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March 20, 1996

Representative Carol Owens  
P.O. Box 8952  
Madison, WI 53708

RE: Assembly Committee Hearing  
April 4, 1996  
Clearinghouse Rule 95-199

Dear Representative Owens:

Please review the enclosed article from Sprinkler Age Magazine before the above mentioned public hearing. The history developed from Scottsdale, Arizona clearly demonstrates the benefits of a proactive sprinkler fire protection ordinance.

***Can I suggest that we learn from this model program and direct our efforts towards educating builders, code officials and community members before we take steps to reduce sprinkler fire protection within multi-family buildings in our state. Those who oppose sprinkler fire protection and claim that sprinkler systems can only increase building costs do not have the facts.***

Your vote to rescind the proposed building code amendments would allow municipalities the opportunity to adopt the same successful program as found in Scottsdale.

Feel free to contact me if you wish to further discuss the benefits of sprinkler fire protection.

Thank you in advance for your consideration.

Sincerely,



Richard W. Hext  
Chairperson, NFSA Wisconsin Chapter  
11932 West Silver Spring Drive  
Milwaukee, WI 53225  
(414) 536-9495  
(414) 536-8288 FAX

RWH/lch  
Attachments

# You Decide...

**Without Sprinklers**



**With Sprinklers**



*Scottsdale Tracks  
Sprinkler Impact*



# Scottsdale Tracks

## *Ten-year Experience Can't be Denied*

**S**cottsdale, Arizona, lies in a desert — hot, dry ... a climate that intensifies fire risk. Its residents, however, pay half as much as the national average to support their local fire department, save noticeably on home insurance coverage and experience a per capita fire loss that is less than one-fourth the national average.

In the past 10 years, in spite of a near 60% population growth, the city has managed to lower its fire loss by 84%. How? The community has one of the most progressive fire protection ordinances in the nation.

"The homebuilding industry does not like to use Scottsdale as a reference for a successful sprinkler and fire prevention program. All of the reasons they commonly give as issues not to pass this type of protection have not been substantiated in our city," said Jim Ford, Assistant Chief of Scottsdale's Rural/Metro Fire Department.

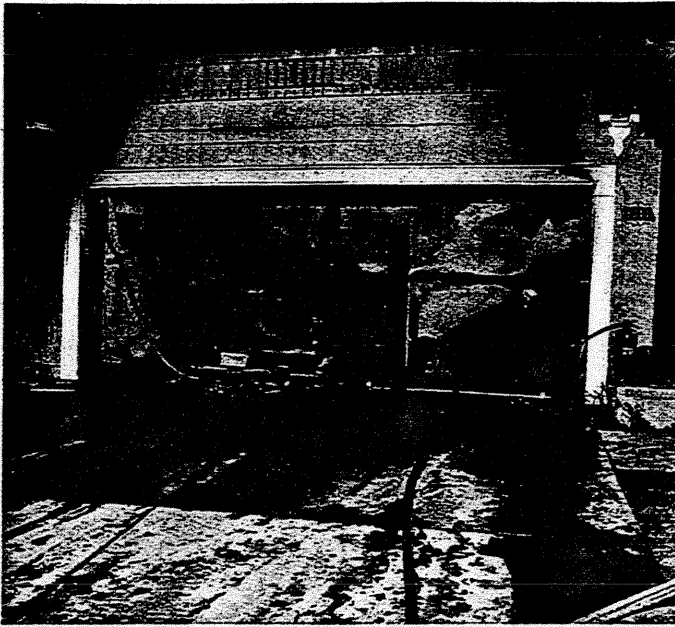
Originally enacted in January 1986, Scottsdale's ordinance requires the installation of fire sprinklers in all new buildings in the city. Citing the usual excuses: "most fire related fatalities occur in old homes" and "the cost of fire sprinklers pushes home prices out of reach for many buyers," local and national homebuilding repre-

sentatives hotly opposed the ordinance.

Scottsdale, like most jurisdictions with mandatory sprinkling offers design alternatives that help absorb some of the costs of

**Table 1. Alternative Design Options, Scottsdale, AZ**

- Non-rated structures allowed
- Increased hydrant spacing for both commercial and residential developments
  - residential - from 660' to 1200'
  - commercial - from 330' to 700'
- Reduced water main sizes (usually 1 size, 6" min. for hydrants)
- Reduced fire flow requirements (50% of non-sprinklered buildings per UFC)
- Better use of available property (advantage for resorts and new developments)
- Requirement for 360° access removed
- Reduced street width from 32' to 28'
- Increased cul-de-sac lengths from 600' max to 1400'
- Increased sprinklered development density of 4%



**Similar fires... dramatically different results!**

The photograph on the left page shows results of an accidental fire that occurred in a sprinklered garage. The owner placed hot ashes from the fireplace into a cardboard box, placed it in the garage, and then left the house unoccupied. Although the garage had a heavy fire load, including a gas-powered boat, wood for the fireplace and numerous other combustibles to support a working fire, a single sprinkler activated and controlled the fire. Property loss from this fire, which could have destroyed this \$200,000-plus new home, was near zero.

The two photos above illustrate results of a very similar incident in an unsprinklered home. The resident placed smoking material into a trash can in the garage. Although the resident was at home, a neighbor notified the fire department, which responded within four minutes. The fire department quickly brought the fire under control and contained it to the garage and a small extension into the kitchen. Fire loss was estimated at \$50,000, with up to \$144,000 property loss from heat and smoke damage throughout the structure.

# Sprinkler Impact

adding automatic fire sprinklers (Table 1). The community's experience has proven that — if they are passed on to the home buyer by developers and builders — those design alternatives combined with insurance savings (see Table 2) and potential avoidance of future fire department-related tax increases generally offset additional costs incurred by installing sprinklers. In addition, installation costs tend to drop in areas with mandatory sprinkler ordinances, simply by virtue of increased competition and economies of quantity. (See Table 3)

A study commissioned by the Scottsdale City Council in 1990 provided a number of eye-opening comparisons.

- At that time the national annual per capita property loss from fire was \$33.10. In cities between 100,000 and 250,000 population (Scottsdale's range) the annual per capital loss was somewhat lower at \$21.30. Meanwhile, Scottsdale's annual per capita loss was \$8.95.

- Scottsdale citizens pay 49% less for fire protection than the national average.

- Fire sprinkler activations from January 1, 1986 through December 30, 1990 provided the following statistics: in over 90% of

**Table 2. Scottsdale Insurance Company Discounts for Residential Sprinkler Systems**

Allstate	10% of total premium	sprinklers, smoke detectors, deadbolts, fire extinguisher
Aetna	up to 45%	new home with central station monitoring and burglar alarm
Prudential	2% - 14%	sprinklers and smoke detectors
Sentry	20% - 10%	all areas / no attic
Independent Ins. agents	8% - 13% 10% average	average for industry 14 of 15 companies now offer some type of discount



**Table 3. Cost of Installing Residential Sprinkler Systems in Scottsdale, AZ**

February 1986	Reese/Carr Report on residential costs for Scottsdale	Projected single family cost 2000 SQ Ft	\$1.14 SQ Ft
June 1989	<b>REVIEW OF RESIDENTIAL SPRINKLER COSTS IN THE CITY OF SCOTTSDALE</b>		
	Sprinkler Co #1	Adv. Tract Home	\$.63-.85 SQ FT
	Sprinkler Co #2	Adv. Tract Home	\$.70-.75 SQ FT
		Adv. Custom Home	\$.75-.95 SQ FT
	Sprinkler Co #3	Adv. Tract Home	\$.75 SQ FT
	Sprinkler Co #4	Adv. Tract Home	\$.65-.85 SQ FT
		Adv. Custom Home	\$.75-1.10 SQ FT
	Sprinkler Co #5	Adv. Tract Home	\$.85 SQ FT
March 1993	<b>UPDATE OF RESIDENTIAL SPRINKLER COSTS IN THE CITY OF SCOTTSDALE</b>		
	Sprinkler Co #1	Adv. Tract Home	\$.52-.62 SQ FT
	Sprinkler Co #2	Adv. Tract Home	\$.65 SQ FT
		Adv. Custom Home	\$.79 SQ FT
	Sprinkler Co #3	Adv. Tract Home	\$.60-.70 SQ FT
	Sprinkler Co #4	Adv. Tract Home	\$.55-.75 SQ FT
		Adv. Custom Home	\$.60-.85 SQ FT

the activations the fire was controlled by one sprinkler, and 95% of the time fire was controlled by three or fewer heads.

• Based on known residential and commercial fire sprinkler flows (18 gpm to 25 gpm each) those one-sprinkler activations

deposited an average of 276 gallons of water in the structure, compared to an estimated average of 4,767 gallons that would have been sprayed by fire department hoses had sprinklers not been available.

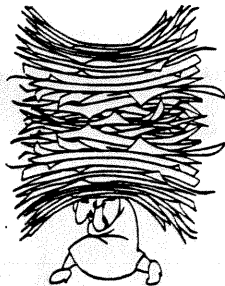
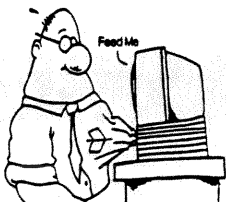
• Total Property Loss from fire in Scottsdale averaged \$1,390,337, compared to a national average (for same-size cities) of \$3,114,300.

A city of rapid growth, Scottsdale's population has increased from 107,900 in 1985 to approximately 170,000 in 1995. A study conducted by the independent consulting firm of Reese-Carr showed that when Scottsdale's development is totally complete, the fire sprinkler ordinance will have saved taxpayers over \$7.2 million in infrastructure water transmission costs, alone. The sprinkler ordinance also provides Scottsdale residents with further cost savings in the following areas:

- Fire hydrants can be placed farther apart, while enabling the same quality service and safety delivery.
- Individual home insurance.
- Less manpower necessary to fight fires
- Fewer fire stations.

After January 1, 1996, the 10-year anniversary of that fire sprinkler ordinance, Scottsdale will celebrate by publishing an updated study of its success. Preliminary numbers provided in late 1995 showed the following: Average loss per sprinklered incident \$2,280 vs. average loss per non-sprinklered incident \$17,067. Total people saved by sprinkler activation: 8 definite, 64 possible.

"At the beginning of this process, we understood that the primary issues would be growth and economics. Understanding this, we developed our guidelines to lessen the impact on these primary issues as much as we could. The ordinance and performance of the sprinkler systems have exceeded our expectations and resulted in our community being recognized as providing our citizens with some of the best levels of fire protection available in the United States. There is no question that the ordinances we have passed and the protection that is currently installed in our jurisdiction will continue to provide substantial benefits to our city far into the future," Ford said. ●



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## POLICE REPORT

# Sprinkler system saves life

By MARAH SHUMAN  
STAFF WRITER

A sprinkler system in a Lincolnshire condominium development probably saved a woman's life early last Thursday morning, according to Vernon Fire Protection District officials.

A fire broke out in a garage can of a bathroom in a second-floor unit at the Lakes of Lincolnshire complex, at 209 Rivershore Lane, said Deputy Fire Chief Fred Kruger, of the Vernon Fire Protection District. Almost immediately following the blaze the sprinkler system in that unit went off and put out the fire, he said.

"The sprinklers did what they were supposed to do and may have saved a life," Kruger said.

A woman who lived in that unit was sleeping at the time and failed to wake up when the fire started, Kruger said. The building fire alarm system also was activated and sounded an alarm at the Lincolnshire police dispatcher's location. When firefighters arrived at the woman's unit, they were forced to break the door down because she was still sleeping, he said.

Several residents had evacuated the six-story structure as fire units arrived at the scene. Officials believe some smoking materials found in the unit could have started the fire, Kruger said.

"This was a small fire because everything worked how it was supposed to," he said. Had the sprinkler system and the alarm system failed, this could have been a much larger fire, Kruger said, which the woman may not have survived.

"She was very fortunate and we feel we were too."

The following incidents were listed in the officials' reports of the Deerfield and Lincolnshire police departments. Readers are reminded that an arrest by police does not constitute a finding of guilt; only a court of law can make that determination.

## Deerfield ARRESTS

■ On Feb. 3, Eric L. Smith, 27, of 650 Elm Street in Deerfield, was arrested by Deerfield police for driving with a suspended license. He was released on \$100 bond and is scheduled to appear in court on March 21.

■ On Feb. 3, Michele Gibson, 42, of 2160 Sherman Road in Northbrook, was arrested by Deerfield police for driving her car without insurance, driving without a valid license and driving with a suspended registration. Etc.

## BLOTTER

■ \$100 bond and had to turn in his driver's license. He is scheduled to appear in court on March 20.

■ On Feb. 4, Robert J. Schneider, 45, of 941 Pacific Avenue in Hoffman Estates, was arrested by Deerfield police for driving under the influence of alcohol, the open transportation of alcohol and improper lane usage. He was released on \$300 I-bond and is scheduled to appear in court on Feb. 28.

## VANDALISM

■ On Feb. 1, a Deerfield postal employee reported that the front tire on the passenger side of their vehicle was slashed. The employee said they have no idea who assailant may be

# Sprinklers credited for dousing Macy's fire

Associated Press

New York — The spot where youngsters visit Santa at Macy's was slightly damaged Thursday by a fire caused by a Christmas light too close to a cardboard

candy cane. Sprinklers immediately came on and doused the flames, limiting the damage to a mere 1 1/2-square-foot area in "Santaland," a high-ceilinged flagship store, Macy's spokesman Tim Ray said. No one was injured.

## Girl's birthday cupcake touches off conflagration

Associated Press

West Hartford, Conn. — A sparkler on a little girl's birthday cupcake set off a fire Friday that filled a severe snow-piled minimum building with smoke and forced 100 mostly older residents to flee into a snowstorm. Bedding in the family's second-floor apartment caught fire when the girl's mother brought the cupcake into the child's bedroom, said Fire Marshal Richard Kane.

The fire was contained to the apartment, which was severely damaged by fire and firefighters of the 66-unit Hampshire House condominiums received smoke or water damage and will remain uninhabitable for weeks, Kane said.

Two people were treated for smoke inhalation and a third person for chest pains while a firefighter suffered eye injuries.

Associated Press

# InterOffice Memo

Department of Industry, Labor and Human Relations

Date: March 29, 1996

To: Pat Osborne

From: Howard Bernstein   
DILHR Legal Counsel (266-9427)

Subject: **Multifamily Dwelling Code - Legal Issue Follow-Up**

## (1) Fire Sprinkler Ordinances

In my memo of November 13, 1995, I stated that the department could not adopt a rule to provide that only a political subdivision with a "preexisting stricter sprinkler ordinance" may choose to enact a fire sprinkler ordinance under the standard of §101.14(4m)(d) and (e), Stats. (the "8,000 square feet/8 units" standard).

I have now had the opportunity to review these statutes in much greater detail, and I have a different opinion. When all of the related statutory provisions which deal with multifamily dwellings, automatic fire sprinkler systems and preexisting stricter ordinances are looked at together, it becomes evident that only political subdivisions with preexisting stricter ordinances were intended to have the authority to follow the stricter standards of §101.14(4m)(d) and (e), Stats.

I say this primarily because the "plain meaning" reading of §101.14(4m)(am), Stats. that was followed in my November memo would allow any political subdivision to choose either the 8,000 sq. ft./8 unit standard or the 16,000 sq. ft./20 unit standard, and would therefore make the statutory references to a political subdivision with a "preexisting stricter sprinkler ordinance" (found in §§66.303 and 101.975, Stats.) totally unnecessary. The courts have stated on many occasions that an interpretation of the statutes which creates "surplus" or unnecessary provisions is to be avoided.

The goal of statutory interpretation is to give effect to all of the provisions which relate to a particular subject. To give effect to the definition of "preexisting stricter sprinkler ordinance" in §101.975(3)(a), Stats., it must be treated as a "grandfathering" provision which confers powers upon certain political subdivisions which they would not otherwise possess. This would mean that a political subdivision that does not have a preexisting stricter sprinkler ordinance may not deviate from the 16,000 sq. ft./20 unit standard. While this involves an interpretation of the language found in §101.14(4m), Stats., it does not contradict the statute in any way.



In summary, the following statutory provisions relate to automatic sprinkler systems in multifamily dwellings: §§66.303, 101.02(7m), 101.14(4m), and 101.975(3), Stats. The only way to give effect to all of these provisions without creating contradictions or "surplus" statutory language is to state that only a political subdivision with a "preexisting stricter sprinkler ordinance" may adopt the 8,000 sq. ft./8 unit standard found in §101.14(4m)(d) and (e), while all other political subdivisions must follow the 16,000 sq. ft./20 unit standard in §101.14(4m)(b) and (c). Since this is the correct interpretation of the statutes, the department is authorized to adopt it as a rule.

## (2) Calculation of Total Floor Area

My memo of November 13 is not clear in responding to the question as to statutory authority for a rule which would exclude areas such as individual garages and screened porches from the calculation of total floor area of individual dwelling units under §101.14(4m), Stats.

Under the statute, the sprinkler requirement for most political subdivisions applies to a multifamily dwelling that contains "(t)otal floor area, for all individual dwelling units, exceeding 16,000 square feet," more than 20 dwelling units, or total floor area "of its nondwelling unit portions " that exceeds certain specified categories. (§101.14(4m)(b), Stats.) The term "nondwelling unit portions" is defined as the common use areas of a multifamily dwelling. (§101.14(4m)(a)4, Stats.)

The statute is silent as to whether or not "total floor area for all individual dwelling units" is meant to include areas like individual garages and screened porches. It could be argued that, by implication, all floor area which is not included in "nondwelling unit portions" should be counted as "total floor area for dwelling units," but the statute does not say that. Interpretation of the statute is necessary. Each state agency has the authority to make necessary interpretations of the statutes that it enforces, (§227.11(2)(a), Stats.) and each agency is supposed to adopt its interpretations of the statutes as administrative rules. (§227.10(1), Stats.) Therefore there is authority for the department to adopt a rule which determines that individual garages and screened porches are not to be counted as part of the total floor area for an individual dwelling unit.

# InterOffice Memo

Department of Industry, Labor and Human Relations

Date: November 13, 1995

To: Ron Buchholz

From: Howard Bernstein  
DILHR Legal Counsel (266-9427)

Subject: Multifamily Dwelling Code - Legal Issues

You have asked for my opinion on three legal issues which have emerged from the meetings and discussions of the Multifamily Dwelling Code Council.

**(1) May the department adopt a rule which interprets §101.14(4m) and 101.975(3), Stats., to provide that only a political subdivision with a "preexisting stricter sprinkler ordinance" may choose to enact a fire sprinkler ordinance which meets the standards of §101.14(4m)(d) and (e)?**

The answer to this is no. If the department were to adopt such a rule, it would be imposing a restriction that is not in the statute, and thus acting in contradiction to the §101.14(4m)(am), Stats., which expressly provides that a political subdivision may enact an ordinance which meets either the standards established under §101.14(4m)(b) and (c) or the standards established under §101.14(4m)(d) and (e). The statute which specifically deals with "preexisting stricter sprinkler ordinances" (§101.975(3), Stats.) allows for certain ordinances of this type to remain in effect or to be amended to conform to the code.

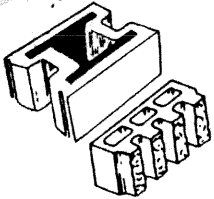
**(2) May the department adopt a rule which excludes areas such as individual garages and screened porches from the calculation of total floor area of individual dwelling units under §101.14(4m), Stats.?**

In my opinion, a rule of this type would contradict the statute to some extent. The statute specifies total minimum floor areas for individual dwelling units and for "nondwelling unit portions" which are intended to trigger the requirement for an automatic sprinkler system. By removing certain areas from the calculations, even though these areas may contain fire hazards and flammable material, a rule of this type would appear to be in conflict with the numerical limits established by the statute.

**(3) Does the "two hour fire resistance" requirement of §101.14(4m) apply to door openings?**

The answer to this is yes. The statute defines "two-hour fire resistance" as "2-hour fire separation 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." (§101.14(4m)(a)5m, Stats.) The department is to require that specified multifamily dwellings possess either an automatic fire sprinkler system or 2-hour fire resistance. This makes it clear that the definition is intended to apply to the entire wall area of each separate dwelling unit, and is not intended to allow for lower fire resistance requirements for doorways. If a lower rating were allowed for doorway construction, the dwelling unit as a whole would not meet the 2-hour fire separation requirement of the statute.

cc: R. Baldwin  
R. Meyer  
S. Rockweiler  
D. Mitchell



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March 29, 1996

Ms. Carol Owens  
Wisconsin State Representative  
P.O. Box 8953  
Madison, WI 53708

Dear Representative Owens:

As a participant in the Multifamily Construction Advisory Committee of Wisconsin and as a manufacturer / distributor of concrete and masonry products in Wisconsin, we seek the following:

Consideration re: **changes to MULTIFAMILY RULE 95-199, per attachment.**

Our proposed changes are designed to balance inequities that presently exist in the Statute regarding sprinklered and 2-hour fire resistive construction.

Thank you for your consideration and support.

Respectfully,

Robert V. Goldman  
Vice President.

encl.



Change the following sections, 101.14 (4m) and 101.971 to 101.978, Wisconsin Statutes, to correct technical provisions which are needlessly disrupting the new construction, are hurting uniformity and are needlessly raising the cost of constructing multifamily dwellings.

1. To ensure uniformity, to satisfy the desires of political subdivisions and in accordance with DILHR Legal Counsel Howard Bernstein's interpretation of the Statutes allowing these political entities to choose to enact the lower thresholds of 8,000 square feet or 8 units, change the Statutes to only call for the 8,000 square foot threshold. It was also the Safety and Buildings interpretation that local governments can choose the 8,000 square foot requirements if they desire to do so. This change would guarantee better fire safety in the dwelling units most often constructed.

2. To ensure uniformity, to keep sprinklered buildings and two-hour fire resistive buildings equal and to keep costs down, remove exit corridor walls from the two-hour fire resistive requirement. Section 101.14 (4m) (a) 5m Stats., to read: "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."

3. Change the Stats. so as not to allow wood foundations where these walls are in contact with the ground. All such foundation walls should be masonry or concrete. Wood foundations not only cannot carry the same loads as masonry and concrete but the fire resistance and life expectancy are suspect at best.

4. Change the States. to allow an increase in exit distance from dwelling units to 250 feet if the 2-hour fire separations are of non-combustible construction. All other 2-hour fire resistive separations and sprinklered buildings limited to a maximum of 200 feet. In buildings under thresholds, the exit distance is limited to 100 feet maximum.

5. Change the Stats. to specify that attached garages, porches and jump platforms are to be included in the non-dwelling unit portion of the thresholds.



March 29, 1996

Ms. Carol Owens, Representative  
Wisconsin Assembly  
P.O. Box 8953  
Madison, WI 53708

Dear Representative Owens:

On behalf of the **MULTIFAMILY CONSTRUCTION ADVISORY COMMITTEE OF WISCONSIN**, we seek your support regarding the following:

Changes to **MULTIFAMILY RULE 95-199**, per attachment.

Our proposed changes are designed to balance inequities that presently exist in the Statute regarding sprinklered and 2-hour fire resistive construction.

Thank you for your consideration and support.

Yours truly,

A handwritten signature in black ink, which appears to read 'David R. Jenkyns'. The signature is written in a cursive, flowing style.

David R. Jenkyns

Coordinator

**MULTIFAMILY CONSTRUCTION ADVISORY COMMITTEE OF WISCONSIN**

(encl.)

Change the following sections, 101.14 (4m) and 101.971 to 101.978, Wisconsin Statutes, to correct technical provisions which are needlessly disrupting the new construction, are hurting uniformity and are needlessly raising the cost of constructing multifamily dwellings.

1. To ensure uniformity, to satisfy the desires of political subdivisions and in accordance with DILHR Legal Counsel Howard Bernstein's interpretation of the Statutes allowing these political entities to choose to enact the lower thresholds of 8,000 square feet or 8 units, change the Statutes to only call for the 8,000 square foot threshold. It was also the Safety and Buildings interpretation that local governments can choose the 8,000 square foot requirements if they desire to do so. This change would guarantee better fire safety in the dwelling units most often constructed.

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5. Change the Stats. to specify that attached garages, porches and jump platforms are to be included in the non-dwelling unit portion of the thresholds.

ALDRIAN - GUSZKOWSKI

2 April 1996

Assembly Housing Committee  
P. O. Box 8953  
Madison, Wisconsin 53708

Attention: State Representative Carol Owens

Architects

Re: DILHR Multifamily Code (ILHR 66)

Engineers

Dear Representative Owens:

Planners

In 1989 I was appointed to the Uniform Multi-Family Code Committee to help develop a building code that provided uniform building standards throughout the state. Due to each community developing their own standards, written or otherwise, apartment project design and construction varied to the point where a standard building design had to be completely redrawn in order to be constructed in a different community a block away.

When the Multi-Family Code Committee submitted its final report to the Legislature in June of 1989, it was the intent of everyone on the Committee to have a state-mandated uniform code for all communities. To address those municipalities that had a pre-existing sprinkler ordinance in effect on 1 January 1992, which was more restrictive than what the new code established, a special and more restrictive rule was formulated for those communities (known as Table B). The intent was that multi-family projects could be designed and constructed anywhere in Wisconsin utilizing one single code.

If the legislature is to allow communities to adopt their own sprinkler codes to suit themselves, there is no reason to have a uniform code and past problems will resurface.

Post-It® Fax Note	7671	Date	4-2-96	# of pages	2
To	A. Ry. Carol Owens	From	Carol		
Co./Dept.	Assembly	Co.	A. G. Inc.		
Phone #	608-266-7038	Phone #	414-789-6060		
Fax #	608-266-7038	Fax #	414-789-6066		



Page 2

Assembly Housing Committee  
State Representative Carol Owens  
2 April 1996

I have practiced architecture in Wisconsin for almost 30 years and have been involved with the design of over 70,000 apartment units; not only in Wisconsin, but also twelve other states. It is because of my experience that I was named by the Governor in 1989 to sit on the Multi-Family Code Committee, and I continue to serve to this date.

The rule package your Committee now has is a good package and the Committee should not take any action on it.

Feel free to distribute this letter to other members of your Committee.

Very truly yours,

ALDRIAN GUSZKOWSKI, INC.



CHARLES F. ALDRIAN

CFA:cph

*Bryce P. Styza*  

---

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*Investment Real Estate and Land Development*

April 2, 1996

Assembly Housing Committee  
Representative Carol Owens  
P.O. Box 8953  
Madison, WI 53708

RE: CLEARINGHOUSE RULE #95-199

Dear Representative Owens:

Please support Clearinghouse rule #95-199.

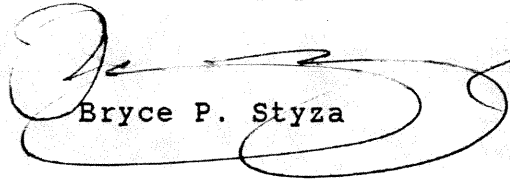
This rule clarifies and cleans up several confusing areas of the multifamily dwelling code regarding the minimum level at which sprinklers or two-hour fire resistance can be required.

The rules balance building safety and affordability.

Buildings being built by these rules will be safer than buildings built to the standards of the old commercial code.

The rules were developed by builders, architects, fire officials, building inspectors and members of the public.

Very truly yours,

  
Bryce P. Styza

BPS/dmm

cc: Representative Owens  
Representative Kaufert  
Representative Silbaugh  
Representative Vrakas  
Representative Green  
Representative Kelso  
Representative Morris-Tatum  
Representative Baldwin  
Representative Bell  
Representative Wilder  
Representative Riley



# Wisconsin Builders Association

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West Salem

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**Executive**

**Vice-President**

Bill Wendle

April 2, 1996

Representative Carol Owens, and  
Members of the Assembly Housing Committee

RE: Clearinghouse Rule 95-199 - Uniform Multifamily Dwelling Code

Dear Representative Owens and Members:

On behalf of the 5,800 members of the Wisconsin Builders Association, I am urging your support for CR 95-199, which clarifies sections of the new Wisconsin Uniform Multifamily Dwelling Code.

These revisions have been thoroughly discussed by the department's Code Advisory Council. This Council includes builders, architects, fire chiefs, building inspectors, and others who are informed and concerned about the construction of multifamily housing. I have served on that Council since its creation three years ago, and I served on the non-statutory council that preceded it.

As you can imagine, the development of a new building code is a complicated matter. Code provisions that seemed to make sense on paper were found to be impractical in the field. This is the first set of revisions to the new building code, and it is meant to correct code provisions that did not make sense or that were not workable.

It has been brought to our attention that others have raised four general areas of concern. I will address each of those concerns directly.

The first question is whether a municipality may opt for a different threshold at which it may require sprinklers. The answer is no, and this code revision makes that clear. A building code that is the same for apartments built in Madison, Milwaukee, Green Bay, or Neenah was the fundamental premise behind the creation of this code. It's not a uniform code if it is different in every city in the state. In recognition of communities that already had a sprinkling ordinance, the Legislature 'grandfathered' those ordinances which were in place at the end of 1992. No other communities may establish a different level of sprinkler protection.

As one person who was directly involved in the negotiations that led to the legislation, I can tell you that this issue was the most difficult one to resolve. I urge the members of this Committee to respect the letter and spirit of that legislation.



The second question is what should be considered living space for purposes of determining when a building should be served with sprinklers. This rule package makes it clear that non-living space is not counted toward that sprinklering threshold. Again, this goes back to the intent of the legislative agreement. Lawmakers did not intend to count porches, garages, and other areas as 'living space.' If builders were required to count the square footage of an attached garage, it would either reduce the amount of true living space available, or it would dramatically increase the cost of the units by requiring sprinklers.

We flatly reject the third contention, which is that a building protected by fire sprinklers should have two-hour rated doors on each apartment. This is expensive overkill. No one on the Code Council supports such a requirement. This provision will make sprinklered construction more expensive, and therefore more comparable to concrete-protected construction. There is absolutely no basis in safety for this provision.


The code recognizes that there is a fundamental difference between buildings that rely on sprinklers for fire suppression and those that rely on two-hour separations. Sprinklers protect the occupants by quickly putting the fire out; and therefore do not need the heavier, more expensive wall and door construction. Two-hour separations, on the other hand, do not put the fire out, but they contain it in one space until firefighters can get to the scene. While the two are treated as equally as possible in the code, it simply doesn't make sense to require a two-hour separation when it is not needed.

We have the same objection to the last concern, which is that wood foundations should be prohibited. Engineered wood foundations are a proven, safe construction technique, which should be allowed as an option if the owner chooses. The Code Council and the department have tried very hard to avoid code requirements that limit an owner's choices of materials or construction techniques. The code specifies the level of performance, it is up to the owner or builder to choose the construction material and technique that will meet that performance level, and that best suits the given project. By limiting foundations to concrete or block only, you are establishing a code restriction that has no purpose other than to benefit one part of the construction industry.

As a builder, I have constructed hundreds of multifamily, single-family, duplex, and community living centers. The level of safety in construction today is dramatically better than it has ever been. If you examine fire statistics, you will see that this is true. Sprinkler systems, two-hour doors, and other similar construction features, are expensive. They should only be required where they are truly necessary. We believe that the code before you today continues Wisconsin's dual traditions of housing safety and housing affordability. We urge you not to take any action on this rule package.

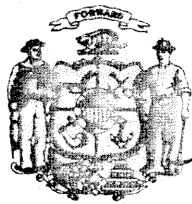
Thank you for your consideration.

Sincerely,



Gerald Wuebben  
President-Elect





STATE REPRESENTATIVE  
***Rosemary Potter***

**DEMOCRATIC CAUCUS CHAIR**

April 3, 1996

TO: Rep. Carol Owens, Chair  
and Members of the Assembly Housing Committee

RE: CLEARINGHOUSE RULE 95-199  
Uniform Multifamily Dwelling Code

FROM: Rep. Rosemary Potter

Clearinghouse Rule 95-199 is the result of over 15 years of public, legislative and state agency work on uniform dwelling codes. As the former Chair of the Housing Committee, I can attest to the hundreds of hours of review and deliberation which resulted in this rule, as well as the legislative intent behind its formulation.

As background, please allow me to briefly summarize how this rule came to be before you. After years of unsuccessful attempts by the housing industry and the legislature, the uniform multifamily dwelling code proposal came before the Assembly Housing Committee in 1992. As chair of the committee, I asked representatives of the building trades, fire fighters, building inspectors, trade unions and architects to work with a subcommittee to draft a workable code. After over a year of public testimony and negotiations, this code was drafted as legislation and passed the legislature unanimously.

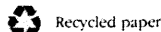
Our primary goal in this code was to insure safety, followed by affordability and standardization and these goals were certainly met in the legislation. Although not every special interest group got everything they wanted, the legislation signed into law reflects the concerns raised in our months of study and discussion.

The objections to Clearinghouse Rule 95-199 appear to be those which were already addressed through public hearings, subcommittee meetings, legislative hearings and months of study by the Code Advisory Council. The purpose of the uniform multifamily dwelling code is to set a performance standard which will allow the housing

■ Office: P.O. Box 8953  
Madison, WI 53708  
(608) 266-8588

■ Home: 3113 South Pennsylvania Avenue  
Milwaukee, WI 53207  
(414) 481-9252

■ Toll-free Legislative Hotline  
1-800-362-9472  
■ FAX (608) 266-7038

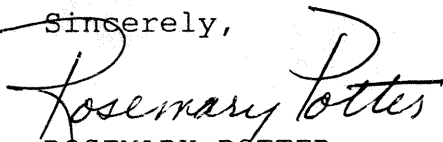


industry to create safe, affordable housing. It is most decidedly not the purpose of this legislation to require redundant systems or mandate construction requirements which add unnecessary cost to the building.

As you are no doubt aware, Wisconsin's existing housing stock is simply not adequate to meet our needs, especially in non-urban areas. In order to assure that Wisconsin families have access to affordable housing, we must do everything possible to encourage the creation of economical shelter, without compromising the health and safety of the families living there. The Uniform Multifamily Dwelling Code is an important component of that effort.

I am confident that the Clearinghouse Rule reflects the legislative intent behind our uniform code law. It is my hope that the Housing Committee will not seek any changes to this rule.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Potter". The signature is written in dark ink and is positioned above the typed name.

ROSEMARY POTTER  
State Representative

RP:jan

April 3, 1996

TO: State of Wisconsin Legislative Committee on Housing

FROM: Members of the Wisconsin Chapter of the National Fire Sprinkler Association  
and Others

RE: **OPPOSITION TO THE RECOMMENDATIONS OF THE FINAL DRAFT OF  
THE UNIFORM MULTI-FAMILY DWELLING CODE**

We oppose the recommendations because they weaken the present rules to provide a reasonable level of Life Safety for occupants of multi-family dwellings (apartment buildings).

Major concerns are listed below:

Existing Rules

State Statute 101.14 (4M)<sub>1</sub>

Council Proposed Rules Revisions

Amended by emergency rules, dated August 9, 1995 eliminating table 66.33B which eliminated the local option to exceed the provisions of 101.14 (4M) 5m (b) and (c)

Recommended Action:

1. Leave the lower threshold of automatic fire sprinkler systems as per Statute 101.14 (4M) 5m (d) and (e).
2. Allow local communities to assess their own fire protection needs and enact ordinances to accommodate their local conditions.
3. Allow local Fire Departments to enhance Fire and Life Safety in their individual communities.

STATUTE 101.14 (4M) 5m (b) & (c)

(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.

STATUTE 101.14 (4M) 5m (d) & (e)

(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.

INNOVATIVE HOMES  
BUILT BY...

▶ NEW HOMES

▶ INVESTMENTS

▶ APARTMENTS

April 3, 1996

State Representative Carol Owens  
Fond du lac County

Fax: 1-608-266-7038

Dear Representative Owens:

**Please SUPPORT CLEARINGHOUSE RULE #95-199.** This rule clarifies the multifamily dwelling code regarding the minimum level at which sprinklers or two-hour fire resistance can be required, and cleans up several confusing areas of the code.

**I support the proposed rule package as is.** The rule changes have the unanimous support of the multifamily code council. They were developed by builders, architects, fire officials, building inspectors and members of the public. **The rules balance building safety and affordability.** Buildings built to these rules will be safer than buildings built to the standards of the old commercial code.

**Please do what you can to see that the CLEARINGHOUSE RULE #95-199 passes as written.**

Respectfully yours,

Maggie Finnessy, ARM  
2038 Memorial Drive #206  
Green Bay, WI 54303

[REDACTED]  
BROYDRICK  
&  
ASSOCIATES  
[REDACTED]

Public Affairs

TO: Members of the Assembly Committee on Housing

From: Denise Solie

Date: April 3, 1996

RE: Clearinghouse Rule 95-199

On behalf of the Wisconsin Chapter of the National Fire Sprinkler Association, I ask that you modify Clearinghouse Rule 95-199.

When the Legislature enacted statutory language that required the Department of Industry, Labor, and Human Relations (DILHR) to promulgate a building code for multifamily dwellings, its intent was to allow local governments that had fire sprinkler ordinances to continue to do so. As currently drafted, 95-199 takes away that local control, except for sixteen municipalities whose ordinances have been determined to be more restrictive than this code. It should be modified.

In addition, we would encourage the committee to review the thresholds for requiring the installation of sprinkler systems. We urge the committee to use an 8000 square foot requirement instead of the 16,000 proposed in the code.

Fire sprinkler systems provide the earliest possible response to a fire situation. Many municipalities, and especially those with volunteer and part-paid departments, view early suppression as an essential element in fire fighting in their community.

As you can see in the attached articles, fire sprinklers can save lives and property in the event of a fire.

We hope that you will consider our request and modify Clearinghouse Rule 95-199.

POLICE REPORT**Sprinkler system saves life**By **MARAH SHUMAN**  
STAFF WRITER

A sprinkler system in a Lincolnshire condominium development probably saved a woman's life early last Thursday morning, according to Vernon Fire Protection District officials.

A fire broke out in a garbage can of a bathroom in a second-floor unit at the Lakes of Lincolnshire complex, at 209 Rivershire Lane, said Deputy Fire Chief Fred Kruger, of the Vernon Fire Protection District. Almost immediately following the blaze the sprin-

kler system in that unit went off and put out the fire, he said.

"The sprinklers did what they were supposed to do and may have saved a life," Kruger said.

A woman who lived in that unit was sleeping at the time and failed to wake up when the fire started, Kruger said. The building fire alarm system also was activated and sounded an alarm at the Lincolnshire police dispatcher's location. When firefighters arrived at the woman's unit, they were forced to break the door down because she was

still sleeping, he said.

Several residents had evacuated the six-story structure as fire units arrived at the scene. Officials believe some smoking materials found in the unit could have started the fire, Kruger said.

"This was a small fire because everything worked how it was supposed to," he said.

Had the sprinkler system and the alarm system failed, this could have been a much larger fire, Kruger said, which the woman may not have survived.

"She was very fortunate and we feel we were too."

12-28-95 MILWAUKEE JOURNAL SENTINEL

**Sprinklers credited for dousing Macy's fire**

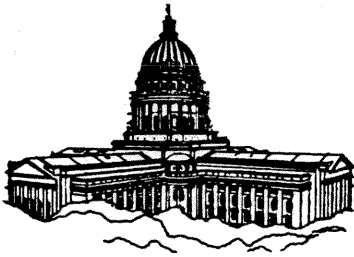
Associated Press

New York — The spot where youngsters visit Santa at Macy's was slightly damaged Thursday by a fire caused by a Christmas light too close to a cardboard

candy cane.

Sprinklers immediately came on and doused the flames, limiting the damage to a mere 1½-square-foot area in "Santaland" at the chain's flagship store, Macy's spokesman Tim Ray said. No one was injured.





WISCONSIN STATE SENATOR  
**RICHARD GROBSCHMIDT**

---

7TH SENATE DISTRICT

TO: Chairperson Owens and members of the Assembly Committee on Housing  
FROM: Senator Richard Grobschmidt  
DATE: April 4, 1996  
RE: Clearinghouse Rule 95-199, relating to uniform requirements for the design and construction of multi-family dwellings.

In order to allow the committee to reserve time at today's public hearing for interested parties who have travelled from various locations in our state, I would like to submit my comments on the rule in writing.

I have been in contact with the South Milwaukee Fire Department to learn about the issues in the revisions to the multi-family dwelling code that have caused them to object to the proposed rule in its present form.

The South Milwaukee Fire Department would like the code to be consistent with their local ordinance requirements with regard to sprinkler systems installed to suppress fires. The South Milwaukee ordinance adopts a sprinkler standard for all multi-family dwellings which is enforced for buildings of eight units or 8,000 square feet. Unfortunately, unless modified, the clearinghouse rule will differ with the South Milwaukee standard by imposing a less stringent sprinkler requirement that first applies to multi-family dwellings of 16,000 or more square feet.

I would urge the committee consider modifications to the rule that will address the issues raised today. Because the code provisions adopted in this rule will set construction and design standards for many years, we as legislators should use this oversight opportunity to assure that we have done all that is reasonably possible to promote safe design and construction standards for multi-family dwellings.

## FIRE PROTECTION DESIGN

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1 414 964-5528

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WHITEFISH BAY, WI 53217

JOHN E. BAKES  
WISC. LICENSE NO. 338

TO: STATE OF WISCONSIN <sup>4-4-96</sup> LEGISLATIVE COMMITTEE ON HOUSING

RE: OPPOSITION TO THE RECOMMENDATIONS OF THE FINAL DRAFT OF  
THE UNIFORM MULTI-FAMILY DWELLING CODE.

DEAR REPRESENTATIVES:

MY NAME IS JOHN E BAKES AND I REPRESENT THE WISCONSIN CHAPTER OF THE NATIONAL FIRE SPRINKLER ASSOCIATION. I HAVE BEEN ASSOCIATED WITH THE AUTOMATIC SPRINKLER INDUSTRY SINCE MARCH 30, 1954. IN MY 42 YEARS IN THE INDUSTRY, I HAVE SUPERVISED THE INSTALLATION OF AUTOMATIC SPRINKLERS IN MANY OCCUPANCYS. I HAVE DONE INSTALLATIONS IN MANY APARTMENT BUILDING. THE DEVELOPMENT OF THE "RESIDENTIAL SPRINKLER" HAS MADE NEW ROADS TOWARD REDUCING THE COST TO THE CONSUMER BY ALLOWING SMALLER PIPE DIAMETERS DUE TO QUICK RESPONSE OF THE SPRINKLER HEAD.

I AM IN OPPOSITION TO THE RECOMMENDATIONS OF THE FINAL DRAFT BECAUSE THEY WEAKEN THE PRESENT-EXISTING- RULES TO PROVIDE A REASONABLE LEVEL OF FIRE SAFETY FOR OCCUPANTS OF MULTI-FAMILY DWELLINGS, MAINLY APARTMENT BUILDINGS. WE ARE NOW HAVING TOO MANY APARTMENT BUILDING FIRES. I'M ATTACHING, HEREWITH, MANY REPORTED FIRES THAT WERE REPORTED IN THE MILWAUKEE JOURNAL THIS WINTER SEASON. PLEASE TAKE THE TIME TO REVIEW THE ATTACHED ARTICLES.

THIS RULE IS SEVERLY FLAWED AND SHOULD NOT BE ALLOWED TO BECOME LAW. I BELIEVE THAT ALL APARTMENT BUILDING, REGARDLESS OF SIZE SHOULD BE PROTECTED WITH A RESIDENTIAL SPRINKLER SYSTEM TO PROTECT THE LIVES OF ALL OCCUPANTS REGARDLESS WHETHER THEY ARE IN A EIGHT FAMILY UNIT OR A TWENTY FAMILY UNIT.

AS A PROFESSIONAL IN THE AUTOMATIC SPRINKLER INDUSTRY WITH 42 YEARS OF EXPERIENCE, I'M AVAILABLE FOR QUESTIONS - INFORMATION AND ANY THING ELSE I CAN HELP YOU WITH.

SINCERELY

John E Bakes  
JOHN E BAKES  
5928 N. BAYRIDGE AVE  
WHITEFISH BAY, WI 53217

31 January 1995

TO WHOM IT MAY CONCERN

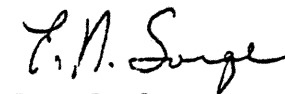
REFERENCE: JOHN E. BAKES

Olin has had a business relationship with Mr. Bakes that started in 1966 and continued through 1994. During that time Mr Bakes designed and installed several fire extinguisher systems, from the very complex designed for the protection of human life, to more conventional designs for the protection of the structure. These projects total several million dollars and qualify us to offer the following comments:

All designs were accomplished correctly the first time. No change orders were required to correct design deficiencies. The construction portion of the projects were completed in compliance with the many special procedures and requirements associated with working under Government contracts and on schedule. When changes in scope were required, Mr. Bakes worked with us to assure that the necessary changes were made to satisfy all concerned at a fair cost.

In our opinion Mr. Bakes is knowledgeable, trustworthy, honest and completely loyal to his employer. He is one of very few representatives that we remember with pleasure and have the utmost respect for, both as a businessman and individual.

Very truly yours,

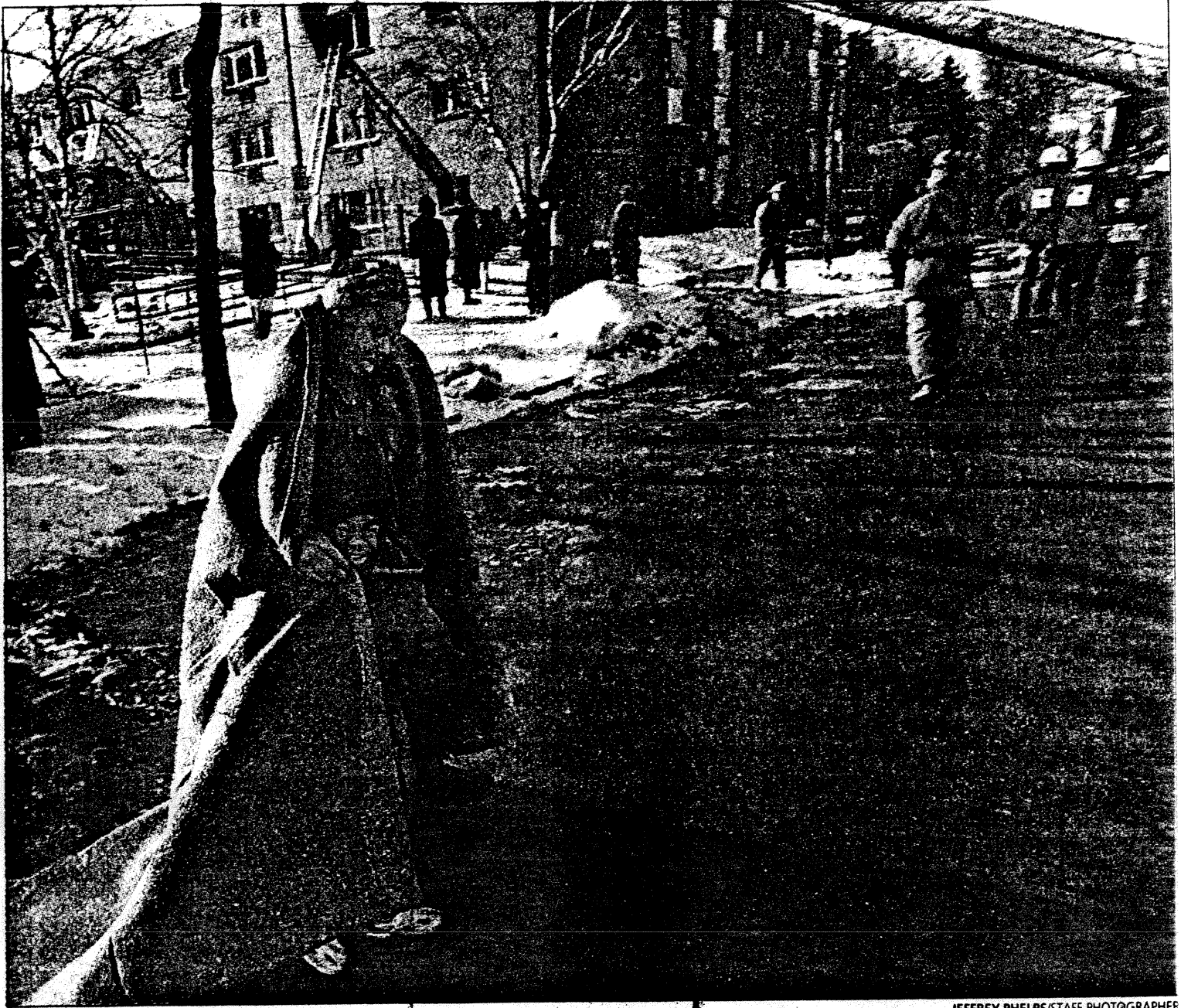
OLIN CORPORATION  
Ordnance DivisionEvan R. Sorge  
Purchasing Agent

ERS/nf

O L I N C O R P O R A T I O N

12-28-95

## Blazes keep firefighters busy



JEFFREY PHELPS/STAFF PHOTOGRAPHER

Elise Moore wraps her brother, Michael Moore, 4, in a blanket after the two escaped unharmed from a fire that damaged the Highland Gardens apartments, 2841 W. Highland Ave. Firefighters rescued about a dozen residents from the three-alarm fire, which was one in a series of blazes that kept firefighters busy Thursday. One fire left a woman and a child critically injured. Story on 3B.

# Sprinklers credited for dousing Macy's fire

Associated Press

New York — The spot where youngsters visit Santa at Macy's was slightly damaged Thursday by a fire caused by a Christmas light too close to a cardboard

candy cane.

Sprinklers immediately came on and doused the flames, limiting the damage to a mere 1½-square-foot area in "Santaland" at the chain's flagship store, Macy's spokesman Tim Ray said. No one was injured.

## 3-8-96 Girl's birthday cupcake touches off condo fire

Associated Press

West Hartford, Conn. — A sparkler on a little girl's birthday cupcake set off a fire Friday that filled a seven-story condominium building with smoke and forced 100 mostly older residents to flee into a snowstorm.

Bedding in the family's second-floor apartment caught fire when the girl's mother brought the cupcake into the child's bedroom, said Fire Marshal Richard Kane.

The fire was contained to the apartment, which was heavily damaged. It and 14 other units of the 66-unit Hampshire House condominiums received smoke or water damage and will remain uninhabitable for weeks, Kane said.

Two people were treated for smoke inhalation and a third person for chest pains, while a firefighter suffered eye injuries.



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# Sprinkler system saves life

By MARAH SHUMAN  
STAFF WRITER

A sprinkler system in a Lincolnshire condominium development probably saved a woman's life early last Thursday morning, according to Vernon Fire Protection District officials.

A fire broke out in a garage can of a bathroom in a second-floor unit at the Lakes of Lincolnshire complex, at 209 Rivershore Lane, said Deputy Fire Chief Fred Kruger, of the Vernon Fire Protection District. Almost immediately following the blaze the sprinkler system in that unit went off and put out the fire, he said.

"The sprinklers did what they were supposed to do and may have saved a life," Kruger said.

A woman who lived in that unit was sleeping at the time and failed to wake up when the fire started, Kruger said. The building fire alarm system also was activated and sounded an alarm at the Lincolnshire police dispatcher's location. When firefighters arrived at the woman's unit, they were forced to break the door down because she was still sleeping, he said.

Several residents had evacuated the six-story structure as fire units arrived at the scene. Officials believe some smoking materials found in the unit could have started the fire, Kruger said.

"This was a small fire because everything worked how it was supposed to," he said. Had the sprinkler system and the alarm system failed, this could have been a much larger fire, Kruger said, which the woman may not have survived.

## BLOTTER

The following incidents were listed in the officials' reports of the Deerfield and Lincolnshire police departments. Readers are reminded that an arrest by police does not constitute a finding of guilt; only a court of law can make that determination.

### Deerfield

#### ARRESTS

■ On Feb. 3, Eric L. Smith, 27, of 650 Elm Street in Deerfield, was arrested by Deerfield police for driving with a suspended license. He was released on \$100 bond and is scheduled to appear in court on March 21.

■ On Feb. 3, Michele Gibson, 42, of 2160 Sherman Road in Northbrook, was arrested by Deerfield police for driving her car without insurance, driving without a valid license and driving with a suspended residential license. He

\$100 bond and had to turn in his driver's license. He is scheduled to appear in court on March 20.

■ On Feb. 4, Robert J. Schneider, 45, of 941 Pacific Avenue in Hoffman Estates, was arrested by Deerfield police for driving under the influence of alcohol, the open transportation of alcohol and improper lane usage. He was released on \$300 I-bond and is scheduled to appear in court on Feb. 28.

#### VANDALISM

■ On Feb. 1, a Deerfield postal employee reported that the front tire on the passenger side of their vehicle was slashed. The employee said they have no idea who assailant may be.

## Stop Dieting!

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## Transitions Nutrition Consulting

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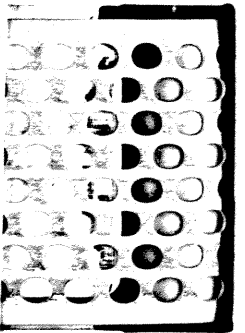
# Hunting for hot spots

WEDNESDAY 3-20-96



ERWIN GEBHARD/STAFF PHOTOGRAPHER

Milwaukee firefighters finish putting out a two-alarm apartment fire in the 6600 block of N. 76th St. No one was hurt in the fire, but two other Milwaukee-area blazes Monday and Tuesday killed a total of five people.





# Fire attributed to carelessness

## Smoking blamed for late-night blaze that gutted Butler supper club

By **MARIE ROHDE**  
of the Journal Sentinel staff

Butler — Careless smoking appears to be the cause of a late-night fire that gutted the Sea Biscuit Supper Club and boarding rooms located on the second and third floors of the building at 12401 W. Hampton Ave., officials said Sunday.

Butler police and the state fire marshal were continuing to investigate the cause of Saturday's three-alarm blaze, which caused more than \$500,000 in damage.

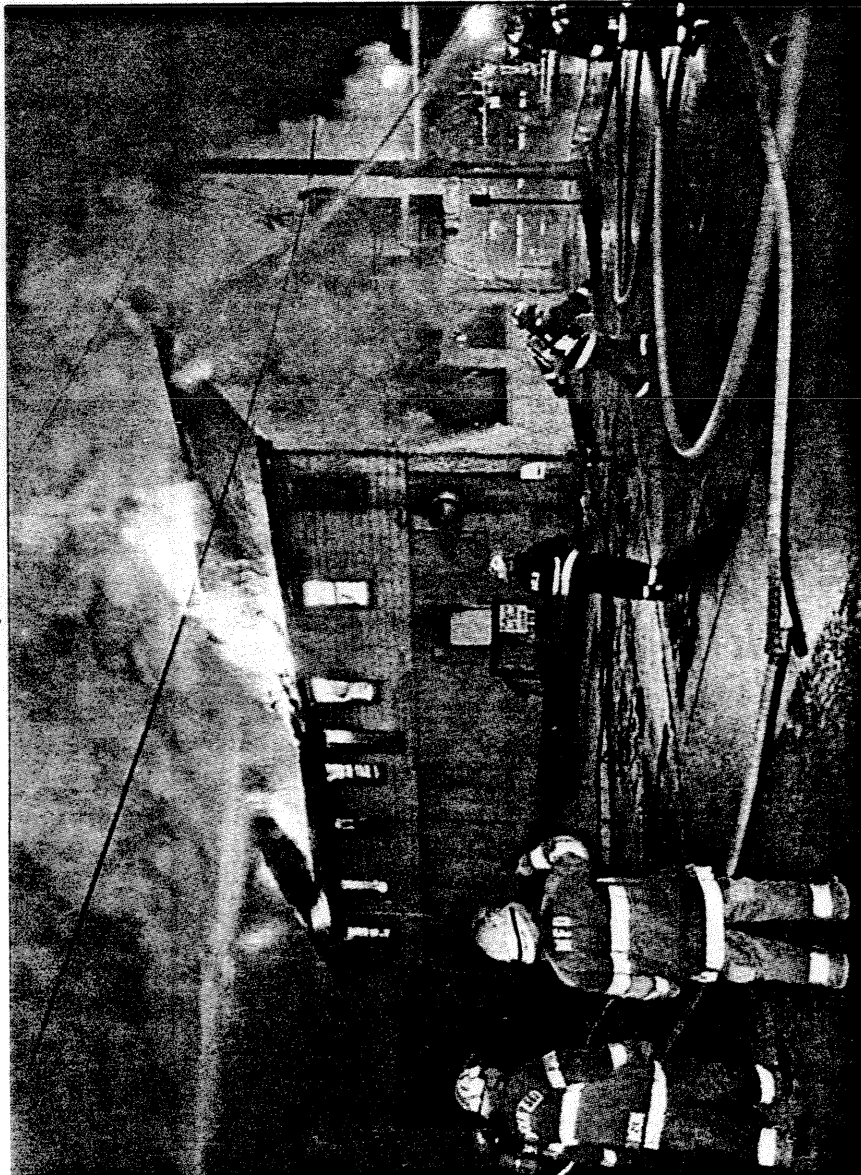
Butler Deputy Fire Chief Jo-

seph Zoulek said it appears the fire was caused by careless use of smoking materials by a resident on the second floor of the building.

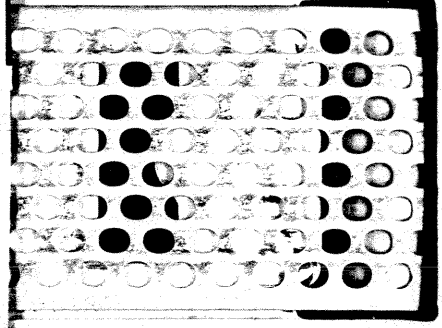
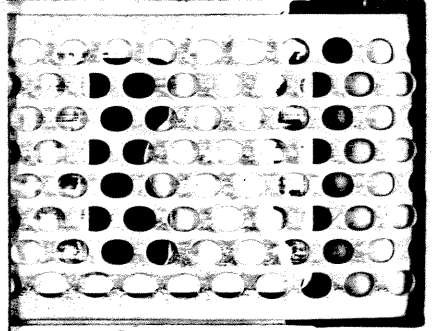
Some 22 to 24 rental rooms were located on the second and third floors but not all were occupied. Two tenants were taken to Froedtert Memorial Lutheran Hospital and treated for minor burns. The Red Cross found lodging for two other residents, and the rest found housing on their own.

The bar was crowded with about 40 or 50 customers who were on hand for the regular Saturday night karaoke contest, Zoulek said. There was no panic and all patrons filed out in an orderly fashion after it was

Please see FIRE page 4



Firefighters from several departments battled a three-alarm blaze at 12401 W. Hampton Ave. Saturday. The fire gutted the Sea Biscuit Supper Club and boarding rooms in the same building.



BLAZES STRIKE IN SEVERAL SPOTS

# Woman, child critical after rescue from fire

**Apartments evacuated, man injured in earlier incident**

By JULIO V. CANO AND BOB HELBIG  
of the Journal Sentinel staff

A woman and a 3-year-old child were critically injured Thursday night in one of a spate of fires that kept firefighters throughout the city busy.

The woman, 62, and child, whose names were not released, were found in the first floor of a duplex in the 3100 block of N. 11th St. shortly after 8:45 p.m., 2nd Battalion Chief Dan Dora told reporters at the scene. The child was found under a bed by a firefighter.

Early reports indicated neither was breathing or had a pulse.

Both victims, whose relationship to each other was not immediately known, were taken to St. Mary's Hospital, where they were listed in critical condition late Thursday.

Dora said flames were rising from the second floor of the du-

plex and smoke was billowing when firefighters arrived. Fire officials were informed that several people were trapped inside.

Dora said the fire is believed to have started in the attic but its cause remained undetermined. Damage was estimated at \$75,000.

Both victims were found on the first floor and rescued by firefighters, who were hampered by near-zero visibility as a result of the steam and smoke, Dora said.

"They were going strictly by feel," Dora said. "Visibility was virtually ground zero."

Also Thursday, a basement fire on the southwest side caused \$7,000 in damage and left one woman displaced. The 9:29 p.m. fire in the 4700 block of W. Fillmore Drive was still under investigation late Thursday, fire officials said.

No one was injured in the blaze. Firefighters battled the blaze for one hour and 20 minutes.

Firefighters also were called Thursday evening to the 2900 block of N. 25th St. and the 3500 block of W. Wilson. Information was not immediately available

on those fires, but no serious injuries had been reported late Thursday, fire officials said.

Earlier in the day, a man was injured in a fire that started in his kitchen and forced the evacuation of 35 other residents from his near west side apartment building.

Fire officials said careless smoking may have caused the blaze at the Highland Gardens apartments, 2841 W. Highland Ave., which left residents of the building temporarily homeless due to fire, smoke and water damage. The fire struck at 10:30 a.m. Thursday.

About a dozen residents were rescued from the three-alarm blaze by firefighters. Some residents were hanging out third-floor windows and others were inside their apartments when firefighters arrived.

The only injury was suffered by the man who lives in the apartment where the fire started. Anthony Cadden, 62, suffered smoke inhalation, plus first- and second-degree burns to his face.

Joe Williams of the Journal Sentinel staff contributed to this report.

## Fire/Careless smoking blamed for blaze

*From Waukesha page*

nounced that there was smoke in the building, he said.

David Tomter, a bartender at the Butler Inn across the street, said the customers at first watched from the median but then had to stand against his building as flames raged through the building. The intense heat caused the windows to burst onto Appleton Ave., he said.

"I first saw just a little smoke coming out of one window and I thought it was a small fire," Tomter said. "But within 20 minutes the whole place was in

flames."

The fire spread quickly, said Zoulek, who added that the building was some 80 years old. By the time firefighters arrived, the fire was so intense that entering the building was impossible, he said. They tried twice, but on the second try they saw that the stairway was engulfed in fire.

"The roof was bowed and three walls were bowed," Zoulek said. "The fire had spread so quickly that by the time we arrived it was to the point where we couldn't risk sending in any of our personnel."

Some 50 firefighters from

Butler, Brookfield, the Town of Brookfield, Elm Grove, Menomonee Falls and Wauwatosa responded to the alarm. The first alarm came in at 10:01 p.m. with the next two being called in in rapid succession. The blaze was under control at 12:36 p.m.

Firefighters were still on the scene Sunday afternoon when the ruins of the building were being demolished.

Owner Diane Schmidt, who said she had inherited the building from her father about two years ago, said the building was insured but that she was not certain whether she would rebuild.

March 10, 1976

SOME CLASSROOMS EXTENSIVELY DAMAGED

## Fire may close school for 2-3 weeks

Associated Press

**Freedom** — A fire that forced 600 students to evacuate Freedom Elementary School may force school officials to close the building for two or three weeks, Superintendent Gary Scheuerell says.

Fire and smoke damage from Friday's fire was very extensive in some classrooms, Scheuerell said.

School officials were looking to temporarily hold classes elsewhere in this Outagamie County community northeast of Appleton, he said.

"I would say that the students will not be in school Monday," Scheuerell said. "We've

got a little bit of a challenge ahead of us."

The fire apparently started around noon Friday in a sec-

**Gary Scheuerell,  
Freedom superintendent:**

"I would say that the students will not be in school Monday. We've

got a little bit of a challenge ahead

of us."

ond-grade classroom on the first floor, while the students were eating in a lunchroom, he said. The classroom was destroyed

and adjacent rooms sustained extensive smoke damage.

When the fire was called in at 12:06 p.m., many of the students were forced into sub-zero wind-chill temperatures, but no one was injured.

Teachers and other staff members put as many students as possible in their cars to get them out of the cold, said Sheila Ornholt, a district reading specialist.

The students were later bused to the high school gymnasium, a mile away, then put on buses to be taken home.

Outagamie County sheriff's officials said Saturday night that the cause of the blaze had not yet been determined.



# ISCONTECH, INC.

## SINGLE SOURCE CONSTRUCTION

Representative Carol Owens  
State Capitol (103 West)  
P.O. Box 8953  
Madison, WI 53708

Dear Representative Carol Owens:

I want to express my concern about the Revised Chapter of ILHR 63 and 64 Building and Heating Ventilating and Air Conditioning Code (Clearing House Rule 94 - 116). The revised code will go into effect on April 1, 1996. I believe that the construction industry and economic development in Wisconsin will suffer greatly if the effective date of this code is not temporarily suspended to allow further discussion to take place on several of its requirements.

My specific concerns are the following:

- The revised code has the potential to increase overall building costs in Wisconsin after April 1. Depending on the type of building being constructed, costs could rise anywhere from 5% to 100%.
- The revised code will eliminate the use of some existing building materials. Because of the framing factor required by the revised code, metal wall and metal frame buildings will no longer be economically feasible to build in the State of Wisconsin. The requirements of the code also will eliminate the use of most insulated block available today.
- There is a very limited amount of HVAC equipment available in today's market which can meet the requirements of the new code. The result of the reheat requirement will add 15% to 20% to the initial cost and will have an additional impact on operating cost.
- Outside air requirements called for in the revised code were written to conform to a 1989 ASHRAE Standard which is presently being revised drastically downward. If Wisconsin, in 1996, enacts these requirements and ASHRAE publishes the new Standard in 1996 or at the latest early 1997, Wisconsin will have the distinction of requiring the construction of instantly obsolete HVAC systems.
- The revised code calls for some temperature control requirements that create significant additional costs to install and have the potential of causing comfort and control problems to building occupants.



- My customers are very concerned about the projected increase in building costs required by the revised Wisconsin code. As a result, they are reconsidering the location of their construction projects, or at the least, abandoning potential construction projects. The impact of this code could drive business out of the State.
- As a taxpayer in the State of Wisconsin, I am concerned about the increase in the building costs of public buildings that this code will require. Schools, in particular, face significant additional building costs.

The effective date of this code must be postponed. Further scrutiny should be given to its requirements. At minimum it should reflect current industry standards. Please act to postpone the effective date of April 1, 1996. I believe this code, as written, imposes an undue hardship on the construction industry, on business and on the citizens of Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Howard Floeter', written over a horizontal line.

Howard Floeter  
President



OFFICE OF FIRE CHIEF

# WAUKESHA FIRE DEPARTMENT

130 W. ST. PAUL AVENUE  
WAUKESHA, WI 53188-5172  
414-524-3649  
Fax 414-542-2010

**ROBERT STEDMAN**  
CHIEF

April 4, 1996

Assembly Housing Committee  
State Capitol

Dear Committee Members:

As the head of the Fire Prevention Bureau for the City of Waukesha Fire Department, I would like to express my concern over the proposed changes to ILHR 66, Clearinghouse Rule 95-199.

Specifically, I have a great concern regarding the deletion of wording which eliminates a Municipality's ability to adopt ILHR 66.33(1)(b). This Section allows a Municipalities to adopt more stringent requirements for the installation of sprinkler protection.

It is my very strong feeling that the current wording of ILHR 66.04(1)(e) should not be changed. Please allow the local municipality to determine what level of fire protection should be installed in Multi-family dwellings to protect the lives of its citizens.

Sincerely

Steve Howard, Lieutenant Inspector  
Fire Prevention Bureau  
City of Waukesha Fire Department

SH:mw



**LEWIS "BUD" BAUER**  
Professional Engineer  
1037 South Georgetown Terrace  
Beaver Dam, WI 53916

Representative Carol Owens  
State Capitol (103 West)  
P.O. Box 8953  
Madison, WI 53708

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Sincerely,



Bud Bauer, P.E.

# Tragedy strikes again as 3 boys die in house fire

From page 1

Rory Gillespie, a close family friend, said the Lieber faith and family unity had helped the family in the past month to deal with Anthony's death. He said it would again come into play as the Liebers dealt with the latest tragedy.

"It's a strong family. Their faith will carry them," Gillespie said as his eyes welled up with tears. "If someone can hold together under the circumstances, it will be them. I don't doubt them."

The family released a statement, saying: "The Lieber family is dealing with the shock and the immense grief of their loss. Faith in God and the love and support of friends and relatives will help the family survive this tragedy." Roger Lieber was treated and released from the Burn Center at St. Mary's Hospital. He was burned while trying to rescue his sons from the bedroom.

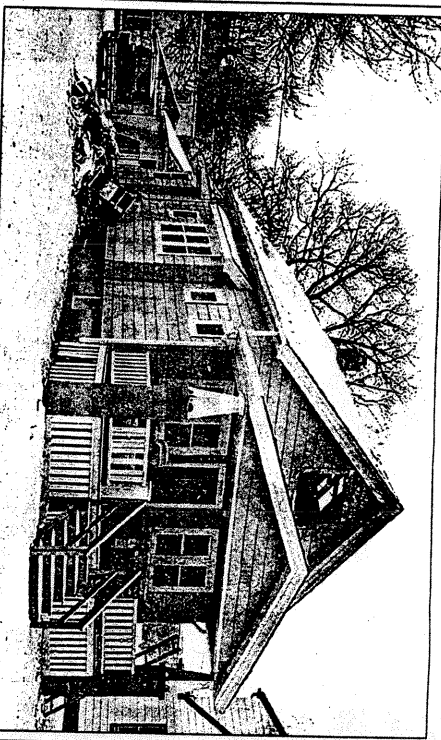
According to a medical examiner's report, Cindy Lieber heard "crashing and banging" coming from the attic before the fire was reported. She sent her son, Alexander, to check on his three brothers. When he opened the door to their room, he saw "smoke and flames and yelled 'Fire!'" Cindy Lieber called her husband, who was asleep in the basement. Roger Lieber entered the bedroom but could not see his sons through the smoke and flames.

At the same time, Alex and Nick, 17, climbed onto the roof, attempting to reach their brothers through a window. Both boys saw their father in the bedroom and pulled him out before firefighters rescued all three.

The three boys caught in the fire were taken to St. Michael Hospital and St. Joseph's Hospital, where they were pronounced dead a short time later.

The fire caused \$35,000 in damage, officials said. Roger Lieber was six months short of completing his residency in radiology at St. Joseph's Hospital when he decided to quit medicine a few years ago and return to his job as an electrician.

The family is well known in the



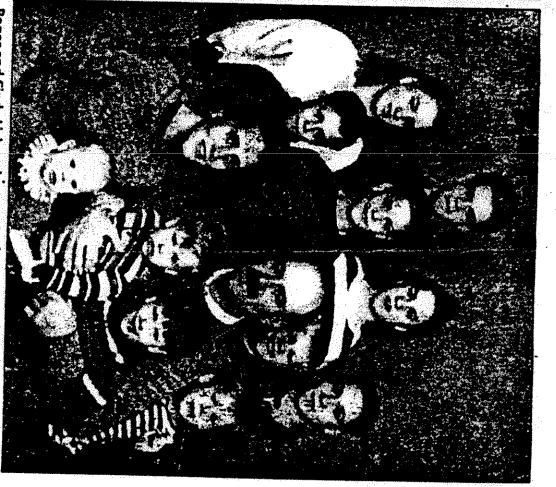
Three children from the Lieber family — Joseph, 5, Zachary, 7, and Jonathan, 9 — are dead as a result of a fire in the attic bedroom of their house in the 5700 block of N. 39th St.

STAR PHOTOGRAPHER

"This is a lovely family," said Slater Virginia Hornish, the school's academic administrator. Father Jim Vojtik, who has known the Liebers for about 15 years, said fellow St. Catherine parishioners had left about a dozen bags of clothes for the family by the noon hour, and that many more had called willing to donate food and furniture.

Vojtik said the outpouring did not surprise him because the Liebers gave of themselves and were deeply involved in church and school activities.

They were always helping each other. The oldest helped the youngest," Vojtik said. "They always showed together-



Roger and Cindy Lieber and some of their children sit for a recent photo. Many of the fans by wearing replicas of St. Anthony and St. Patrick medals on his warm-up suit to remember his little brother, who had died the week before. "I wanted to win the title for my brother," Nick said at the time. The remaining Lieber children are Christopher, 21; Melissa, 20; Andrew, 19; E.J., 12; Jeffrey, 10; Stephanie, 4; Jesse, 20 months and Timothy, 8 months.

## Another tragedy, more tears for close family

MARCH 6, 1996 MILWAUKEE JOURNAL

By JULIO V. CANO  
AND MEG KISSINGER  
of the Journal Sentinel staff

Everywhere they went, people knew the members of the Lieber family. In church. At school. At basketball games.

With 15 children, the family stood out. The Liebers were also loved and respected for their dedication to each other and their

community. Roger Lieber coaches several of his children's teams. His wife, Cindy, is a regular volunteer at St. Catherine Catholic School.

So when tragedy struck twice — their friends cried. First they cried for Anthony Patrick, the 20-month-old child of a seizure on Feb. 6.

They wept again Wednesday for Joseph, 5; Zachary, 7, and Jonathan, 9, who died from burns and smoke inhalation

after a fire roared through the attic bedroom of their home in the 5700 block of N. 39th St. about 10 p.m. Tuesday.

Authorities are still searching for a cause to the blaze but suspect it might have been some electrical malfunction, which could involve a space heater found near the door of the boys' bedroom. Meanwhile, friends were rallying around the Lieber family.

Please see FAMILLY page 9



Zachary  
Jonathan  
Joseph

BITTER TEMPERATURES TO REMAIN THROUGH NEXT WEEK

# Out in the cold

Outdoor workers receive cold, hard facts of winter

FEB 1, 1996 THE POST-CRESCENT



Post-Crescent photos by Sharon Cekada

“ I had ice on my nose and my eyelashes were frozen together. ”

JIM BINDER, a state patrol officer from Wausau on working outdoors in Wednesday's bitter cold

## INSIDE

- ▶ U.S. weather roundup. A-3.
- ▶ Attempts to thaw frozen pipes fueled Kaukauna blaze. B-1.
- ▶ State weather roundup. B-2.
- ▶ Waupaca back to normal. B-7.



## FORECAST

- ▶ **TODAY:** Mostly sunny and bitter cold with highs around 5 below zero.
- ▶ **TONIGHT:** Clear to partly cloudy and lows 20 to 30 below.
- ▶ **FRIDAY:** High temperature zero or 15 below and lows 20 to 30 below.
- ▶ **SATURDAY AND SUNDAY:** Continued sunny skies with highs zero to 10 below and lows 10 to 20 below.
- ▶ **MONDAY:** Highs zero to 10 below; lows 10 to 20 below.

**KAUKAUNA AND** Little Chute firefighters battle a fire and bitter cold temperatures at Wednesday morning's blaze at River View Apartments. Above, Kaukauna firefighter Randy Van Asten tries to get out of his frozen gear. At top, residents of the damaged complex retrieve belongings before the structure is demolished.

## Braving the elements is part of the job

By Jenny Holmgren  
Of The Post-Crescent

When sub-zero temperatures arrive, not everyone can follow good advice and stay comfortably inside where it is warm.

Firefighters, state troopers, utility maintenance distributors and crossing guards do not have a choice. It's their job to brave the conditions to provide a service to the residents of the community.

Kaukauna firefighter Randy Van Asten was covered in ice as he battled Wednesday's fire at the River View Apartments.

"The only thing I can say is that it was really cold," he said later.

"Our masks would freeze. It was tough moving ladders. You had to be really cautious and careful. We got a lot of help from the Little Chute Fire Department and the Red Cross had a bus where we could warm up."

Luckily, the cold did not stop firefighters from subduing the fire.

"I guess you've got to look at the good things. We put the fire out and we prevented another fire," Van Asten said. "Any fire in the winter is tough. We don't have any frostbite, but we have a lot of red faces."

Firefighters are not the only ones who have been working in the cold.

"Without sounding like a martyr,

### Plumbing and heating are feeling the effects of the cold snap

By Doug Erickson  
Post-Crescent staff writer

The fountain in the lobby of Appleton's Best Western Midway Hotel was a topic of much conversation by guests Wednesday morning.

Unfortunately for the hotel, there's not supposed to be a fountain in the lobby.

Frigid weather caused a water pipe to burst, flooding the front area with a

# Fires/5 killed in 2 separate blazes

From page 1

that apartment, that would have brought them out.

"I was a shock when they brought the little girl out," Gering said. "I had just kept knocking on the door, pounding on the door. I thought they were gone. It turns out they really were gone."

Gering said he does not remember hearing the smoke detector in the Snyder's apartment.

The medical examiner's report said Snyder worked as a paralegal for a local law firm. Alm worked as a writer at an area medical association.

Bradley Snyder's parents, Marvin and Sandra Snyder, of Pennsylvania, said the couple planned to buy a home in New Berlin by the end of March.

The couple, married nine years, met while completing their master's degrees at the University of Chicago. They moved to the Milwaukee area one year ago because Alm was raised in Wauwatosa, the Snyder said.

Marvin Snyder said his son was very liberal. He always took up for the underdog and was concerned for people less fortunate than him. Alm, he said, was reserved, studious, quiet, a feminist and a magnificent mother.

The couple's daughter was "gorgeous and blond with big blue eyes," Sandra Snyder said. Marvin Snyder added, "At our other son's wedding last year, Elizabeth, our granddaughter, was a flower girl, and when she walked down the aisle with the flowers, she dropped them one petal at a time. She



times will be held Friday at the Schmidt & Bartel funeral home at 1021 W. North Ave., Wauwatosa, Russell Alm said.

## School Struggles With Loss

Sarah Backus, program director at Milwaukee Monessori School, 4610 W. State St., where Elizabeth attended classes, said the girl was popular at the school.

"Probably 40 to 50 children knew Elizabeth," Backus said. "This little girl was just a walking smile; she was a delightful child and had many friends here."

Backus said counselors will be at the school this week.

"None of us have had any practice in letting go of a 4-year-old," Backus said. "But we're doing the best we can."

## Two Dead in Earlier Blaze

Earlier Tuesday a 48-year-old man died after suffering smoke inhalation and severe burns in a fire on Milwaukee's south side that also killed a 34-year-old woman.

Donald Laing Jr. died about 2:30 a.m. Tuesday, seven hours after he was pulled from his home at 2245 S. 30th St.

Elizabeth Herman, who also lived at the home, died in the smoky blaze, according to a medical examiner's report.

Laing died from smoke inhalation. However, an autopsy on Herman determined "no evidence" of smoke inhalation or carbon monoxide poisoning as a cause of death; the medical examiner's office said.

Journal Sentinel reporters Christine Johnson and David J. Kasper reported on this report. Enquiries, continued to this report.

# MILWAUKEE JOURNAL MARCH 29<sup>th</sup>, 1982 Electrical trouble investigated in blaze

## Greenfield family of 3 dies hours after another fire that killed 2

By JULIO V. CANO  
of the Journal Sentinel staff

A state fire marshal sifted through the ashes of a Greenfield apartment Tuesday to determine whether stereo or video equipment caused an early-morning fire that killed a young family of three.

The fire came a few hours after a blaze in Milwaukee killed

two people.

Greenfield Fire Chief Roland Poppy said the two-alarm fire was reported about 4 a.m. Tuesday at a 12-unit apartment complex at 2430 W. Bernard Ave.

Inside a second-floor apartment, firefighters found the bodies of Bradley Snyder, 35, Rebecca Alm, 36, and their daughter, Elizabeth Alm-Snyder, 4. All died from smoke inhalation.

Poppy said each victim had no pulse and was not breathing when pulled from the burning apartment.

Snyder and his daughter

were taken to St. Luke's Medical Center, where they died several hours later. Alm was taken to St. Francis Hospital, where she was pronounced dead.

Investigators were focusing on whether an overloaded circuit that contained the VCR, stereo and TV might have been to blame.

"This fire appears to be electrical in nature," Poppy said several hours after inspecting the scene. "All the physical indications are that the socket overloaded or there was some electrical malfunction."

Poppy said investigators

thought initially that the fire might have started in the vacant apartment below because of the fire's slow-burning nature.

Other residents of the building escaped uninjured. Damage was estimated at \$25,000.

Mike Gering, who lives in the apartment across the hall from where the fire occurred, said he and another neighbor alerted the other tenants to the danger.

"My neighbor pulled the fire alarm in the hallway and set off the big sirens," Gering said. "I thought if there was anyone in

Please see FIRES page 14