Frame Unprotected	3
Type 7 Wood Frame Protected	
Type 8 Wood Frame Unprotected	2

SECTION 18. ILHR 66.34 (2)(a)1. and 2. and (7) are amended to read:

ILHR 66.34 (2) DISTANCE TO EXIT. (a) 1. Except as provided in subd. 2. and s. ILHR 66.36 (2)(c), exits shall be distributed so that the entrance to each dwelling unit is no more than 100 feet from an exit, measuring along public passageways or corridors.

2. Where 2-hour fire resistance or fire sprinkler system protection as specified in s. ILHR 66.33 (1) is provided, an increase in exit distance to 200 feet is permitted, except as provided in s. ILHR 66.36 (2)(c)2.

(7) EGRESS FROM SLEEPING ROOMS. Every sleeping room shall have at least 2 means of egress. Windows used for this purpose shall comply with s. ILHR 66.36 (2)(d) ~~4~~ 5.

SECTION 19. ILHR 66.36 (2)(c) is repealed and recreated to read:

ILHR 66.36 (2)(c) Where a rescue platform or egress windows are provided as the second required exit, the distance to the primary exit may not exceed 35 feet, measured from the bedroom door to the exit door of the dwelling unit.

SECTION 20. ILHR 66.36 (2)(d)2. to 7. are renumbered 3. to 8.

SECTION 21. ILHR 66.36 (2)(d)2. is created to read:

ILHR 66.36 (2)(d)2. A window complying with this paragraph shall be provided in each bedroom.

SECTION 22. ILHR 66.37 (2)(a) and (b) are amended to read:

ILHR 66.37 (2) OPENINGS INTO CORRIDORS. (a) ~~Except as provided in par. (b),~~ all All doors opening into public exit access corridors shall be ~~protected by at least 20-minute labeled fire door assemblies. The doors shall be self-closing or automatic-closing, except that any fire door extending across a corridor shall have an automatic-closing device which is activated by a smoke detector complying with s. ILHR 66.49 (3) and (4).~~ Except as provided in par. (b), the door openings shall be protected by at least 20-minute labeled fire-door assemblies.

(b) In a building having 2-hour fire-resistance or the sprinkler protection specified in s. ILHR 66.33 (1), the 20-minute fire-resistive rating for a door opening from a dwelling unit into a corridor may be applied to only the door assembly. A listed door assembly is not required at this location.

SECTION 23. ILHR 66.42 (2)(b) is amended to read:

ILHR 66.42 (2)(b) *Protected construction.* 1. In a building protected with a sprinkler system in accordance with s. ILHR 66.33 (1), and except as provided in ss. ILHR 66.33 (2)(a) ~~or 66.36 (2)(c)2.~~, exit access corridor walls may be of 30-minute fire-resistive construction. The 1/2-inch type X wallboard construction specified in s. ILHR 66.32 (2) shall be considered as meeting this requirement.

2. In a building having 2-hour fire resistance, exit access corridor walls may be of 4-inch nominal masonry construction ~~except as provided in s. ILHR 66.36 (2)(c)2.~~

SECTION 24. ILHR 66.44 (1) is amended to read:

ILHR 66.44 HABITABLE ROOMS WITH FLOORS BELOW GRADE. (1)
WINDOWS. ~~Every~~ Except as provided in sub. (3), every habitable room with a floor level below grade shall have at least one outside window that can be opened from the inside without the use of tools. The window shall have a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area, with the bottom of the opening not more than 46 inches above the floor.

(END)

FISCAL ESTIMATE
DOA-2048 (R10/92)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

ILHR 66

Amendment No. if Applicable

Subject Uniform Multifamily Dwellings

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increases Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenue
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The department currently regulates the construction of multifamily dwellings. The proposed rule replaces some current requirements with requirements that are somewhat less restrictive and easier to apply.

Long-Range Fiscal Implications

None known.

Agency/Prepared by: (Name & Phone No.)

Sam Rockweiler 266-0797

Authorized Signature/Telephone No.

Sam Rockweiler

Date

8/9/95

Subject

Uniform Multifamily Dwellings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ - 0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
TOTAL State Revenues	\$ 0	\$ - 0

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ 0

\$ 0

NET CHANGE IN REVENUES \$ 0

\$ 0

Agency/Prepared by: (Name & Phone No.)

Authorized Signature Telephone No.

Date

Sam Rockweiler

8/9/95

Myths About Automatic Sprinklers

Myth: The water damage from sprinklers is worse than the fire.

The truth is, a sprinkler puts far less water on a fire than a fire hose would. Automatic systems spray water only in the immediate area of the fire and can keep the fire from spreading to the point where widespread damage is unavoidable.

Myth: Sprinklers go off accidentally, causing unnecessary water damage.

Accidental water damage caused by automatic sprinkler systems is relatively rare. One study concluded that sprinkler accidents are generally less likely and less severe than mishaps involving standard home plumbing systems.

Myth: Sprinklers are ugly.

Sprinklers don't have to be unattractive. Pipes can be hidden behind ceilings or walls, and modern sprinklers can be inconspicuous — mounted almost flush with walls or ceilings. Some sprinklers can even be concealed.

Sprinklers in the Home

Four-fifths of all fire deaths occur in homes, and according to a study by the National Institute of Standards Technology, 60 to 70 percent of those deaths could be prevented by adding sprinkler systems to houses and apartments.

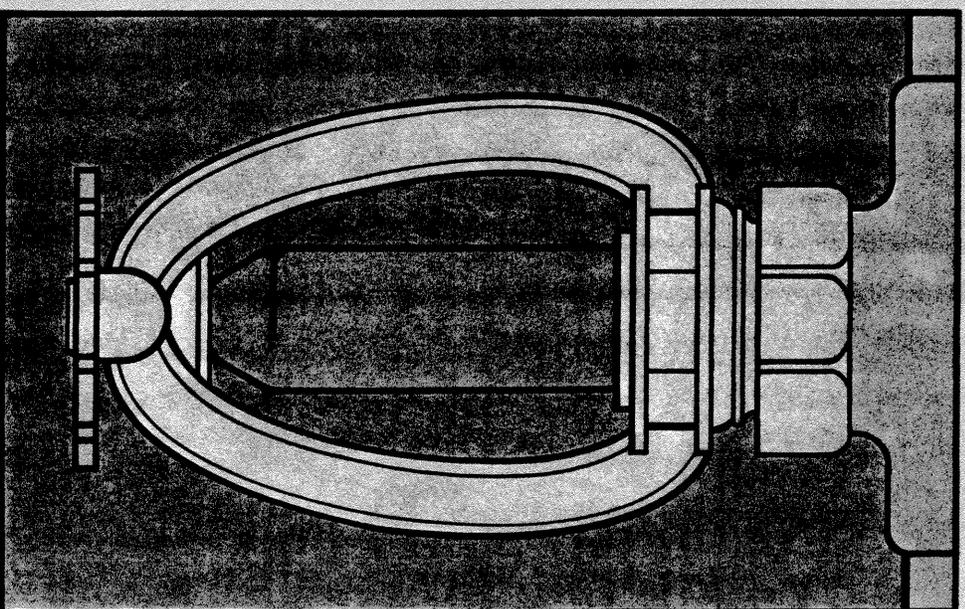
Since 1980, "fast response" sprinklers have been available for use in residential occupancies such as houses and apartments. Lightweight piping materials are available and can be used to supply the sprinklers. Some of these sprinklers may be supplied from a common household watersupply when installed in a 1 or 2 family dwelling.

Thanks to the use of modern materials and designs, the cost of residential sprinkler systems has come down.

Estimates suggest that installing such a system would add one to one-and-a-half percent to the cost of new housing. They can also be installed in existing buildings.

Homes with automatic sprinkler systems should also be equipped with smoke detectors. All residents should be familiar with these devices and should have a plan for escape in the event of fire.

Automatic Sprinkler Systems



Official Sponsor of Fire Prevention Week
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Batterymarch Park, Quincy, MA 02269-9101



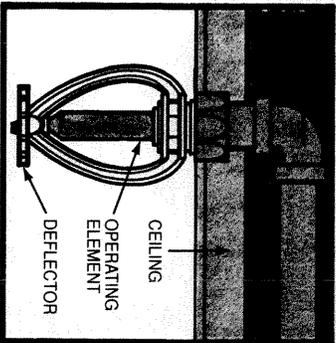
Printed in USA

BR-19A



How Automatic Sprinklers Work

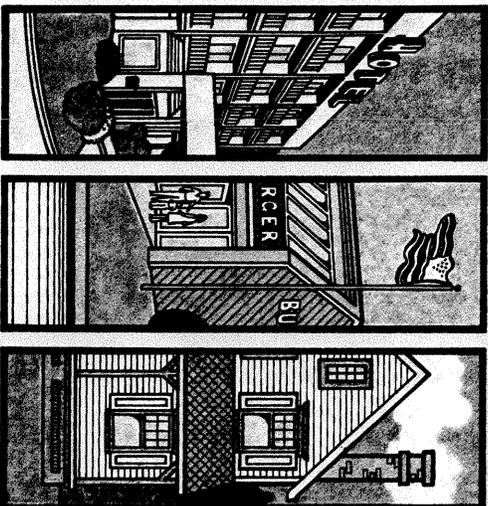
Automatic sprinkler systems supply water to a network of individual overhead sprinklers, each protecting an area below them. These sprinklers open automatically in response to heat and spray water on the fire to put it out or keep it from spreading. Contrary to popular belief, in standard installations, only those sprinklers near the fire open and spray water.



instances of fires killing three or more people in a house, apartment, hotel, or motel where a complete sprinkler system was installed and operating properly.

The NFPA estimates that the risk of dying in a fire in hotels and motels, health-care facilities, and manufacturing plants has already been reduced by at least half where sprinklers are installed.

In commercial properties — stores, restaurants, etc. — NFPA records show comparable figures. The few exceptions have involved explosions or other special circumstances.



Sprinklers Save Property

NFPA studies show that, in a fire, automatic sprinkler systems also save thousands of dollars in property loss.

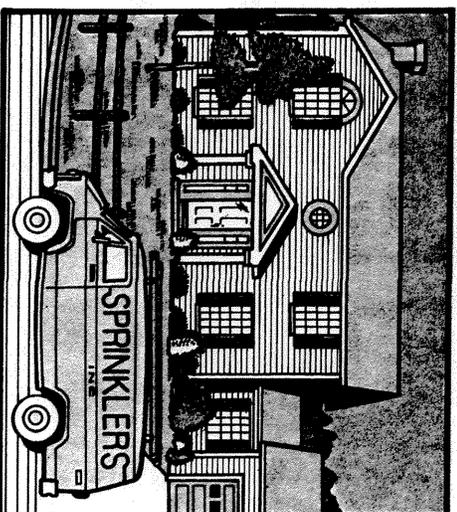
Estimated savings include:

- \$8,100 per fire in restaurants, nightclubs and other "public-assembly" properties;
- \$7,900 per fire in educational properties;
- \$5,700 per fire in stores and offices; and
- \$12,100 per fire in manufacturing and industrial sites.

In addition, sprinkler systems installed in commercial property can pay for themselves in as little as five years through reduced insurance premiums.

Installation

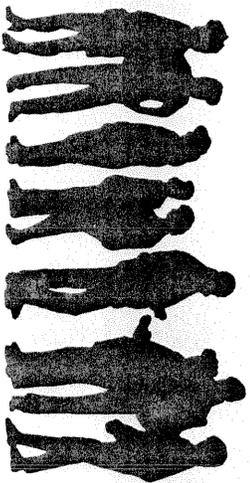
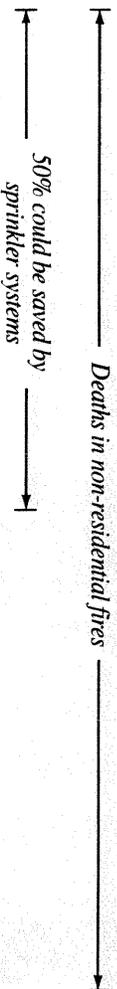
Commercial or residential automatic sprinkler systems should be installed by a qualified contractor who is familiar with NFPA codes and standards as well as with local firesafety regulations.



Sprinklers Save Lives

Approximately 6000 people die in fires in the United States each year.

Yet, National Fire Protection Association (NFPA) records covering most of the century show no





ROBIN HILL CORPORATE PARK • ROUTE 22 - P.O. BOX 1000 • PATTERSON, N.Y. 12563 • (914) 878-4200 • FAX NO. 914-878-4215

February 27, 1996

Representative Owens
Wisconsin State Representative

Dear Chairperson Owens:

I have reviewed the proposed rule changes prepared by the Multifamily Dwelling Code Council identified as 95-199 Chapters ILHR 51.57 and 66. It appears that the Multifamily Dwelling Council has established emergency rules in conflict with the state law. State law currently permits a municipality to adopt more restrictive fire protection requirements which are contained in Table B. The emergency rule limits this increased protection option to those communities that had a pre-existing sprinkler ordinance.

The emergency rule is supposedly based on what the "committee originally intended" in its original proposal. The committee further alleges that the state law was prepared in error and then passed by legislature in error. They further state that this error has caused confusion and therefore a need for an emergency rule. We do not agree that there is confusion as to the requirements of the state law. We further do not agree that emergency action is needed. The only confusion appears to be from the developers who wish to reduce life safety requirements contained in state law.

Wisconsin has adopted a state wide mini-maxi code in an effort to provide both uniformity of requirements and equality in building safety. By providing minimum construction requirements the state law can provide that minimum level of building safety. By establishing maximum code requirements the law may prevent local municipalities achieving the level of protection intended by the state law.

If the local community is permitted to augment limitations of fire fighting capability with built in fire protection, as permitted by the current state law, then equality of safety can be achieved. If however a community is prevented from adopting more restrictive requirements, it may not be able to meet the minimum safety standard intended by the legislature. This permitted increase in protection is applicable to multi-family housing only, an area where unacceptable fire losses occur in every state of the country.

The proposed rule will not increase uniformity within the state because it will allow sixteen cities to have more restrictive sprinkler ordinances. The rule change if allowed will also make Wisconsin unique, it will permit the largest non-sprinklered multifamily housing in the nation. This rule if allowed to become law would permit non-sprinklered multifamily apartment buildings, containing up to 20 units, to be constructed four stories in height.

This emergency rule is severely flawed and should not be allowed to become law. Any changes of this magnitude should not be implemented using the emergency rule procedures. There is no emergency. There is time for reasonable debate and legislative action.

Sincerely,
John E Bakes
John Bakes

Wisconsin Chapter, National Fire Sprinkler Association
5925 North Bayridge Avenue
Whitefish Bay, WI 53217
(414) 964-5528

(c) The department is hereby empowered and directed to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the state superintendent of public instruction.

(d) The department may prepare and provide suitable forms for distribution to the school systems in the state, for the purpose of providing uniform reports on fire drills conducted during the year in accordance with s. 118.07 (2).

(2) (a) The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department, subject to the right of the department to relieve any such chief from duties as such deputy for cause, and upon such suspension to appoint some other person to perform the duty imposed upon such deputy. The department may appoint either the chief of the fire department or the building inspector as its deputy in cities of the 1st class.

(b) The chief of every fire department shall provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

(c) 1. Except as provided under subd. 2., the chief of every fire department shall provide that the inspections required under par. (b) be made at least once in each nonoverlapping 6-month period per calendar year in all of the territory served by his or her fire department. The chief of a fire department may require more frequent inspections than required under this subdivision. The department by rule shall provide for general exceptions, based on the type of occupancy or use of the premises, where less frequent inspections are required. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subdivision.

2. In 1st class cities, the fire chief may establish the schedule of fire inspections in that city. The fire chief shall base the frequency of the inspections on hazardous classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

(cm) In addition to the requirements of pars. (b) and (c), a fire department shall provide public fire education services, in consultation with the department and the fire prevention council.

(d) The chief of every fire department, or, in 1st class cities, the building inspector appointed by the department under par. (a), shall designate a sufficient number of inspectors to make the inspections required under pars. (b) and (c).

(e) Written reports of inspection shall be made and kept on file by the authority having jurisdiction to conduct inspections, or its designee, in the manner and form required by the department.

(f) Every inspection required under pars. (b) and (c) is subject to the supervision and direction of the department, which shall, after audit, certify to the commissioner of insurance after the expiration of each calendar year each city, village or town where the inspections for the year have been made, and where records have been made and kept on file as required under par. (e).

(3) The department shall annually conduct training sessions and provide manuals and other materials and services to assist deputies and inspectors in the fulfillment of their duties under sub. (2).

(4) (a) The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employees and frequenters of places of employment and public buildings.

(b) 1. Except as provided in subd. 2., the rules of the department shall require all such places and buildings over 60 feet in

height, the construction of which is begun after July 3, 1974, to contain an automatic fire sprinkler system on each floor.

2. a. Subdivision 1. does not apply to any open parking structure, as defined by the department.

b. If the department determines that water would cause irreparable damage and undue economic loss if discharged in such places or buildings, it shall require a suppression device which has a substance other than water.

c. Subdivision 1. does not apply to any building over 60 feet in height the construction of which is completed or is begun prior to July 3, 1974.

(c) 1. The rules of the department governing such places and buildings under 60 feet in height shall be based upon but may vary from those provisions in the building officials and code administrators international, inc., building code which relate to fire detection, prevention and suppression in public buildings and places of employment.

2. Before the effective date of the rules promulgated under subd. 1., as affected by 1983 Wisconsin Act 295, section 3, the department may grant a variance to any rule relating to automatic fire sprinklers and mandated under chapter 320, laws of 1981, if the department first does both of the following:

a. Consults with the chief of the fire department having authority over the place of employment or public building.

b. Determines that the variance provides protection, substantially equivalent to that of the rules mandated by chapter 320, laws of 1981, of the health, safety and welfare of employers, employees and frequenters of the place of employment or public building.

(d) To the extent that the historic building code applies to the subject matter of this subsection, each qualified historic building, as defined under s. 101.121 (2) (c), is exempt from this subsection if the owner elects to be subject to s. 101.121.

(dm) Each building required by rule under this subsection to contain fire detection, prevention and suppression devices shall have the necessary devices installed at the time of its construction.

(e) Whoever violates this subsection may be fined not less than \$100 but not more than \$500 for each day of violation.

(f) The department may inspect all buildings covered by this subsection and may issue such orders as may be necessary to assure compliance with it.

(g) As used in this subsection:

1. "Automatic fire sprinkler system" has the meaning provided in s. 145.01 (2).

2. "Fire detection, prevention and suppression devices" include but are not limited to manual fire alarm systems, smoke and heat detection devices, fire extinguishers, standpipes, automatic fire suppression systems and automatic fire sprinkler systems.

(4m) (a) In this subsection:

1. "Automatic fire sprinkler system" has the meaning given in s. 145.01 (2).

2. "Dwelling unit" has the meaning given in s. 101.61 (1).

3. "Multifamily dwelling" has the meaning given in s. 101.971 (2).

4. "Nondwelling unit portions" means the common use areas of a multifamily dwelling, including corridors, stairways, basements, cellars, vestibules, atriums, community rooms, laundry rooms or swimming pool rooms.

5. "Political subdivision" means a county, city, village or town.

5m. "Two-hour fire resistance" means 2-hour fire separations for all walls that separate dwelling units, exit corridors and exit stair enclosures and for all floors and ceilings, so that the specified walls, floors and ceilings are capable of resisting fire for a period not shorter than 2 hours.

(am) A political subdivision may enact ordinances, as provided in this paragraph, that require an automatic fire sprinkler

system or 2-hour fire resistance in every multifamily dwelling. Any ordinance enacted under this paragraph shall meet the standards established under pars. (b) and (c) or under pars. (d) and (e).

(b) The department shall require an automatic fire sprinkler system or 2-hour fire resistance in every multifamily dwelling that contains any of the following:

1. Total floor area, for all individual dwelling units, exceeding 16,000 square feet.
2. More than 20 dwelling units.
3. Total floor area of its nondwelling unit portions exceeding the limits established in par. (c).

(c) An automatic fire sprinkler system or 2-hour fire resistance is required under par. (b) in a multifamily dwelling constructed by any of the following types of construction if the total floor area of the nondwelling unit portions in the multifamily dwelling exceeds the following:

1. Type 1 fire resistive construction, 16,000 square feet.
2. Type 2 fire resistive construction, 12,000 square feet.
3. Type 3 metal frame protected construction, 8,000 square feet.
4. Type 4 heavy timber construction, 5,600 square feet.
5. Type 5A exterior masonry protected, 5,600 square feet.
6. Type 5B exterior masonry unprotected, 5,600 square feet.
7. Type 6 metal frame unprotected, 5,600 square feet.
8. Type 7 wood frame protected construction, 5,600 square feet.
9. Type 8 wood frame unprotected construction, 4,800 square feet.

(d) A political subdivision's ordinances, enacted to meet the requirements of this paragraph and par. (e), shall require an automatic fire sprinkler system or 2-hour fire resistance in every multifamily dwelling that contains any of the following:

1. Total floor area, for all individual dwelling units, exceeding 8,000 square feet.
2. More than 8 dwelling units.
3. Total floor area of its nondwelling unit portions exceeding the limits established in par. (e).

(e) A political subdivision's ordinances, enacted to meet the standards established in par. (d) and this paragraph, shall require an automatic fire sprinkler system or 2-hour fire resistance in every multifamily dwelling that is constructed by any of the following types of construction if the total floor area of the nondwelling unit portions in the multifamily dwelling exceeds the following:

1. Type 1 fire resistive construction, 12,000 square feet.
2. Type 2 fire resistive construction, 10,000 square feet.
3. Type 3 metal frame protected construction, 8,000 square feet.
4. Type 4 heavy timber construction, 5,600 square feet.
5. Type 5A exterior masonry protected, 5,600 square feet.
6. Type 5B exterior masonry unprotected, 5,600 square feet.
7. Type 6 metal frame unprotected, 5,600 square feet.
8. Type 7 wood frame protected construction, 5,600 square feet.
9. Type 8 wood frame unprotected construction, 4,800 square feet.

(5) (a) Subject to par. (b), in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of flammable or combustible liquids, the department shall collect a groundwater fee of \$100 for each plan review submittal. The moneys collected under this subsection shall be credited to the environmental fund for groundwater management.

(b) Notwithstanding par. (a), an installation for the storage, handling or use of flammable or combustible liquids that has a capacity of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

History: 1971 c. 185 s. 1; 1971 c. 228; Stats. 1971 s. 101.14; 1973 c. 324, 326, 336; 1975 c. 39, 94; 1977 c. 29, 413; 1979 c. 221; 1981 c. 320, 341; 1983 a. 36; 1983 a. 189 s. 329 (8); 1983 a. 295, 410; 1985 a. 29; 1985 a. 135 s. 83 (3); 1987 a. 288, 321, 399; 1989 a. 31, 109, 359; 1991 a. 187, 269; 1993 a. 261.

Cross-reference: See s. 66.122 for provision authorizing special inspection warrants.

See note to 893.80, citing Coffey v. Milwaukee, 74 W (2d) 526, 247 NW (2d) 132.

101.141 Record keeping of fires. The department shall maintain records of all fires occurring in this state. Such records shall be open to public inspection during normal business hours.

History: 1975 c. 224.

101.142 Inventory of petroleum product storage tanks. (1) DEFINITIONS. In this section:

(a) "Petroleum product" means materials derived from petroleum, natural gas or asphalt deposits and includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants, waxes, greases and petrochemicals.

(b) "Storage tank" means an enclosed container with a capacity in excess of 60 gallons which is used to hold a petroleum product, regardless of the duration of storage and which is intended for use as a fixed, rather than as a portable, installation.

(2) **INVENTORY OF STORAGE TANKS.** The department shall undertake a program to inventory and determine the location of aboveground storage tanks and underground storage tanks. The department may require its deputies and any person engaged in the business of distributing petroleum products to provide information on the location of aboveground storage tanks and underground storage tanks. The department shall develop uniform procedures for reporting the location of aboveground storage tanks and underground storage tanks.

History: 1983 a. 410; 1989 a. 254; 1991 a. 82.

101.143 Petroleum storage remedial action. (1) DEFINITIONS. In this section:

(a) "Bodily injury" does not include those liabilities which are excluded from coverage in liability insurance policies for bodily injury other than liabilities excluded because they are caused by a petroleum project discharge from a petroleum product storage system.

(am) "Case closure letter" means a letter provided by the department of natural resources that states that, based on information available to the department of natural resources, no further remedial action is necessary with respect to a discharge.

(b) "Discharge" has the meaning designated under s. 144.76 (1) (a).

(c) "Groundwater" has the meaning designated under s. 144.027 (1) (c).

(cm) "Home oil tank system" means an underground home heating oil tank used for consumptive use on the premises together with any on-site integral piping or dispensing system.

(cs) "Occurrence" means a contiguous contaminated area resulting from one or more petroleum products discharges.

(d) "Operator" means any of the following:

1. A person who operates a petroleum product storage system, regardless of whether the system remains in operation and regardless of whether the person operates or permits the use of the system at the time environmental pollution occurs.

2. A subsidiary or parent corporation of the person specified under subd. 1.

(e) "Owner" means any of the following:

1. A person who owns, or has possession or control of, a petroleum product storage system, or who receives direct or indirect consideration from the operation of a system regardless of whether the system remains in operation and regardless of

2-18-96

MILLER JOURNAL

Emptied ashtray leads to dorm fire

FIRE 2-17-96

By JAMAAL ABDUL-ALIM
of the Journal Sentinel staff

A Marquette University student who emptied an ashtray into a wastebasket before jumping into the shower Saturday emerged later to find that he had started a small fire, set off a sprinkler system and forced the evacuation of the 12-story dorm.

"It was pretty much over by the time he got out of the shower," MU spokesman John Hopkins said.

The fire on the sixth floor of Schroeder Hall, 715 N. 13th St., was reported shortly after 7 p.m. Saturday. About 800 students live in the building, Hopkins said.

A couple of students saw the fire and reported it before leaving the building. First Battalion Chief Bert Bemann said, adding that a wastebasket is a "bad place" to empty an ashtray shortly after smoking a cigarette.

The student, Nagao To-shiede, 19, will be cited for careless use of smoking materials, Bemann said.

About 200 people looked on as firefighters worked at the scene. Traffic on N. 13th St. between W. Wells St. and W. Wisconsin Ave. was blocked during the incident, Bemann said.

Five other rooms on the sixth floor sustained water damage as the fire was extinguished by the sprinkler system, Bemann said.

Bemann placed the damage to the building at about \$1,500. No one was injured.

Firstar Plaza
P.O. Box 2113
Madison, Wisconsin 53701-2113
608/251-5000
FAX 608/251-9166

Attorneys at Law in
Milwaukee and Madison, Wisconsin
West Palm Beach and Naples, Florida
Phoenix, Arizona



March 7, 1996

Representative Carol Owens, Chair
Assembly Committee on Housing
105 West Capitol
Madison, Wisconsin 53702

RE: Clearinghouse Rule 95-199 -- Uniform Multi-Family
Dwelling Code

Dear Representative Owens:

I write on behalf of the Wisconsin Concrete Masonry Association ("WCMA") to request that your committee hold a public hearing on Clearinghouse Rule 95-199, the proposed revision of the Uniform Multi-Family Dwelling Code. The members of the WCMA are concerned about a number of elements of the proposed rule, including:

1. The fire separation requirement in the proposed rule. There are conflicts between the proposed rule and the Emergency Rule now in force regarding fire ratings for doors in sprinklered and 2-hour fire resistance construction.

2. The impact of the proposed rule upon preexisting sprinkler ordinances. This portion of the proposed rule appears to be inconsistent with the underlying statute and will have serious life safety implications for communities with existing ordinances which desire to modify them.

3. The portion of the rule which excludes certain floor areas (including porches and attached garages) when calculating total floor area. Elimination of such floor areas will enable a builder to avoid use of various life safety-related features to the detriment of inhabitants of the completed living spaces.

4. The provision in the proposed rule which permits the use of wood foundations. This language is not included in the Emergency Rule now in force and represents a significant departure from existing standards.

A public hearing should be held because of the life safety implications of many of the provisions in the proposed rule. The members of the WCMA would appreciate the opportunity to express

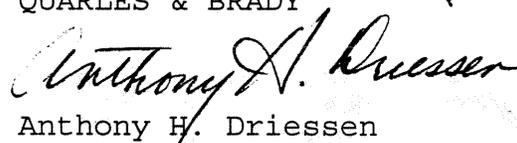
Representative Carol Owens
March 7, 1996
Page 2

their concerns in the neutral forum which your committee would provide.

Please let me know if you have any questions about this request.

Very truly yours,

QUARLES & BRADY

A handwritten signature in cursive script that reads "Anthony H. Driessen". The signature is written in dark ink and is positioned above the printed name.

Anthony H. Driessen

AHD:lmb

cc: Members of Assembly Committee on Housing

Firstar Plaza
P.O. Box 2113
Madison, Wisconsin 53701-2113
608/251-5000
FAX 608/251-9166

Attorneys at Law in
Milwaukee and Madison, Wisconsin
West Palm Beach and Naples, Florida
Phoenix, Arizona



March 7, 1996

Representative Carol Owens, Chair
Assembly Committee on Housing
105 West Capitol
Madison, Wisconsin 53702

RE: Clearinghouse Rule 95-199 -- Uniform Multi-Family
Dwelling Code

Dear Representative Owens:

I write on behalf of the Wisconsin State Fire Chiefs Association ("WSFCA") to request that your committee hold a public hearing on Clearinghouse Rule 95-199, the proposed revision of the Uniform Multi-Family Dwelling Code. The members of the WSFCA are concerned about a number of elements of the proposed rule, including:

1. How, under the rule, the determination is made that a sprinkler system is required for a particular project.
2. The ability of Wisconsin communities to adopt "Table B" of the sprinkler table.
3. The fire separation requirement in the proposed rule. There are conflicts between the proposed rule and the Emergency Rule now in force regarding fire ratings for doors in sprinklered and 2-hour fire resistance construction.
4. The impact of the proposed rule upon pre-existing sprinkler ordinances. This portion of the proposed rule appears to be inconsistent with the underlying statute and will have serious life safety implications for communities with existing ordinances which desire to modify them.
5. The portion of the rule which excludes certain floor areas (including porches and attached garages) when calculating total floor area. Elimination of such floor areas will enable a builder to avoid use of various life safety-related features to the detriment of inhabitants of the completed living spaces.

Representative Carol Owens
March 7, 1996
Page 2

6. The provision in the proposed rule which permits the use of wood foundations. This language is not included in the Emergency Rule now in force and represents a significant departure from existing standards.

A public hearing should be held because of the life safety implications of many of the provisions in the proposed rule. The members of the WSFCA would appreciate the opportunity to express their concerns in the neutral forum which your committee would provide.

Please let me know if you have any questions about this request.

Very truly yours,

QUARLES & BRADY



Peter C. Christianson

PCC:lmb

cc: Members of Assembly Committee on Housing