

2. Those provisions of this chapter which cross-reference provisions of other Wisconsin administrative code chapters shall be applied as specified in the scope and application provisions of the chapter which is cross-referenced.

Note: For example, the scope and application provisions of the Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, chs. ILHR 50-64, indicate that the building must be constructed and maintained in accordance with the code in effect at the time of construction. Subsequent alterations, remodeling or additions must conform to the code in current effect at the time of their construction.

(4) APPLICATION. Where different provisions of this chapter specify different requirements, the most restrictive requirement shall govern.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

## Subchapter II — Definitions

ILHR 14.01 Definitions. In this chapter:

(1) "Approved" means acceptable to the department or to the fire chief having jurisdiction.

(2) "Automatic fire sprinkler system" means an integrated system of underground and overhead piping for fire protection purposes, designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(3) "Automatic fire suppression system" means a mechanical system designed and equipped to detect a fire, actuate an alarm and suppress or control a fire using water, water spray, foam, carbon dioxide, halogenated agent or other approved suppression agent.

(4) "Bed and breakfast establishment" means any place of lodging that provides 8 or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

(5) "Bonfire" means a large open-air fire kindled to mark a public event, victory celebration or similar occurrence where dry, combustible material such as wood, paper and similar items are burned.

(6) "Building" or "structure" means a public building or place of employment.

(7) "Decorative material" means all materials such as curtains, draperies, streamers, and surface coverings that are applied over the building finish for decorative, acoustical or other effect. Also included are cloth, cotton batting, straw, vines, leaves, trees and moss used for decorative effect.

(8) "Department" means the department of industry, labor and human relations.

(9) "Existing" means completed or in use or occupied prior to the effective date of applicable provisions of this chapter.

(10) "Family" means 2 or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this chapter, a group of not more than 4 persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

(11) "Fire chief" means the chief or authorized representative of the fire department serving the unit of government having authority over the public building or place of employment. Fire chief also means the representative designated by the local unit of government to carry out the duties of this chapter.

(12) "Flammable" means subject to easy ignition and rapid-flaming combustion.

(13) "Listed" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(14) "Open burning" means a controlled, limited size open-air fire except for outdoor cooking, campfires, burning for the purpose of land clearing, burning related to fire department training or similar purposes.

(15) "Place of employment" means every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming.

(16) "Public building" means any structure, including exterior parts of the structure, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

### Subchapter III — Administration and Enforcement

**ILHR 14.02 Duties of the fire department.** (1) **AUTHORIZED DEPUTY OF THE DEPARTMENT.** The fire chief of the fire department in every city, village or town, except cities of the first class, is a duly authorized deputy of the department.

(2) **FIRE PREVENTION INSPECTIONS.** (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

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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.

(b) *Determining the number of buildings to be inspected.* The fire chief shall be responsible for determining the number of public buildings and places of employment to be inspected for each municipality for which the fire department has responsibility.

(c) *Scheduling of inspections.* Except as provided in par. (d), fire prevention inspections shall be conducted as follows:

1. Fire prevention inspections shall be conducted at least once every 6 months, or more often if ordered by the chief of the fire department, in all territory served by the fire department. Each 6-month period shall begin on January 1 and July 1.

2. Fire prevention inspections in territories designated by a local authority to be within the fire limits or as a congested district subject to conflagration shall be conducted at least once every 3 months, or more often if ordered by the chief of the fire department. Each 3-month period shall begin on January 1, April 1, July 1, and October 1.

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

b. 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.

c. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

2. A fire department need not conduct all of the inspections specified in par. (c) providing all of the following conditions are satisfied:

a. At least 80% of the total required fire prevention inspections specified in par. (c) are completed;

b. At least 50% of the required number of fire prevention inspections specified in par. (c) for each public building and place of employment occupancy subject to inspection are completed; and

c. Public fire education services as specified in s. ILHR 14.03 are provided.

(e) *Written reports.* 1. Written reports of inspections shall be made and kept on file in the manner and form required by the department.

*Note 1:* See Appendix for a copy of the fire department inspection report forms (SBD-7959 and SBD-7958) and the fire department building record (SBD-2113) which are available from the department.

*Note 2:* The department is participating in the National Fire Incidence Reporting System (NFIRS), and all fire departments are encouraged to submit fire incidence reports to the department on NFIRS forms provided by the department. See Appendix for a reproduction of the NFIRS forms.

2. Written fire incidence reports shall be submitted to the department at least annually. The reports shall be submitted to and received by the department no later than January 15 for the previous year.

Note: It is recommended that fire incidence reports be submitted monthly to facilitate the processing of the reports and the preparation of the annual state Fire Statistics Report.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.03 Public fire education-related activities.** Fire departments may reduce the number of fire prevention inspections conducted as specified in s. ILHR 14.02 (2) (c) provided at least 4 of any of the following 11 public fire education-related activities are completed:

(1) **FIRE PREVENTION TRAINING.** All fire department personnel directly involved in conducting fire inspections are certified by the department and by the fire chief upon completion of required training approved by the department and by the fire chief.

(2) **FIRE PREVENTION WEEK PROGRAM.** Fire departments complete at least 3 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 one 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. Fire departments may not utilize activities specified in sub. (2) for this program. At least 12 programs per year are conducted over a minimum 8-month period. No more than 2 programs may be conducted in any one month. 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. At least 4 presentations per year are given.

(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 at least 2 training programs for the public or industry regarding the operation of fire extinguishers. Industrial fire brigade training programs may be conducted to complete this requirement.

(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 at least 4 programs per year to inform people regarding the effectiveness and proper installation of smoke detectors in residential buildings, public buildings and places of employment.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.04 Record keeping.** (1) **GENERAL.** The following records shall be generated and maintained by each fire department:

- (a) Current roster of active fire department members;
- (b) Date and location of the fire prevention inspections conducted, violations found and corrective actions taken;
- (c) Time, date and location of fires, and number of fire department members responding;
- (d) Number and duration of, and attendance at, fire department meetings;
- (e) Number and duration of, topic of and attendance at fire department training sessions; and
- (f) Number, type, and duration of and attendance at public fire education related activities.

(2) **AVAILABILITY OF RECORDS.** The records specified in sub. (1) shall be made available upon request to the fire department.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.05 Local regulations.** This chapter shall not limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this chapter or with any other rule of the department or law.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.06 Revocation of approval.** The department or authority having jurisdiction may revoke any approval, issued under the provisions of this chapter, for any false statements or misrepresentation of facts on which the approval was based.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.07 Appeals.** Any person affected by any local order as defined in s. 101.01 (1) (g), Stats., which is in conflict with a rule of the department may petition the department for a hearing on the grounds that the local order is unreasonable or in conflict with the rule of the department or both.

Note: Section 101.01 (1) (g), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of aldermen, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.08 Petition for variance. (1) PROCEDURE.** The department shall consider and may grant a variance to a provision of this chapter upon receipt of a fee, a completed petition for variance form from the owner, and a position statement from the fire department having responsibility and an interest in the provision, provided an equivalency is established in the petition for variance which meets the intent of the provision being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of any condition under which the petition for variance is granted constitutes a violation of this chapter.

Note 1: See Appendix for an example of the petition for variance (form SB-8) and the fire department position statement (form SB-8A).

Note 2: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department procedures for hearing petitions.

**(2) PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.09 Penalties.** Penalties for violations of this chapter shall be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note 2: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

#### Subchapter IV — General Precautions Against Fire

**ILHR 14.12 Open burning. (1) PRIOR APPROVAL.** (a) Except as provided in par. (b), all persons shall obtain authorization from the fire chief before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the limits of any incorporated city or village.

(b) The following open burning shall be permitted without authorization from the fire chief:

1. Outdoor cooking;
2. Campfires; and
3. Burning related to training for fire departments.

Note: Burning outside the incorporated limits of cities and villages is regulated by the department of natural resources under ch. NR 30 - Forest Fire Control and ss. 26.11 to 26.13, Stats.

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(2) **OTHER REGULATIONS.** Open burning shall also be subject to the administrative rules of the department of natural resources and ordinances or regulations of the local authority having jurisdiction.

(3) **PROHIBITION.** Outdoor burning shall be prohibited when local circumstances make the fires potentially hazardous. Local circumstances include, but are not limited to, thermal inversions, wind, ozone alerts, and very dry conditions.

*Note:* Outdoor burning may be prohibited by the department of natural resources due to air quality considerations.

*History:* Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.13 Bonfires.** (1) **PRIOR APPROVAL.** All persons shall obtain authorization from the fire chief before kindling or maintaining any bonfire or authorizing the kindling or maintaining of any bonfire on any premises.

(2) **QUANTITY OF MATERIAL TO BE BURNED.** The allowable quantity of material to be burned shall be determined by the fire chief and shall be based upon the fire safety considerations of the situation and the desired duration of burn.

(3) **MATERIAL FOR BURNING.** (a) Fuel for bonfires shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

(b) Material for bonfires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(4) **OTHER REGULATIONS.** Persons kindling or maintaining bonfires or authorizing the kindling or maintenance of bonfires shall be subject to the ordinances and regulations of the fire department having jurisdiction.

*Note:* See ch. NR 30 - Forest Fire Control and ss. 26.11 to 26.13, Stats., for regulations pertaining to burning in areas outside the incorporated limits of cities and villages.

*History:* Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.14 Kindling of fire.** The kindling of fire shall comply with ss. 941.11, 943.02 and 943.03, Stats.

*Note:* See Appendix for reprint of ss. 941.11, 943.02 and 943.03, Stats.

*History:* Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.15 Handling of burning material.** The handling of burning material shall comply with ss. 941.10 and 943.05, Stats.

*Note:* See Appendix for reprint of ss. 941.10 and 943.05, Stats.

*History:* Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.16 Hot ashes and other dangerous materials.** (1) **GENERAL.** Except as provided in sub. (2), no person may deposit hot ashes or cinders, smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle or place these materials within 15 feet of any combustible materials.

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(2) **METAL OR NONCOMBUSTIBLE RECEPTACLES.** Hot ashes or cinders, smoldering coals or greasy or oily substances liable to spontaneous ignition placed in metal or noncombustible, covered receptacles are exempt from the provisions of sub. (1), providing the following conditions are satisfied:

(a) The receptacle is resting upon a noncombustible floor or on the ground outside the building or is placed on a noncombustible stand; and

(b) The receptacle is kept at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.17 Use of incinerators prohibited.** If the fire chief determines that burning in an incinerator during a period of high fire hazard weather conditions will create an undue fire hazard, use of the incinerator shall be prohibited.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.18 Miscellaneous use of torches and welding equipment.** (1) **GENERAL.** Any person using a torch or other flame-producing device for removing paint from any building or structure within the scope of this chapter or for sweating pipe joints, cutting, heat welding seams, thawing pipes, building construction or demolition shall provide at least one approved minimum 2-A water type fire extinguisher, minimum 4-A dry chemical type fire extinguisher, or minimum ½ inch diameter water hose connected to the water supply at the site where the burning is done.

Note: See Appendix for a reprint of Section 1926.352 of the Federal Occupational Safety and Health Administration regulations, relating to the use of welding and cutting equipment.

(2) **ATTENDANCE.** A firewatch shall be maintained in effect for at least ½ hour after each use of the torch or flame-producing device under sub. (1).

(3) **ELECTRIC WELDING.** The provisions of subs. (1) and (2) shall apply to the uses specified in sub. (1) applicable to electric welding equipment.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.19 Asphalt or tar kettles.** (1) **PROHIBITED LOCATIONS.** (a) Subject to par. (b), an asphalt or tar kettle may not be used inside of or on the roof of any building.

(b) Asphalt or tar kettles may be used on the roofs of buildings in excess of 60 feet in height if all of the following conditions are met:

1. The asphalt or tar kettle is taken to the roof outside the building;
2. All roof scuppers are closed during the roofing or repair operation;
3. The asphalt or tar kettle is located on a noncombustible platform surface which is a minimum of 8 inches above the roof surface and which extends at least 2 feet beyond the exterior of the asphalt or tar kettle;
4. A source of water of at least 25 gallons per minute is available on the roof; and
5. The asphalt or tar kettle is empty, or the heat source is shut off and the contents solidified, while hoisting.

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(2) **FIRE EXTINGUISHERS.** There shall be at least one approved fire extinguisher of a minimum 20-B:C classification within 30 feet of each asphalt or tar kettle during the period that the kettle is in use.

Note: See ch. ILHR 11 and NFPA Standard 58 for additional rules pertaining to LP-fired asphalt or tar kettles.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.20 Accumulation of waste.** (1) **GENERAL.** (a) Accumulations of litter or combustible or flammable waste may not be permitted to remain longer than 24 hours in any court, yard, vacant lot, alley, parking lot or open space unless in closed metal, noncombustible or other approved containers.

(2) **VEGETATION.** All weeds, grass, vines or other growth which endanger property through the spread of fire shall be cut down and removed.

(3) **STORAGE WITHIN BUILDINGS.** (a) All combustible rubbish or waste material not stored in approved covered, metal or noncombustible containers and not located in rooms of at least one-hour rated fire-resistive construction shall be removed from the building at least once every 24 hours.

Note: This rule is not intended to apply to storage of waste paper at individual work stations for recycling purposes.

(b) Oily waste and oily rags, when not in actual use, shall be kept in listed self-closing metal waste cans, set firmly on 3-inch legs or approved noncombustible containers and located at least 10 feet from any combustible materials.

(c) All chemically-soiled wastes with the potential for spontaneous combustion shall be kept in listed self-closing metal waste cans until removed from the building.

(4) **NUISANCE OR HAZARD.** Storage of waste may not produce conditions which in the opinion and judgment of the fire chief will tend to create a nuisance or a hazard to the public safety.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.21 Handling and storage of combustible materials.** (1) **HANDLING.** Any person making, using, storing or having under their control any flammable or combustible materials shall, at the close of each day, cause all material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in a single portable metal bin of a size for one day's supply; in metal-lined, covered portable receptacles or bins; or in a hazard enclosure as specified in s. ILHR 54.14.

(2) **INSIDE STORAGE.** (a) Combustible storage in buildings shall be orderly, shall be more than 2 feet from the ceiling, and shall be so located as not to endanger exit from the building. A minimum of 18 inches clearance shall be maintained between the top of storage and ceiling sprinkler deflectors.

(b) Clearances between combustible materials and electric equipment shall be as specified in Section 110.16 of the National Electric Code as adopted by reference in ch. ILHR 16.

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(3) **OUTSIDE STORAGE.** (a) Outside storage shall be so located as not to constitute a hazard to adjacent buildings or property and shall be compact and orderly.

(b) Individual piles shall not exceed 20 feet in height and shall be located at least 30 feet from buildings and so as to provide at least 15-foot wide driveways between piles.

(c) Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is provided.

Note: See Appendix for diagram of acceptable sample layout of piles and driveways.

(d) Outside storage shall be prohibited within 3 feet of any property line and may not exceed 6 feet in height when within 15 feet of the property line, except where no hazard or menace of fire to adjoining property is created.

(e) Storage or accumulation of combustible waste matter, which constitutes a hazard or menace of fire, shall be removed within 24 hours.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.22 Cleanliness.** Every public building and place of employment, including connecting yards, courts, passages, areas or alleys, shall be kept clean and orderly, and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.23 Prohibition of smoking.** (1) **GENERAL.** Smoking or carrying of lighted smoking materials shall be prohibited in public buildings and places of employment where flammable materials are handled, sold or stored.

(2) **DESIGNATED SAFE LOCATIONS.** The fire chief may designate specific safe locations in any building, structure or place in which smoking may be permitted.

(3) **"NO SMOKING" SIGNS.** "No Smoking" signs shall be posted in each building, structure, room or place in which smoking is prohibited.

(4) **REMOVAL OF SIGNS PROHIBITED.** No person may obscure, remove, deface, mutilate or destroy a posted "No Smoking" sign.

(5) **COMPLIANCE WITH "NO SMOKING" SIGNS.** No person may smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

(6) **ASH TRAYS.** Noncombustible ash trays shall be provided at locations where smoking is permitted. The ash trays shall be of a design and construction to prevent smoking materials from falling out of the ash tray.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.24 Open flame or light.** (1) **GENERAL.** No person may take an open flame or nonapproved light into any room or area, or other place where flammable, highly combustible or explosive material is kept.

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(2) **OPEN FLAME CANDLES AND FIXTURES.** (a) Except as provided in par. (b), the use of open flame candles or open flame fixtures in public buildings and places of employment shall be prohibited.

(b) 1. Open flame candles or open flame fixtures may be used in churches, fraternal lodges and other buildings as part of a religious, fraternal, or ceremonial ritual.

2. Candles may be used in restaurants, supper clubs and similar occupancies provided the candle is enclosed on all sides with glass or similar noncombustible material and the enclosure extends at least one inch above the tip of the flame.

3. Open flame candles and open flame fixtures may be used in the seating areas of public assembly buildings provided the following conditions are satisfied:

a. The stand upon which the candle is placed is a nontipping weighted stand or is securely attached to the end of fixed seating in at least 2 places;

b. The base of the candle is at least 78 inches from the floor;

c. The candle is guarded on top and sides at all times; and

Note: Compliance with this subparagraph may be attained by the use of a glass chimney and a perforated metal cap.

d. The aisle where the candles are placed is at least 5-feet wide.

4. Open flame food warming candles may be used in restaurants, supper clubs and similar occupancies.

5. The use of decorative or other lights, which are fueled by flammable or combustible liquids, may be used provided they are self-extinguishing.

(c) The use of open flames other than those uses specified in par. (b) shall be subject to the approval of the fire chief.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.25 Matches.** The manufacture, storage and distribution of matches shall comply with s. 167.07, Stats.

Note: See Appendix for reprint of s. 167.07, Stats.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.26 Dilapidated or vacant buildings.** (1) **DILAPIDATED BUILDINGS.** (a) Any building which for any reason is especially liable to fire and which is so located as to endanger other buildings or property shall be repaired and put in safe and sound condition or shall be torn down and all materials removed.

(b) Conditions considered especially liable to fire shall include, but are not limited to, the following:

1. Missing or rotten shingles or similar defects on the roof;

2. Loose, missing or rotten siding;

3. Unnecessary wall openings;

4. Broken plastering;

5. Holes in floors, ceilings or partitions;
6. Cracked or defective chimneys; and
7. Other conditions determined hazardous by the fire chief.

(c) The kind, form, manner or extent of repairs may be authorized by local ordinance when a building is damaged from any cause to an extent of more than 50% of its assessed value.

(d) Within 30 days of written notification, the owner of a dilapidated building as specified in par. (a) shall decide whether to repair or tear down the building. Within 30 days of the decision, the building shall be repaired or torn down and all materials removed.

Note: Section 66.05, Stats., addresses the topic of razing buildings.

(2) **VACANT BUILDINGS.** (a) Upon vacating or abandoning any premises, the owner shall remove any and all noxious and hazardous material or waste matter and the premises shall be left in a clean and neat condition.

(b) Every person owning or in charge of or control of any vacant building shall remove all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade or otherwise secure all doors, windows and other openings.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.27 Extension cords.** (1) **DEFINITION.** In this section, "extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.

(2) **GENERAL.** (a) Extension cords shall be listed by Underwriters Laboratories or other approved nationally recognized testing agency.

Note: See Underwriters Laboratories standard UL 817- Cord Sets and Power Supply Cords for additional information.

(b) The current-carrying capacity of the extension cord shall not be exceeded.

(c) Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.

(d) Extension cords may not be multiplied or plugged into one another, except for temporary wiring at construction sites complying with Article 305 of the National Electrical Code as adopted by reference in ch. ILHR 16.

(3) **APPLICATION.** (a) Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.

(b) Extension cords shall be permitted only with portable appliances, hand tools or fixtures.

(c) Except for listed multitap extension cords with built-in overcurrent protection, each extension cord shall serve only one portable appliance, hand tool or fixture.

(d) Extension cords shall not be attached to structures or extended through walls, ceilings, floors, under or through doors, or floor coverings. Extension cords shall not be subject to environmental damage or physical impact.

(e) Extension cords may be used for temporary wiring at construction sites complying with Article 305 of the National Electrical Code as adopted by reference in ch. ILHR 16.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

### Subchapter V — Building Components and Construction

**ILHR 14.31 Chimneys and heating appliances.** (1) **INSTALLATION AND MAINTENANCE.** (a) All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outside and the stoves, furnaces, incinerators or boilers to which they are connected shall be constructed in accordance with ss. ILHR 64.45 to 64.50 and shall be maintained so as not to create a fire hazard.

Note: See Appendix for reprint of ss. ILHR 64.45 to 64.50.

(b) Chimneys or vents and connectors serving solid-fuel-burning appliances shall be cleaned and inspected for damage annually. The fire chief may require verification of cleaning and inspection in writing.

(c) Chimneys and vents, which have been subjected to a chimney fire, shall not be reused until inspected and repaired, if necessary.

(2) **EXISTING INSTALLATIONS.** (a) 1. Existing masonry chimneys which upon inspection are found to be without flue liners and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous shall be made safe by means of a fire-clay liner, fire-brick, a corrosion-resistant metal pipe or other approved materials and otherwise repaired. If necessary, the chimney shall be removed or the chimney openings shall be effectively sealed to prevent further use.

2. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue, and the entire space between the metal liner and the walls of the chimney shall be filled with cement mortar.

(b) Existing chimneys and vents of metal, which are corroded or improperly supported, shall be repaired or replaced.

(c) Existing chimney and vent connectors of metal, which are corroded or improperly supported, shall be replaced.

(3) **FOOD PREPARATION EQUIPMENT.** (a) Exhaust systems provided for food preparation equipment shall be maintained in a manner so as not to create a hazardous condition.

Note: See s. ILHR 64.67 (6) for additional information. A reprint of s. ILHR 64.67 (6) is included in the Appendix. The effective date for s. ILHR 64.67 (6) requiring automatic fire suppression systems for exhaust hoods was July 1, 1983.

(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.

(c) 1. Fire extinguishing systems shall be inspected semi-annually and checked for proper operation by a factory-authorized service representa-

tive. Inspections shall include a check that the supply of extinguishing agent in the system is adequate, and all actuation components are operating satisfactorily.

2. Fusible links shall be replaced at least annually.

3. A copy of the semi-annual inspection report shall, upon request, be sent to the fire department having jurisdiction.

(d) Instructions for manually operating the fire extinguishing system shall be posted conspicuously in the kitchen, and employees shall be trained in operating procedures.

(e) Any fire dampers, if employed, shall be tested semi-annually to insure proper functioning of all parts.

(4) **UNSAFE HEATING APPLIANCES.** (a) Any existing stove, oven, furnace, incinerator, boiler or any other heat producing device or appliance found to be defective or in violation of code requirements may not be used. The fire chief shall order the discontinuation of use with a written notice to the owner, firm, agent or operator of the equipment to cease use immediately.

(b) The fire chief shall take appropriate action when inspection shows the existence of an immediate fire hazard or that a device or appliance imperils life.

(c) The defective appliance shall remain withdrawn from service until all necessary repairs or alterations have been made.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.32 Service equipment areas.** (1) **ILLUMINATION.** Illumination shall be provided for all service equipment areas, motor control centers and electrical panelboards.

(2) **CLEARANCE.** (a) Clearance of not less than 36 inches shall be provided between all electrical service equipment and storage.

(b) Clearances to heat producing equipment shall be provided as specified in the listing for the equipment.

(3) **STORAGE PERMITTED.** Storage shall be permitted in the isolation of hazard rooms specified in chs. ILHR 54 to 62 provided the clearances to heat producing equipment as specified in sub. (2) (b) and in NFPA Standard 211 as adopted by reference in chs. ILHR 50 to 64 are maintained.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.33 Interior finishes and flammable and decorative materials.** (1) **INTERIOR FINISH MATERIALS.** Interior finish materials installed in public buildings and places of employment since January 1, 1982, shall comply with the provisions of s. ILHR 51.07.

Note 1: Section ILHR 51.07 became effective on January 1, 1982 and applies only to finish materials installed after the effective date.

Note 2: See Appendix for reprint of s. ILHR 51.07.

(2) **THEATERS AND ASSEMBLY HALLS.** (a) Fabric decorations used in theaters and assembly halls shall be flameproofed.

(b) For fabrics treated on or after May 1, 1989, a tag or similar indication shall be affixed to the fabric and include the following information:

1. Date of flameproofing treatment;
2. Period of time for which the treatment is effective or expiration date when flameproofing is no longer effective; and
3. Name of person or firm responsible for the flameproofing treatment.

(c) Paper decorations and flammable decorative material used in theaters and assembly halls shall be flameproofed.

(3) CHRISTMAS TREES. Artificial Christmas trees, except those within individual living units, shall be flame retardant or nonflammable. Natural Christmas trees, except those within individual living units, shall have the trunk sawed off at least one inch above the original cut end and shall be cut immediately prior to being placed in a water-bearing stand. The water level shall always be above the cut.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.34 Fire-resistive construction and components.** (1) GENERAL. Fire division walls, fire separation walls, occupancy separations and all other fire-resistive rated construction and components required by the provisions of chs. ILHR 50 to 64 shall be maintained.

(2) OPENINGS. (a) 1. Except as provided in subd. 2., all openings for doors and windows in required fire-rated construction shall be protected by fire door or fire window assemblies as specified in ss. ILHR 51.047 and 51.048, respectively.

2. Openings in the fire-resistive rated walls and partitions that are not firewalls need not be protected by fire door or fire window assemblies, as specified in s. ILHR 51.02 (5) and Table 51.03-B.

(b) All hardware needed for proper operation of fire door and fire window assemblies shall be maintained in good working order.

(c) The use of door stops, wedges and other nonapproved hold-open devices shall be prohibited on fire doors.

(d) No fire door may be blocked or obstructed or otherwise made inoperable.

(e) Approved hold-open devices and automatic door closers, if used, shall be maintained in good working order. During any period when the hold-open device or automatic door closer is out of service for repairs, the door it operates shall remain in the closed position.

(f) 1. Except as provided in subd. 2., all doors serving smokeproof stair towers or interior enclosed stairways shall be equipped with a self-closing device or an automatic self-closing device actuated by products of combustion other than heat.

2. The self-closing device may be actuated by a rate-of-rise heat detector in those locations with smoke- or contaminated-filled environments.

(g) The doors protecting openings in vertical division walls of ch. ILHR 57 buildings and located in public corridors shall be held open and

equipped with an automatic closing device activated by products of combustion other than heat.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

### **Subchapter VI — Fire Prevention, Detection and Protection Systems**

**ILHR 14.35 General requirements.** All fire prevention, detection and protection systems, including automatic fire sprinkler systems, automatic fire suppression systems, standpipe systems, manual fire alarm systems, smoke detection systems, smoke detectors, heat detection systems, heat detectors, portable fire extinguishers and related systems shall be designed, installed, maintained and tested as specified in this subchapter and chs. ILHR 50 to 64.

Note: See Appendix for reprint of ss. ILHR 51.21 to 51.245.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.36 Automatic fire sprinkler systems.** Automatic fire sprinkler systems shall be tested, inspected and maintained as specified in NFPA No. 13A - Inspection, Testing and Maintenance of Sprinkler Systems, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.37 Standpipe systems.** Standpipe systems shall be tested, inspected and maintained as specified in s. ILHR 51.21.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.38 Manual fire alarm systems.** Manual fire alarm systems shall be tested, inspected and maintained as specified in NFPA No. 72A - Installation, Maintenance and Use of Local Protective Signaling Systems, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.39 Smoke detection systems, heat detection systems, smoke detectors and heat detectors.** Smoke detection systems, heat detection systems, smoke detectors and heat detectors shall be tested, inspected and maintained as specified in NFPA No. 72E - Automatic Fire Detectors and NFPA No. 74 - Household Fire Warning Equipment, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.40 Portable fire extinguishers.** Portable fire extinguishers shall be tested, inspected and maintained as specified in NFPA No. 10 - Portable Fire Extinguishers, as adopted by reference in chs. ILHR 50 to 64.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

**ILHR 14.41 Other fire safety devices.** Special fire safety devices, including automatic smoke removal and control equipment, emergency generators and any other special fire safety equipment shall be operated at least semi-annually or in accordance with the manufacturer's recommendations by the owner or an authorized representative.

Note: See NFPA 92A - Recommended Practice for Smoke Control Systems, for further explanatory information.

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92.

Register, March, 1992, No. 435