



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 333
[2015 Assembly Bill 648]

Placement of Christmas Trees

2015 Wisconsin Act 633 (“the Act”) relates to fire safety inspections and regulation of certain Christmas trees.

BACKGROUND

The Department of Safety and Professional Services (DSPS) incorporates the Fire Code published by the National Fire Protection Association (NFPA) in its administrative rules, with certain adjustments.

Various editions of the NFPA Fire Code have treated natural Christmas trees differently. A previous version of the Wisconsin Administrative Code provided an exception to the NFPA Fire Code to generally allow natural-cut trees, because the NFPA Fire Code had generally prohibited combustible vegetation in places of assembly. That exception was later removed from the Wisconsin Administrative Code to reflect an updated version of the NFPA Fire Code, which appeared to allow a limited number of natural-cut Christmas trees, regardless of occupancy, if the relevant fire protection authority authorizes the placement of a tree.

2015 WISCONSIN ACT 633

Preemption of State and Local Regulation

The Act prohibits DSPS from promulgating or enforcing a rule related to fire safety that prohibits the seasonal placement of a Christmas tree in the rotunda of the state Capitol or in a church. Similarly, the Act prohibits cities, villages, and towns from enacting or enforcing an ordinance related to fire safety that prohibits the seasonal placement of a Christmas tree in the rotunda of the state Capitol or in a church. The Act also provides that any such ordinances that were previously enacted are unenforceable.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

Presumed Not to Be a Fire Hazard

Prior law, generally retained by the Act, requires the chief of every fire department to provide for the inspection of every public building and place of employment to determine any fire hazard or violation of fire safety laws.

Under the Act, the seasonal placement of a Christmas tree in the rotunda of the state Capitol building or in a church is presumed not to be a fire hazard for purposes of such fire inspections.

Effective date: April 1, 2016

Prepared by: Anna Henning, Senior Staff Attorney

April 8, 2016

AH:mcm;ty