

CR 93-6

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that
the annexed rule(s) relating to fire prevention inspections and education
(Subject)

were duly approved and adopted by this department on June 11, 1993.
(Date)

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

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the official seal of the
department at 1:30 p.m.
in the city of Madison, this 11th
day of June A.D. 19 93.

Carol Skornicka
Secretary

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02 (1) and (15)(h) to (j) and 101.14 (1) and (2)

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 14

(Number)

Fire Prevention

(Title)

The attached rules shall take effect on the first day of the month following publication
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

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Adopted at Madison, Wisconsin this

date: June 11, 1993

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS


Secretary



RULES in FINAL DRAFT FORM

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Rule No.: ILHR 14.02, 14.03, 14.18 and 14.31

Relating to: Fire Prevention Inspections and Education

Clearinghouse Rule No.: 93-6

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to amend ILHR 14.02 (2)(a) and ILHR 14.31 (3)(b); to repeal and recreate ILHR 14.02 (2)(c) and (d) and ILHR 14.03; and to create ILHR 14.18 (4) and (5), relating to fire prevention inspections and education.

Analysis of Proposed Rules

Statutory Authority: Sections 101.02 (1) and (15)(h) to (j), and 101.14 (1) and (2) as affected by 1991 Wisconsin Act 187.

Statutes Interpreted: Sections 101.02 (15)(h) to (j), and 101.14 (1) and (2) as affected by 1991 Wisconsin Act 187.

The Division of Safety and Buildings within the Department of Industry, Labor and Human Relations is responsible for adopting and enforcing rules relative to the protection of the life, health, safety and welfare of employes and frequenters in public buildings and places of employment. Section 101.14 of the Wisconsin Statutes establishes the authority of the department and local fire departments relative to fire inspections, prevention, detection and suppression in public buildings and places of employment. Chapter ILHR 14 of the Wisconsin Administrative Code establishes the rules utilized in making the required fire prevention inspections.

In April of 1992, the Wisconsin Legislature passed 1991 Wisconsin Act 187, relating to fire inspection requirements and distribution of fire department dues. Under that Act, the department is required to adopt rules providing for general exceptions where less than two inspections per year may be conducted. The law also modified the optional fire inspection provisions and added a general requirement that fire departments must offer fire education services to the public.

The proposed rules consist of revisions in Chapter ILHR 14, incorporating the provisions needed to comply with 1991 Wisconsin Act 187.

The proposed rules contain specified exceptions to the requirement that fire prevention inspections be conducted twice a year. Buildings that may be inspected once per year include offices less than three stories in height, libraries, convents and correctional facilities. The exceptions are based on the type of occupancy or use of the premises.

The proposed rules revise the current provisions relating to public fire education services. The current rules allow the option of providing public fire education services. Under the proposed rules, fire departments must provide fire education services to the public. The services that can be provided are listed in the proposed rules; however, other activities may be completed if developed in consultation with the department.

The proposed rules also include several miscellaneous revisions in Chapter ILHR 14. These revisions relate to clarifying who can perform the fire prevention inspections, storage of gas cylinders, and cleaning and inspection of exhaust systems for food preparation equipment.

The proposed rules relating to the fire prevention inspections were developed with the assistance of the 2 Percent Dues Evaluation Subcommittee. The members of that citizen advisory committee are as follows:

<u>Name</u>	<u>Representing</u>
Jeff Crouse	City of Milwaukee - Advisory
Harvey Emanuel	Wisconsin State Fire Chiefs Association
Ray Hathaway	Insurance Industry
Jim Imhoff	Hillpoint Fire Department - Member at Large
John Neihart	Chippewa Fire Protection District - Member at Large
Joe Radomski	Plover Fire Department - Member at Large
Ed Ruckriegel	Madison Fire Department - Member at Large
Robert Vajgrt	Wisconsin Fire Inspectors Association

The proposed rules have also been developed with the assistance of the Wisconsin Fire Prevention Council. The members of that citizen advisory committee are as follows:

<u>Name</u>	<u>Representing</u>
Robert Bartlett	Wisconsin Petroleum Council
Pirie Benson	Petroleum Marketers Association of Wisconsin
Neil Cameron	Wisconsin AFL/CIO
Judy Cardin	Public Member
Martin G. Collins	City of Milwaukee
Marc Eernisse	Wisconsin State Fire Chiefs Association
Ray R. Hathaway	Insurance Industry
Charles A. Hawk	Wisconsin Association of Manufacturers and Commerce
Marvin C. Horman	Wisconsin Building Inspectors Association
James Jarapko	Professional Firefighters of Wisconsin
Andrievs Jatnieks	Wisconsin Chapter, Society of Fire Protection Engineers
Matthew Kerschner	Wisconsin Propane Gas Association
Dallas Millard	Wisconsin State Firefighters Association
Robert Vajgrt	Wisconsin Fire Inspectors Association

SECTION 1. ILHR 14.02 (2)(a) is amended to read:

ILHR 14.02 (2) (a) General. The chief of the fire department shall be responsible for having all public buildings and places of employment inspected ~~by officers or members of the fire department~~ for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

SECTION 2. ILHR 14.02 (2) (c) and (d) are repealed and recreated to read:

ILHR 14.02 (2) (c) Scheduling of inspections. Except as provided in par. (d), fire prevention inspections shall be conducted at least once in each nonoverlapping 6-month period per calendar year, or more often if ordered by the chief of the fire department, in all territory served by the fire department.

(d) Exceptions. 1. In first class cities, the fire chief may establish the schedule of fire inspections. 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.

2. In municipalities other than first class cities, the following types of occupancies shall be inspected at least once per year:

a. Offices, outpatient clinics and dental clinics, if less than 3 stories in height.

b. Telephone exchange complexes.

c. Places of worship that do not have a rental hall, child day care facility or preschool to 12th grade instruction within the immediate church building.

d. School buildings at colleges and universities, if used exclusively for classroom lecture or offices.

Note: School buildings containing rooms such as laboratories, chemical storage and industrial arts would require 2 inspections per year.

e. Libraries, museums and art galleries.

f. Hotels and motels, if less than 3 stories in height.

g. Townhouses and rowhouses, if less than 3 stories in height.

h. Condominiums and apartments, if there are less than 5 units under one roof.

i. Convents and monasteries.

- j. Detention and correctional facilities.
- k. Garages for storage only.
- l. Specialty occupancies covered under ch. ILHR 62.

3. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subsection.

SECTION 3. ILHR 14.03 is repealed and recreated to read:

ILHR 14.03 PUBLIC FIRE EDUCATION SERVICES. Fire departments shall provide public fire education services. The services may be selected from the following public fire education-related activities, or other activities may be completed if developed in consultation with the department:

- (1) FIRE INSPECTOR TRAINING. All fire department personnel directly involved in conducting fire inspections are authorized by the department and by the fire chief to conduct the inspections upon completion of required training approved by the department and by the fire chief.
- (2) FIRE PREVENTION WEEK PROGRAM. Fire departments complete any combination of the following activities during national fire prevention week: children's poster contest; fire department open house; school visits to teach children fire safety; fire department fire safety demonstrations, including but not limited to fire fighting demonstrations, fire extinguisher and smoke detector demonstrations, "stop/drop/roll" demonstrations; or an activity that specifically ties in with the national fire prevention week theme.
- (3) RESIDENTIAL FIRE INSPECTION PROGRAM. Fire departments advertise and conduct residential fire inspections on a request basis or in response to local ordinance.
- (4) BUILDING PLAN REVIEW PROGRAM. Fire departments conduct plan reviews prior to construction of public buildings and places of employment.
- (5) SCHOOL EDUCATION PROGRAM. Fire departments conduct approved fire safety education programs in the school districts for which they have responsibility.
- (6) CONTINUING PUBLIC FIRE EDUCATION PROGRAM. Fire departments conduct public fire education programs. The programs may include monthly public service announcements for radio or television, monthly newspaper articles, booths at fairs, demonstrations at shopping centers, billboards with fire safety messages and similar activities acceptable to the department.
- (7) PUBLIC FIRE EDUCATION SPEAKING BUREAU. Fire departments organize a group of speakers to make public fire education presentations to civic organizations, professional organizations, school organizations and similar groups.

(8) YOUTH FIRE AWARENESS PROGRAM. Fire departments conduct youth fire awareness programs, including but not limited to skill award and merit badge clinics for scouts, junior fire marshal program, juvenile fire starter program, first aid and CPR training and related activities.

(9) FIRE EXTINGUISHER TRAINING PROGRAM. Fire departments conduct training programs for the public or industry regarding the operation of fire extinguishers. Industrial fire brigade training programs may be conducted to complete this activity.

(10) OCCUPANCY INSPECTION PROGRAM. Fire departments conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. Written documentation of the inspections are kept by each fire department.

(11) SMOKE DETECTOR AWARENESS PROGRAM. Fire departments conduct programs to inform people regarding the effectiveness and proper installation of smoke detectors in residential buildings, public buildings and places of employment.

SECTION 4. ILHR 14.18 (4) and (5) are created to read:

ILHR 14.18 (4) STORAGE. Storage of fuel gases, oxygen and calcium carbide for gas welding and cutting shall satisfy the following requirements:

(a) All gas cylinders shall be secured to prevent falling.

(b) Cylinders stored outside shall be protected from accumulations of ice and snow.

(c) Cylinders stored inside of buildings shall be segregated from highly combustible materials and operations likely to cause an excessive rise in temperature or mechanical damage.

(d) Inside storage of fuel gases and oxygen shall be separated by a minimum of 20 feet or by a 1/2-hour fire-resistive partition.

(5) HAND TRUCKS. Hand trucks for portable gas welding and cutting equipment shall be provided with chains or steadying devices to prevent cylinders from being knocked over while being moved or while in use.

SECTION 5. ILHR 14.31 (3) (b) is amended to read:

ILHR 14.31 (3) (b) Hoods, grease removal devices, fans, ducts and other devices shall be inspected and cleaned semi-annually or more often as needed to remove grease and deposits of residues. The fire chief may require verification of cleaning and inspection in writing.

(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.

RHA:d1:CODES6:10

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Tommy G. Thompson
Governor
Carol Skornicka
Secretary



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State of Wisconsin
Department of Industry, Labor and Human Relations

June 11, 1993

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Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

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

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Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 93-6

RULE NO. ILHR 14.02, 14.03, 14.18 and 14.31

RELATING TO: Fire Prevention Inspections and Education

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

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

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

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol Skornicka".

Carol Skornicka
Secretary