

**CITY OF MADISON, WISCONSIN**

A SUBSTITUTE ORDINANCE \_\_\_\_\_

PRESENTED August 3, 2010  
REFERRED Building Code, Fire Code,  
Conveyance Code and  
Licensing Appeals Board

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Repealing and recreating Chapter 34, the Fire Prevention Code, amending Secs. 5.08(2) and (6), Sec. 40.03(3), Sec. 40.09(3)(c)2. and Sec. 1.08(3)(a), creating Sec. 40.035 of the Madison General Ordinances to create uniformity for licensing and maintenance of records and reference relevant International Fire Code Sections and to establish a separate fire alarm ordinance and to provide additional requirements regarding elevator alarms.

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Drafted by: Marci Paulsen

Date: August 31, 2010

SPONSORS: Mayor Cieslewicz, Alds. Skidmore & Verveer

DRAFTER'S ANALYSIS: This ordinance repeals Chapter 34 and recreates the entire chapter, the Fire Prevention Code. It combines numerous sections to create uniformity throughout the chapter. The chapter is numbered to reflect the International Fire Code (IFC) section that is being modified or omitted, this in turn makes it easier for individuals familiar with the IFC to quickly reference the relevant section in the ordinance. It raises the reinspection fees from \$50 to \$75. To establish uniformity it creates a section addressing all design and construction reviews and permits issued by the Fire Department. It creates uniform requirements for maintaining records of inspections, testing and maintenance of fire protection systems. It also creates a separate section dealing specifically with fire false alarms. It establishes uniform requirements for obtaining licenses and permits under the chapter. It also establishes various bail deposits for violations of this new chapter. It creates Sec. 40.035 which provides an addition to ASME A17.1 regarding elevator alarms.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Chapter 34 entitled "Fire Prevention Code" of the Madison General Ordinances is repealed and recreated to read as follows:

**"34.01 GENERAL PROVISIONS.**

(1) Intent of Code.

It is the intent of this chapter to prescribe regulations consistent with nationally recognized standards for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life, property and the environment in the use or occupancy of buildings or premises. Compliance with codes and standards of the National Fire Protection Association (NFPA), the International Code Council, Madison General Ordinances (MGO) or other approved nationally recognized safety standards, as later referred to or as specified in this code, shall be deemed to be prima facie evidence of compliance with this intent.

(2) Application of Code.

(a) The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be

**Approved as to form:**

permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Chief.

- (b) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the U. S. Department of Transportation (DOT) or as applying to the military forces of the United States.
  - (c) Except as provided herein, this code applies to each building and premises, public or privately owned and all public thoroughfares located within the City of Madison.
  - (d) The Department shall be regulated by this chapter and not by International Fire Code (IFC) section 103.
- (3) Authority of the Chief.  
The Chief has the authority to administer and enforce this code. The Chief may delegate authority under this code to such subordinates in the Fire Department and the actions of such authorized subordinates shall be construed as valid actions of the Chief.
- (4) Authority to Enter Premises.
- (a) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises for the purpose of making any inspection or investigation, which, under the provisions of this code, may be deemed necessary.
  - (b) The Chief may obtain a search warrant under Wis. Stat. §§ 968.10, 968.12, 66.0119 when necessary for the purpose of making an inspection or investigation of any building or premises where the owner or occupant has refused admission.
  - (c) No person, having been duly informed of the existence of a search warrant to search the premises owned or occupied by that person, shall refuse to permit such search to be made. Each day, or part thereof, during which such refusal continues, shall be deemed to be a separate violation.
- (5) Inspection of Buildings and Premises. The Chief may inspect all buildings and premises, except the interiors of dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, explosion, dangerous condition or any violations of the provisions or intent of this code and of any other applicable ordinance. The Chief shall, as a condition of granting a permit, have the right to enter the premises for which said permit was issued, at any reasonable time during and throughout the course of such work and until final approval has been granted, for the purpose of inspecting said premises and its compliance with code regulations.
- (6) Issuance of Orders.
- (a) Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations. Whenever the Chief shall find in any building or upon any premises during any three (3) inspections or reinspections a fire prevention, detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:
    - 1. If the system includes one or more exit light(s) which have not been illuminated during inspections the Chief may order that all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LED).
    - 2. If the system includes one or more self-closing fire door(s) any of which have been found to have been held open with non-approved hold open devices during inspections the Chief may order that all of the fire doors in such premises be equipped with a door holder/release device.
    - 3. If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock the Chief may order that all emergency exit doors within the premises be equipped with panic door release hardware.
    - 4. This subsection shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations under this code nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any other applicable provision of the Madison General Ordinances, Wisconsin Administrative Codes or Wisconsin State Statutes.

- (b) Corrective Action. Whenever the Chief may find a violation of this code, Wisconsin State Statutes, or Wisconsin Administrative Codes, the Chief may order corrective action to cause the violation to be eliminated.
- (c) Fees for Reinspections.
  - 1. Any person who shall fail to comply with any lawful order of the Chief issued pursuant to the provisions of this Chapter may be assessed seventy-five dollars (\$75.00) per inspection for compliance inspections in excess of one.
  - 2. The Chief shall keep an accurate account of all unpaid inspection fees incurred for reinspection services rendered and report the same to the City Comptroller, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
- (d) Authority to Abate Hazard. The Chief shall have the authority to order the immediate abatement of any hazard deemed by the Chief to be an imminent hazard to the life, safety and well-being of any individual. Whenever the owner shall refuse or neglect to abate said hazard, the Chief may cause the same to be abated and the City shall recover the expenses incurred thereby from the owner. The Chief shall keep an accurate account of all unpaid expenses incurred by the City for hazard abatement rendered and report the same to the City Comptroller, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
- (e) Authority to Vacate. The Chief shall have the authority to issue an order to vacate any property deemed by the Chief to be necessary due to an imminent hazard to the life safety and well being of the occupants.
- (7) Service of Orders.
  - (a) The service of written orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises, or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner, as the Chief deems appropriate under the circumstances.
  - (b) If buildings or other premises are owned by one person and occupied by another the orders issued in connection with the enforcement of this code shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises, and in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.
  - (c) Mailing of such orders by the owner or occupant is sufficient notice to affect compliance with the order.
- (8) Liability for Damages. This code shall not be construed to hold the City of Madison or its employees responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any plans or equipment authorized herein.
- (9) Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals. The Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals, as established in Sec. 29.18, MGO, shall act upon appeals from the decision of the Chief in respect to the provisions of this code and to advise the Chief on any matters regarding this code on which the Chief may request its opinion. The Department shall be bound by the appeals process outlined in this section and not IFC section 108.
- (10) Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit, approval or certificate applied for or revoke a permit, approval or certificate, or when it is

claimed that the provisions of the code have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief to the Board within fifteen (15) days from the date of the decision appealed and upon payment of fifty dollars (\$50) payable to the City of Madison. The Board may, by majority vote, uphold, overrule or modify the action of the Chief.

- (11) Variances. The Board shall have power to modify any of the provisions of this code upon application in writing by the owner or lessee, or the duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed and public safety secure. The particulars of such modification when granted or allowed and the decision of the Board thereon shall be entered upon the records of the Board and a signed copy shall be furnished the applicant.
- (12) Adoption by Reference: State and National Codes.
- (a) The codes in the 2009 *International Fire Code*<sup>®</sup> and the Wisconsin Administrative Codes that are adopted by reference are the most current edition of the referenced code and any subsequent editions of the referenced codes.
  - (b) IFC. The *International Fire Code*<sup>®</sup> – 2009, subject to the modifications specified in this chapter.
  - (c) The following Wisconsin Administrative Code Chapters:
    - Comm 5 – Credentials
    - Comm 7 – Explosive Materials and Fireworks
    - Comm 10 – Flammable and Combustible Liquids
    - Comm 14 – Fire Prevention
    - Comm 16 – Electrical
    - Comm 18 – Elevators
    - Comm 28 – Smoke Detectors
    - Comm 40 – Gas Systems
    - Comm 43 – Anhydrous Ammonia
    - Comm 50-64 – Building and Heating, Ventilation and Air Conditioning (built prior to July 1, 2002)
    - Comm 61-66 – Wisconsin Commercial Building (built on or after July 1, 2002)
    - Comm 66 – Multifamily Dwelling (prior to July 1, 2002)
    - Comm 75-79 – Buildings Constructed Prior to 1914
    - Comm 81-87 – Plumbing
  - (d) In case of a conflict between any provisions of this chapter, the Wisconsin Administrative Code or the *International Fire Code*<sup>®</sup>, the code containing the strictest or most specific provisions shall apply.
  - (e) A copy of the codes and standards incorporated by reference shall be kept at all times and available for inspection during reasonable hours in the office of the Chief.
- (13) Miscellaneous Inspection Fees.
- (a) Inspections outside of normal work hours whether required or requested shall be subject to the fees in this section. Inspections outside of normal work hours to verify compliance with permitted activities, which are conducted outside of normal work hours, shall be subject to the fees listed in this subsection. When fire inspection personnel are required for events or emergencies, the owner shall pay for personnel time in accordance with this subsection.
  - (b) Inspection fee – sixty dollars (\$60.00) per hour.
  - (c) The Chief shall keep an accurate account of all unpaid fees incurred for inspection services rendered and report the same to the City Comptroller, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
- (14) Penalties. Violations shall be prosecuted as outlined within this code. The Department shall not follow IFC section 109.2.1 and 109.3.
- (a) Any person violating any of the provisions of this Chapter for which a penalty is not otherwise specified shall upon conviction be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1000). Every day or fraction thereof

during which any person fails or to comply with any provisions of this code shall constitute a separate violation.

- (b) Any person who does not comply with any lawful order of the Chief issued pursuant to the provisions of this code shall be in violation of this Chapter, and every day or fraction thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.
- (15) Severability. The Common Council of the City of Madison hereby declares that should any section, paragraph, sentence, or word of this chapter hereby adopted be declared for any reason to be invalid, it is the intent of said Common Council that it would have passed all other portions of this chapter independent of the elimination here from of any such portion as may be declared invalid.

#### **34.02 DESIGN AND CONSTRUCTION REVIEWS, APPROVALS AND PERMITS.**

- (1) Application for Permit, Plans and Specifications.
  - (a) No person may install, erect or construct or add to, enlarge, move, improve, alter, convert, extend, replace components, or demolish or cause the same to be done, or commence any work covered by this code on any system, device or structure, including any system subject to plan review under Wis. Admin, Code ch. Comm 61, without first submitting plans for review and approval to the Chief and obtaining a fire department work permit. This requirement is irrespective of whether such person intends to submit such plans to any other lawful approving authority. Permits shall be issued in the name or the owner or owner's agent. The Chief by special permission may authorize work to start prior to compliance with this subsection.
  - (b) Applications for permits shall be filed with the Chief in writing on a form to be furnished for that purpose. Such application shall describe the land or structure upon which work is to be done, either by street number, lot, block or tract, or similar general description which will identify the proposed installation or work and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Chief. By filing, the applicant certifies the installation will comply with the applicable codes.
  - (c) Working plans and specifications showing the location of each component or element of the proposed system, all drawings, manufacturers cut sheets for devices, calculations, material approvals, manufacturers listed installation and design manuals, pre-engineered design specifications, design specifications, and the manufacturer, model and type of each component element of such systems, when needed, shall accompany every application for a permit, and shall be filed with the Chief. Applicant shall submit three (3) sets of plan documents and one (1) set of supporting documents for review. However, the Chief may authorize the issuance of a permit without plans or specifications for minor or inconsequential work.
    1. Plans submitted shall be drawn to scale on substantial paper. The submitted plans shall be working plans of sufficient clarity to indicate the nature and character of the work proposed and to show that the applicable regulations will be complied with. They shall be prepared in accordance with the provisions of this code, and shall bear the name of the architect, professional engineer, contractor or other person who prepared them.
    2. Specifications shall be in detail. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Fire Code" or "to the satisfaction of the Fire Chief" shall be deemed imperfect and incomplete. Every reference to the Fire code shall be to the section or subsection applicable.
    3. Alterations to or modifications of an existing system may not, at the discretion of the Chief, require a complete set of plans as set forth above, however, each such application for a permit shall include appropriate supporting documentation establishing that the proposed alterations or modifications comply with all appropriate codes, ordinances and standards.
    4. For state-owned buildings plans shall be approved by the appropriate state agency. A permit is required for said projects, a copy of the state plan approval letter is required as part of the permit application. The Chief shall inspect the

fire protection systems in state owned buildings. When a State agency specifies plan review and inspection by the City, a complete submittal is required.

- (d) If the application, plans and specifications are in conformity with the requirements of this code and all other laws or ordinances applicable thereto, the Chief shall, upon receipt of the required fee, grant a permit for said work and shall sign, date and endorse all sets of submitted plans as approved or if approval is conditioned upon changes to the plan or compliance with other conditions, the plans may be conditionally approved. In all such cases where plans are conditionally approved the Chief shall return, with the plans, written notification of the conditions that must be satisfied. Whenever a submitted application is incomplete, the Chief may suspend any action on such application and shall notify the applicant of the information needed to process such application.
  - (e) The work shall be installed as shown on the plans and there shall be no modifications or alterations made without written permission from the Chief.
  - (f) Permits issued under this code shall lapse and be void unless the work authorized is commenced within one (1) year from the date or completed or resumed within one (1) year from the date that construction begins and in the event of further construction after either of the latter of these time periods, a new permit must be obtained pursuant to all the requirements of the code. The fees for such new permit shall be based upon the area (square footage of protected area) remaining to be done.
  - (g) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications or execution of the work, the Chief may require the correction of said errors in said application, plans, specifications or construction and may rescind the permit and prevent installation and work operations from continuing when in violation of this code or of any ordinance.
  - (h) Except as authorized by the Chief all portions of any system that are to be concealed must be tested by the installing contractor and be approved by the Chief before concealment.
  - (i) The data specified in all applicable IFC standards adopted by this code shall be a part of, or shall accompany, all plans submitted for approval.
  - (j) The initial tenant build-out for shell building projects, shall comply with this section regardless of the number of sprinklers to be altered, added or removed.
  - (k) The following language is substituted for IFC section 105.7.10: Construction permits are required for all Liquefied Petroleum Gas (LPG) retail cylinder exchanges and for LPG containers of one hundred (100) gallon, or aggregate, water capacity or more. Individual LPG containers of two thousand (2000) gallon water capacity or larger and individual LPG containers where the aggregate water capacity is four thousand (4000) gallon or larger must be submitted to Commerce.
- (2) Fees.
- (a) Scope. The fees fixed in this section shall be assessed and collected by the Chief for the examination and approval of system plans. These fees also include the inspection of newly installed and remodeled systems. These fees do not cover any re-inspections. These fees are collected in advance from the owner or agent. The appropriate portion of each fee, as set forth in Wis. Admin. Code § Comm 2.31, Table 2.31-3, shall be forwarded to Commerce.
  - (b) Plan Examinations.
    - 1. Plans showing design and construction details, design computations and specifications submitted for examination and approval as required by this section shall be accompanied by a fee in the amount determined in accordance with this section.
    - 2. For the purpose of determining the fee on the basis of square foot, gross floor area measurements shall be taken from outside of building at each floor level, including basement and other areas affected or serviced by the system. Except as otherwise specified in this code, for remodeling or adding to an existing system, the appropriate fee shall be determined by calculating the square

footage of the area to be serviced by such remodeling or addition to the system.

(c) Revisions.

1. The additional fee of two hundred dollars (\$200) or fifty percent (50%) of the original plan examination fee whichever is higher shall be assessed for review of system plans that have been submitted following denial of plan approval, if the submission is within eight (8) months of the original denial.
2. The fee of two hundred dollars (\$200) or fifty percent (50%) of the original plan examination fee whichever is higher shall be assessed for revisions to previously approved plans.
3. The fee of two hundred dollars (\$200) shall be assessed for plan submittals that have been rejected for failing to comply with an administrative hold. Administrative holds shall be issued where plan submittals are incomplete.

(d) Fee Schedule.

1. New Systems. Except as otherwise specified in this section, plan review fees for new systems shall be computed upon the basis of the total square footage of each building or affected area and determined by the following table:

**TABLE A**

AREA (SQUARE FEET)	FIRE ALARM SYSTEM PLANS	FIRE SUPPRESSION SYSTEM PLANS
Less than 2,500	\$200	\$200
2,501 - 5,000	\$250	\$250
5,001 - 10,000	\$300	\$300
10,001 - 20,000	\$600	\$600
20,001 - 30,000	\$900	\$900
30,001 - 40,000	\$1,200	\$1,200
40,001 - 50,000	\$1,500	\$1,500
50,001 - 75,000	\$1,800	\$1,800
75,001 - 100,000	\$2,100	\$2,100
100,001 - 200,000	\$2,400	\$2,400
200,001 - 300,000	\$2,700	\$2,700
300,001 - 400,000	\$3,000	\$3,000
400,001 - 500,000	\$3,300	\$3,300
Over 500,000	\$3,600	\$3,600

2. Alteration/Modifications and Repair/Replacement to Existing Devices/Systems.

- a. The fee for review of submittals or review of plans for the alteration/modification to existing devices/systems shall be determined by Table B for each type of alteration/modification submitted.

**Table B-1 Alteration/modifications existing devices/systems**

<u>Device/System</u>	<u>Fee</u>
Existing Automatic Fire Sprinkler system of up to 20 Sprinkler Heads	\$100 per system
Other existing fire protection systems of up to 3 devices	\$100 per system
Dry Pipe preaction, deluge valve, and similar devices	\$100 per system
Fire Pump	\$200 per system
Fire Alarm Control Unit Replacement	\$100 per system
Backflow Prevention Valve	\$200 per system

**Table B-2 Closure, change in use or temporary removal of any tank system regulated by Comm 10**

Plan Review	\$50
Site Inspection, 1 <sup>st</sup> tank	\$75

Site Inspection, each additional tank \$50

- b. The fee for review of submittals or review of plans for the repair/replacement to existing devices/ systems shall be determined by Table C for each type of repair/replacement submitted.

**Table C Repair/replacement existing devices/systems**

<u>Device/System</u>	<u>Fee</u>
Sprinkler head replacement, more than 3	\$100 per system
Nozzle replacement, more than 3	\$100 per system
Dry Pipe, preaction, deluge valve, and similar devices	\$100 per system
Fire Pump	\$200 per system
Fire Alarm Control Unit Replacement	\$100 per system
Backflow Prevention Valve	\$200 per system
Fire alarm initiating devices, more than 3	\$200 per system
Fire alarm notification appliances, more than 3	\$200 per system

- 3. Certain Devices/ Systems Subject to a Single Flat Fee. The fee for review of plans for the installation of new systems not subject to the fees in the above mentioned subsections shall be two hundred dollars (\$200) for each type of device/system submitted. However, no additional fee shall be due under this Section if such device/system is included as a component in a system plan which has been submitted to the Chief and for which a fee has been paid pursuant to this code. The devices/systems subject to this fee shall include but not be limited to the devices/systems in Table D:

**Table D certain devices subject to single flat fee**

<u>Device/System</u>	<u>Fee</u>
Digital alarm communicator transmitters (DACT)	\$200 per system
Kitchen hood extinguishing systems	\$200 per system
Dry chemical extinguishing systems	\$200 per system
Fire detection devices that actuate fire doors/shutters (which are not part of any fire alarm system)	\$200 per system
Clean agent systems	\$200 per system
Fire pumps	\$200 per each
Standpipe systems (not to include combined sprinkler/standpipe systems)	\$200 per system
Smoke and Heat Vents	\$200 per system
High-piled Storage Arrays	\$200 each
Fire Command Center	\$200 each
LPG Retail Cylinder Exchanges of more than 100 gallons, or aggregate	\$200 each
LPG Individual containers less than 2000 gallons	\$200 each
LPG Individual containers aggregate less than 4000 gallons	\$200 each

- 4. Plan examination and inspection fees for storage tanks of liquids that are flammable, combustible or federally regulated hazardous substances are as outlined in Wis. Admin. Code § Comm 2.43.
- 5. The fee for the inspection only of devices/systems in state-owned buildings shall be half (½) of the fees specified in this Chapter.
- 6. A permit shall be required for the demolition of any system. However, no additional fee shall be due under this paragraph if the installation of a new system has been submitted to the Chief and for which a fee has been paid



pursuant to this code or a permit for the razing of the building is obtained from the City of Madison Inspection Division pursuant to Sec. 29.13, MGO. The permit fee shall be two hundred dollars (\$200).

7. The fee for review of submittals or review of plans for any work to be performed under this section, not specified in the fee schedules in this section, shall be two hundred dollars (\$200).
- (e) Penalty. Penalty for failure to obtain a permit before starting work shall be double the required fee. This shall be in addition to any other penalties provided elsewhere in the code. In addition, a penalty of one hundred dollars (\$100) shall be assessed for each day that any work requiring a permit progresses without a permit, calculated from the date the notice of violation is delivered to either the property owner or the contractor performing the work, until the date the owner or contractor submits the proper plans in an approved format to the Chief.

#### **34.03 RECORDS FOR INSPECTING, TESTING & MAINTENANCE OF FIRE PROTECTION SYSTEMS.**

These requirements are in addition to the record retention requirements found in Secs. 34.507, 34.703 and 34.901, MGO.

- (1) At least once each year, an individual with the applicable credential specified in Wis. Admin. Code ch. Comm 5, shall conduct the inspection, testing and maintenance specified for automatic fire sprinkler systems in NFPA 25. This section does not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.
- (2) All inspection, testing and maintenance of systems that occur annually or less frequent shall be filed with the City of Madison's electronic reporting system. Within thirty (30) days of said inspection the owner shall insure that the following information is filed electronically with the City:
  - (a) The address that was inspected;
  - (b) The type of fire protection system inspected;
  - (c) The applicable standard;
  - (d) List of any system deficiencies or code violations;
  - (e) The name, registration number and address of the registered contractor who performed the inspection, testing or maintenance; and
  - (f) Attestation that the inspection, test or maintenance activity was performed in accordance with the applicable IFC standards.

Free accesses to computers to complete the above-mentioned requirements are available at the Madison Fire Department Administration Building, the Madison Building Inspection Division and all Madison Public Libraries.
- (3) Electronic filing requirements in subsection (1) and (2) become effective on March 1, 2011. Prior to March 1, 2011, all individuals shall submit all records of system inspection, testing and maintenance to the Chief.

#### **34.04 REGULATION OF FIRE ALARM SYSTEMS, FALSE ALARMS.**

- (1) Definitions. For the purpose of this ordinance, the following definitions shall apply:
  - "Alarm" means any sound, signal or message generated by an alarm system, alarm user or other person, to which fire personnel are expected to respond.
  - "Alarm user" means the person, partnership, corporation or other entity of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is in operation.
  - "Alarm System" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video or other form of message to an alarm system monitoring company or some other number or emits an audible or visible signal that can be heard or seen by persons outside the protected premises or transmits a signal beyond the premises in some other fashion, except a medical alert alarm. An alarm system or alarm device may consist of one or more components all reporting to a central alarm station.
  - "Automatic dial device" means any device that automatically sends over regular telephone lines, by direct connection, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which fire personnel are expected to respond.
  - "Central alarm station" means a facility having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected and

where operators supervise an alarm panel and upon receipt of emergency signals indicating fires may relay a message to the fire department and may notify an alarm agent for the purpose of responding to the alarm signal.

“Control” means the power or authority to manage, superintend, direct or oversee a building, structure or facility or portion thereof.

“Department” means the City of Madison Fire Department and its personnel and includes other fire agencies assisting the Madison Fire Department.

“False Alarm” means the reporting of or activation of any monitored or non-monitored alarm system where the Department arrives at the premises and determines that there is no evidence of a fire or emergency on the premises that would warrant a call for fire assistance or investigation. An alarm shall be presumed to be false if the responding Department does not locate evidence of a fire or emergency on the premises that might have caused the alarm to sound. False alarm includes an alarm caused by a power outage but shall not include alarms activated by unusually severe weather conditions or other causes which are identified by the Chief to be beyond the control of the Alarm User.

“Fire” means the City of Madison Fire Department and its personnel and includes other fire agencies assisting the Madison Fire Department.

(2) Alarm Requirements.

(a) Alarm system user responsibility. It shall be the duty of the alarm user to properly use the alarm system, ensure that all alarm users are instructed in the proper use of the alarm system and are aware of the provisions of this chapter and to maintain the alarm system in proper working order. The alarm user shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Any special codes, combinations, or passwords must not be included in these instructions but must be maintained on site.

(3) Alarm Companies and Private Responders.

(a) Every alarm company shall provide its alarm customers with a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms, including the forfeiture amounts, and written guidelines on how to prevent false alarms.

(b) Every alarm company shall provide training to its alarm customers in the proper use of the alarm system, including instructions on how to prevent false alarms.

(4) Misuse of Alarm System. Use of an alarm system in the absence of an actual emergency situation, which results in the response of fire personnel; or use of an alarm system rather than a telephone to summon fire personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons and misuse of the alarm system. Misuse of an alarm system is unlawful.

(5) False Alarm. Alarm users shall not have, permit or allow false alarms to occur at any building, structure, facility or portion thereof under their control and where an alarm system is in operation. Inspections, testing, maintenance, alteration and repair activities for fire protection systems shall not result in the transmission of a false alarm.

(6) Orders. The Chief shall have the authority to order the installation of double action pull stations or pull covers with horn when the department has responded to three (3) or more intentional false alarms at a premise.

(7) Exceptions. None of the provisions of this ordinance shall apply to any official governmental body or subdivision thereof, which owns, operates and maintains its own alarm equipment.

(8) Penalty. An alarm company, a private responder, an alarm user or a person in control of an alarm system commits an offense if they violate any provision of this section by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon them by this ordinance and is subject to a forfeiture of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) for each offense. Prosecution action will be commenced if there is a malfunction of the alarm system or an unintentional false alarm if there are two (2) violations within one month or three violations within twelve (12) months. Prosecution action will be commenced if the false alarm occurs in the course of inspection, testing or maintenance of the alarm system. Prosecution action and penalties imposed will vary depending on whether the false alarm is a result of an intentional act, a malfunction of the alarm system, an unintentional act or a result of inspection, testing or maintenance of the alarms system for specifics regarding the individual penalties see Sec. 1.08(3)(a), MGO.

**34.05 BAN ON SALE OF NOVELTY LIGHTERS.**

- (1) Intent and Purpose. The Common Council of the City of Madison hereby finds that:
  - (a) Novelty lighters have features which are attractive to children, including visual effects, flashing lights, musical sounds or toy-like designs.
  - (b) Designing lighters to disguise their true function increases the risk of injury and attracts children. Novelty lighters are easily mistaken by children and adults as children's toys or common household items.
  - (c) Novelty lighters are inherently dangerous products containing flammable fuel. If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.
  - (d) Disguising the true function of an inherently dangerous product unnecessarily threatens the health and safety of the citizens of Madison.
  - (e) Novelty lighters have been the cause of many personal injuries to children and adults and to property damage throughout the United States.
  - (f) The Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to their danger to public safety.
- (2) Definitions.

“Lighter” means a mechanical or electronic device that ignites a flame, typically used for lighting tobacco products.

“Novelty Lighter” means a lighter which is especially attractive to children due to a toy-like design. This includes, but is not limited, to lighters that depict or resemble cartoon characters, toys, weaponry, household products, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features.
- (3) Ban on Sale. The retail sale, offer of retail sale, gift or distribution of any novelty lighter is prohibited.

**34.104 INTERFERENCE WITH FIRE FIGHTING.**

- (1) It shall be unlawful for any person to knowingly obstruct any firefighter in the performance of duties relating to an emergency or rescue.
- (2) It shall be unlawful for any person to give or cause to be given any false request for fire personnel.
- (3) It shall be unlawful to interfere with the proper function of a fire alarm system.
- (4) It shall be unlawful to interfere with the lawful efforts of a firefighter to extinguish a fire.
- (5) No person shall offer any hindrance or resistance to a firefighter in the discharge of the firefighter's duty.
- (6) No person shall drive any vehicle over or across a fire hose.
- (7) No person shall in any manner injure or interfere with any hose, fire engine, or other fire apparatus belonging to the City.
- (8) No person shall drive or operate any automobile or other vehicle over any portion of any street or alley occupied by the engines, auto trucks or other vehicles or apparatus of the Fire Department when engaged in extinguishing a fire unless precaution is taken so as not to do any injury to any property or apparatus of the Fire Department or interfere with the operation of the same.
- (9) Any person who violates this section shall forfeit up to one thousand dollars (\$1000).

**34.105 LICENSES AND PERMITS.**

The following requirements are in addition to the requirements found in IFC section 105:

- (1) All licenses shall not be transferable and any change in equipment, ownership, use or occupancy of premises shall require a new license.
- (2) All permits referenced in this section and IFC section 105 will be called licenses and shall comply with the requirements found in this section.
- (3) Applications required under IFC section 105.2 shall be filed with the City Clerk not the Chief.
- (4) All applications must be submitted thirty (30) days prior to commencing the prescribed activities. All applications shall be acted upon promptly. The Chief shall within fifteen (15) business days from the receipt of an application, either issue the requested license or state to the applicant the reasons for not issuing it.

- (5) Licenses shall be valid so long as the original conditions of their issuance are maintained, but shall not exceed one (1) year unless specifically provided. The term of each annual license shall be from July 1 to June 30 of the next year. Licenses for a part of a year may be issued, expiring on June 30. Licenses issued for a period of three (3) months to one (1) year shall be subject to the entire applicable fee.
- (6) A fee of one hundred dollars (\$100) shall be made for each license under this section, except as listed in this section or as specified elsewhere in this code, payable to the City of Madison.
- (7) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of a late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failing to possess or obtain a license.
- (8) No license shall be issued to minors.
- (9) The Chief may revoke any license, issued under this code where any condition of issuance has not been complied with or maintained or where there has been any false statement or misrepresentation of any material fact in the application or plans on which the issuance was based. The Chief shall promptly notify the license holder of the revocation. The license holder may appeal the Chief's decision to the Board. Such revocation shall be in effect pending the decision of the Board, and the license holder shall immediately comply with the conditions of revocation.
- (10) The IFC section 105.6.30 exception for recreational fires is not included as part of this code. In addition to the requirements found in IFC section 105.6.30, a permit is required for recreational fires. A permit is not required for outdoor cooking, fire in approved outdoor fireplaces, campfires in approved campgrounds and burning related to training for fire departments.
- (11) Repair garage license holders shall not be required to obtain a separate flammable and combustible liquids license, as long as the flammable and combustible liquids stored, used or handled are incidental to the repair garage occupancy and are less than one hundred nineteen (119) gallons.
- (12) Spraying or dipping license holders shall not be required to obtain a separate flammable and combustible liquids license as long as the flammable and combustible liquids stored, used or handled are used in the operation of the spraying or dipping.
- (13) Hazardous materials license holders shall not be required to obtain additional licenses for the storage, use or handling of flammable and combustible liquids, compressed gases, cryogenic fluids, magnesium and organic coatings.
- (14) The following activities shall be required to obtain a license for a specific time period as approved by the Chief, but for no longer than a year.
  - (a) Open Burning - the license shall comply with Sec. 34.307, MGO. The fee for this license shall be fifty dollars (\$50).
  - (b) An operational license is required for pyrotechnic special effects materials and public display of fireworks. A license is required for each display. The license fee is two hundred and fifty dollars (\$250). All use of pyrotechnic special effect materials and fireworks shall comply with the requirements found in IFC section 105.6.36 and Sec. 34.3301, MGO.
- (15) A permit is required for special events or use of the common area of a covered mall including but not limited to the display of goods, retail sales displays, fashion shows, art shows, motor vehicle displays and holiday events. A detailed floor plan drawn to scale of the area to be used shall be submitted with the permit application. The plan shall show the location of all assembly seating areas, stages, booths, displays, exhibits and demonstrate compliance with the means of egress system requirements of Wis. Admin. Code chs. Comm. 61 to 65.
- (16) The following exceptions are in addition to the exceptions found in IFC section 105.6.43 - tents or canopies used for retail sales adjunct to a business; however a building permit is required. Funeral tents and curtain or extensions attached thereto, when used for funeral services.
- (17) The requirements of the following IFC subsections are not included as part of this code:

Section 105.1.3	Permits for same location
Section 105.6.4	Carnivals and fairs
Section 105.6.13	Exhibits and trade shows
Section 105.6.15	Fire hydrants and valves
Section 105.6.16	Flammable and combustible liquids – omit 1., 4., 6., and 7.
Section 105.6.17	Floor finishing

Section 105.6.18	Fruit and crop ripening
Section 105.6.19	Fumigation and thermal insecticidal fogging
Section 105.6.23	Hot work operations
Section 105.6.24	Industrial ovens
Section 105.6.26	Liquid- or gas-fueled vehicles or equipment in assembly buildings
Section 105.6.27	LP-gas
Section 105.6.31	Open flames and torches
Section 105.6.29	Miscellaneous combustible storage
Section 105.6.32	Open flames and candles
Section 105.6.35	Private fire hydrants
Section 105.6.38	Refrigeration equipment
Section 105.6.40	Rooftop heliports
Section 105.6.44	Tire-rebuilding plants
Section 105.7-.14	Required construction permits

### 34.202 DEFINITIONS.

The following definitions are in addition to the definitions in IFC section 202:

- (1) "Board" means the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals.
- (2) "Chief" means the Chief of the Madison Fire Department and the Chief's designee.
- (3) "Code" means Chapter 34 of the Madison General Ordinances.
- (4) "Code Official" means the Chief of the Madison Fire Department.
- (5) "Comm" or "Commerce" means Wisconsin Department of Commerce.
- (6) "Department" or "Fire Department" means the City of Madison Fire Department.
- (7) "IFC" means the *International Fire Code*<sup>®</sup> as adopted and amended by this code.
- (8) "Individual" means an owner, person or licensee.
- (9) "Inspector" means Fire Inspector, Fire Code Enforcement Officer, Fire Prevention Officer, Fire Protection Engineer, Fire Marshal, Firefighter or other Fire Department personnel authorized by the Chief to perform the duties of administration and enforcement of this code.
- (10) "License" shall also include a permit.
- (11) "Licensee" shall mean all individuals required to obtain a license under this code.
- (12) "NFPA" means the National Fire Protection Association.
- (13) "Owner" means every person, firm, partnership or other person having the ownership, control, custody or management of any property.
- (14) "Permit" shall also include a license.
- (15) "Person" means every owner and licensee.

### 34.304 COMBUSTIBLE WASTE.

The following requirements are in addition to the requirements found in IFC section 304:

- (1) Accumulation of Combustible Waste:
  - (a) Combustible waste or refuse shall be properly stored or disposed of at the end of each working day, before vacating a building or premises and whenever necessary to prevent unsafe, uncontained accumulations.
  - (b) Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or refuse of any kind, except as permitted in Sec. 7.361, MGO.
  - (c) No person shall place, deposit, dump or otherwise dispose of hazardous material, combustible waste, refuse or rubbish in or on any street, alley, public sidewalk or public place except as permitted in Sec. 10.18, MGO.
- (2) IFC section 304.1 is modified to read: Waste accumulation prohibited. Combustible waste material, including confidential material intended for destruction, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.
- (3) The following exception is in addition to the exceptions in IFC section 304.3.3:

Dumpsters and containers constructed of noncombustible material with lids constructed of noncombustible material may be placed within five (5) feet of combustible walls, openings or combustible roof eave lines.

- (4) Refuse shall be in approved bins equipped with covers and doors in a closed position except while filling or emptying.
- (5) Interior storage prior to collection in apartment buildings:
  - (a) Refuse storage in excess of one (1) cubic yard for more than twenty-four (24) hours shall be in rooms constructed in accordance with Sec. 29.20(8)(c), MGO and shall be of sufficient size to store all refuse generated prior to removal.
  - (b) All refuse shall be removed at least once each week.
  - (c) Refuse holding rooms shall not be used for any other purpose.

#### **34.307 LICENSE REQUIRED FOR OPEN BURNING.**

The following requirements are in addition to the requirements found in IFC section 307:

- (1) In addition to authorization from the Chief, a license must be obtained in accordance with Secs. 7.45 and 34.105(15)(a), MGO.
- (2) Open burning is not permitted without a license. The burning of rubbish, leaves, construction waste, and other similar material is prohibited.
- (3) No person shall kindle a recreational fire upon the land of another without the permission of the owner.
- (4) Outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed without a license, as long as the following conditions are met:
  - (a) Fireplaces shall include a bowl with supports to ensure clearances to combustibles;
  - (b) Pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks;
  - (c) Fireplaces or pits shall not be used within fifteen (15) feet of a building or lot line;
  - (d) Fireplaces or pits shall be used on a stable level surface;
  - (e) Fireplaces or pits shall not be used on any combustible deck, porch or patio;
  - (f) Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash, yard waste or construction material shall be burned;
  - (g) If the fireplace is a propane unit, only propane shall be burned;
  - (h) The smoke from the fireplace or pit shall not create a nuisance;
  - (i) A fire extinguisher, garden hose or other method of fire control shall be readily available;
  - (j) The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised;
  - (k) Fireplaces or pits shall not be operated when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR); and
  - (l) Manufactured outdoor fireplaces and pits shall be operated in accordance with the manufacturers assembly, safety and operating instructions.

#### **34.308 OPEN FLAMES.**

IFC section 308.1.4 shall be replaced with the following language:

- (1) Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies within ten (10) feet of combustible construction. Exceptions:
  - (a) One- and two-family dwellings.
  - (b) Where buildings, balconies and decks are protected by an automatic sprinkler system.
- (2) LP-gas burners having an LP-gas container with a water capacity greater than two and a half (2½ ) pounds [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be stored or operated on balconies unless they are served by exterior stairways. Exceptions:
  - (a) One- and two-family dwellings.
  - (b) Where buildings, balconies and decks are protected by an automatic sprinkler system.

#### **34.313 FUELED EQUIPMENT.**

The following requirements are in addition to the requirements found in IFC section 313:

- (1) Small engine power equipment fueled by a flammable or combustible liquid shall be kept outside of a public building or in a garage.
- (2) It shall be unlawful to keep or store small engine power equipment fueled by flammable or combustible liquid inside of a public building, unless:
  - (a) The fuel tank is drained;

- (b) The fuel tank is vented to the outside for fifteen (15) minutes prior to placing the equipment in the building;
  - (c) The spark plug(s) is disconnected or removed;
  - (d) No more than four (4) pieces of fueled equipment are stored within the building;
  - (e) The equipment is not within a mechanical or electrical room; and
  - (f) The equipment is for on-site maintenance only.
- (3) All flammable or combustible fuel shall be stored in accordance with NFPA 30.

#### **34.315 MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE.**

- (1) The following requirement is in addition to the requirements found in IFC section 315: Storage of twenty (25) or more Combustible Idle Pallets: Pallet stacks shall not exceed fifteen (15) feet (4.6 m) in height nor shall cover an area greater than five hundred (500) square feet (46.5m<sup>2</sup>). Pallet stacks shall be arranged to form stable piles. Piles shall be separated by a minimum of eight (8) feet. Piles shall be a minimum of ten (10) feet from buildings and property lines.
- (2) The following exception is added to IFC section 315.2.3: Combustible material may be stored in boiler rooms, mechanical rooms or electrical equipment rooms where in the judgment of the Chief it does not create a fire hazard. Access must be provided to the equipment and the clearances specified by the equipment manufacturer must be maintained.

#### **34.501 FIRE SERVICE FEATURES.**

- (1) Multiple Address Buildings. The following requirements are in addition to the requirements found in IFC section 501:  
When buildings or a complex of buildings are protected with a single or common fire protection system, a fire department connection and fire alarm annunciator shall be provided for each address in a location approved by the Chief. The fire alarm system shall transmit signals for each address to the central alarm station. In addition to the fire protection components, a key box or vault shall be installed for each address in a location approved by the Chief. The Chief may waive any requirements of this section when deemed appropriate.
- (2) Fire Wall Identification. The following requirements are in addition to the requirements found in IFC section 501:
  - (a) For the purposes of this section, fire division wall or occupancy separation wall means a wall extending from the lowest floor level to or through the roof and extending the full width or length of the building.
  - (b) All owners shall identify, in accordance with the requirement of this section, the location of a fire division wall or occupancy separation wall at the exterior walls of buildings with a sign. A sign may not be required to identify a fire division wall or occupancy separation wall for the following:
    - 1. Abutting exterior walls of two (2) or more buildings along streets in downtown areas;
    - 2. With a visible parapet from the street;
    - 3. Which extends above roofs and is an exterior wall of another part of a building; and
    - 4. In buildings more than three (3) stories high.
  - (c) Sign Requirements.
    - 1. General. The sign shall consist of three (3) circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.
    - 2. Size of Circle. Each circle shall be the same size. The diameter of the circle shall be at least one and one half (1 1/2) inches, but no greater than two (2) inches.
    - 3. Spacing. The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be twelve (12) inches.
    - 4. Color. The color of the circle shall be either red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.

5. Location. The top of the sign shall be located on the face of the exterior wall of the building and located no more than twelve (12) inches below the eave, roof edge, fascia or parapet.

### **34.503 FIRE APPARATUS ACCESS ROADS.**

- (1) Fire Access Roads on Public or Private Property Devoted to Public Use.  
The following requirements are in addition to the requirements found in IFC section 503:
  - (a) The marking of fire access roads on public property or private property devoted to public use shall be approved by the Chief.
  - (b) Obstructing fire access roads shall be prohibited at all times, including the accumulation of snow.
  - (c) Fire access roads shall be established on public property or private property devoted to public use where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles, personnel and equipment for the protection of persons and property.
  - (d) At least two (2) exterior walls of each building shall be available for Fire Department access. The Chief may consider alternative designs that ensure adequate access for fire apparatus, equipment and personnel.
- (2) Surface of Fire Apparatus Access Roads.  
The following requirements are in addition to the requirements found in IFC section 503.2.3: Fire access roads shall be designed to support the imposed loads of fire apparatus and shall be constructed of asphalt or concrete.
- (3) Grade of Fire Apparatus Access Roads.  
The following requirements are in addition to the requirements in IFC section 503.2.7: The grade shall not exceed a slope of eight percent (8%).

### **34.505 PREMISES IDENTIFICATION.**

In IFC section 505.1, the words “or alphabet letters” are not included as part of this chapter.

### **34.507 FIRE PROTECTION WATER SUPPLY.**

The following requirements are in addition to the requirements found in IFC section 507:

- (1) Fire Protection Water Supply and Fire Hydrants.
  - (a) Private fire hydrants and water mains shall be installed in accordance with NFPA 24, and Sec. 702.4 of the latest edition of the City of Madison Public Works Department “Standard Specifications for Public Works Construction.” Private fire hydrants and water mains shall be maintained in accordance with NFPA 25.
  - (b) Plans shall be submitted to the Chief for review to determine compliance with the applicable standards prior to the installation of private fire service mains and fire hydrants. The Chief shall act upon such applications within fifteen (15) days of receipt. Denials of such applications may be appealed to the Board.
  - (c) All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within five hundred (500) feet of at least two (2) fire hydrants. Hydrant spacing shall not exceed five hundred (500) feet between any two (2) hydrants. One- and two-family dwellings shall be within five hundred (500) feet of at least one (1) fire hydrant. On new streets hydrants shall also be located at the intersections and the end of dead end streets. Distances shall be measured along the path of the hose lay. Hydrants shall not be located where the hydrant is not accessible to fire apparatus.  
Private fire hydrants shall not be located in the public right of way. Hydrant requirements in accordance with this standard may be met with existing public or private hydrants. The Chief may approve alternative locations and spacing of fire hydrants provided hydrants meet the fire suppression tactical needs of the Fire Department.
  - (d) Fire hydrants shall not be located within forty (40) feet of any building. Fire hydrants shall be no more than ten (10) feet and no less than five (5) feet from the curb or edge of the fire access road. Parking lot islands shall be a minimum of three and half (3 ½) feet from the center of the hydrants to the curb.
  - (e) Minimum Flow and System Design.



1. Private fire service mains serving fire hydrants shall be the same size as the public mains supplying the private water system unless hydraulically calculated to provide the minimum required flow and pressure in accordance with nationally recognized standards. In all cases, mains serving fire hydrants do not need to exceed ten (10) inches but shall be at least six (6) inches in diameter. Alternative designs, based on nationally recognized standards for calculating fire flow demands, may be approved by the Chief. If the minimum flow and pressure requirements cannot be supplied by a private water supply system, the owner may be required to install a water reservoir and pressure boosting system or a public water supply system and/or multiple points of connection to the public water main(s).
  2. Control valves shall be provided to limit the number of private hydrants affected by maintenance, repair or construction. Valves shall be located at street intersections and at no more than eight hundred (800) feet intervals. Valves shall be provided in each hydrant lead.
  3. All hydrants shall be positioned so the largest outlet faces the fire access road.
  4. The center of the lowest outlet cap of fire hydrants shall be at least eighteen (18) inches above grade and not more than twenty-four (24) inches above grade.
- (f) Whenever the location of a fire hydrant may be obscured by its placement, or due to the placement of a building, structure, fencing, grade of land, vegetation, snow accumulation or other obstruction of vision, the Chief may require such fire hydrants to be identified and marked with above grade markers. Above grade markers are any devices, approved for use by the Chief, designed to promote and enhance the ready identification of fire hydrant locations.
- (g) No obstructions, including but not limited to power poles, trees, bushes, fences or posts may be located within five feet of a fire hydrant. Grade changes exceeding one and half (1 ½) feet are not permitted within five (5) feet of a fire hydrant or hydrant lead.
- (h) Property owners shall remove snow, vegetation or other material that has covered or obscured the view of the hydrant(s) located on their property, including the terrace area.
- (i) Fire hydrants shall be installed and in-service prior to combustible construction.
- (j) Private fire hydrants and water systems placed out of service or made inoperable for maintenance, repair or construction shall be covered with a durable and weather resistant bag which indicates the hydrant is not useable. The Fire Prevention Division shall be immediately notified when hydrants and/or systems are out of service. Fire hydrants and/or water systems shall be repaired and returned to service within forty-eight (48) hours except as otherwise approved by the Chief.
- (k) Annual inspection, testing and maintenance shall be submitted as required in Sec. 34.03, MGO.
- (2) Mobile Home Parks.  
Any mobile home park created or modified after August 1, 2002, shall have an approved fire protection water supply system. The system shall include water mains, fire hydrants and appurtenances in accordance with this code. Approved fire hydrants shall be installed so that every lot or structure in the mobile home park is within five hundred (500) feet of a hydrant. Materials and equipment used must meet the standards, rules and regulations of the Madison Water Utility.

#### **34.508 FIRE COMMAND CENTER.**

The following requirements are in addition to the requirements found in IFC section 508.15, item 6: The status indicators and controls for air-handling systems required in subsection 5., shall be provided on the fire-fighters control panel, with the appearance and performance required in IFC section 909.16.

#### **34.603 FUEL-FIRED APPLIANCES.**

The following language is substituted for IFC section 603.4: Portable unvented fuel-fired heating equipment is prohibited, except during construction or demolition of a building as allowed under IFC section 1403.

#### **34.604 EMERGENCY AND STANDBY POWER SYSTEMS.**

- (1) The following language is in addition to IFC section 604.1.1:  
Where an emergency or standby power supply system is required by this code, that power shall be supplied by an on-premise generator with an onsite fuel supply source, except when determined by the Chief not to be necessary for safety purposes.
- (2) In IFC section 604.2.14.1.1, the exception for the use of pipeline natural gas as the fuel supply for the generator is not included as part of this code.

#### **34.605 ELECTRICAL EQUIPMENT.**

The following requirements are in addition to the requirements found in IFC section 605:

- (1) Extension Cords and Relocatable Power Taps.
  - (a) Definitions.

“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.

“Relocatable power tap” means a system consisting of an attachment plug cap and a length of flexible cord terminated in an enclosure in which one or more receptacles are mounted. A relocatable power tap may be provided with supplementary overcurrent protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters.
  - (b) Listing. Extension cords and relocatable power taps shall be listed by an approved nationally recognized testing agency.
  - (c) General Requirements.
    1. Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.
    2. 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) Ampacity. The current carrying capacity of the extension cord or relocatable power tap may not be exceeded.
  - (e) Use of Extension Cords and Relocatable Power Taps.
    1. Except as provided in subdivision (1)(c), extension cords and relocatable power taps may not be multiplied or plugged into one another.
    2. Extension cords may be used for temporary wiring at construction sites provided the cords comply with Article 305 of the National Electrical Code as adopted in Wis. Admin. Code ch. Comm 16.
    3. Extension cords shall be permitted only with portable appliances, hand tools or fixtures.
    4. Relocatable power taps are permitted only with portable electronic equipment such as audio-visual equipment, computers and peripheral equipment.
    5. Except for listed adapter cord sets intended for construction site use, each extension cord shall serve only one portable appliance, hand tool or fixture.
  - (f) Physical Protection.
    1. Extension cords and relocatable power taps shall be protected from physical impact and environmental damage.
    2. Extension cords and relocatable power taps may not be attached to structures or placed under doors or floor coverings.

#### **34.703 FIRE-RESISTANCE-RATED CONSTRUCTION.**

In addition to the requirements found in IFC chapter 703, all records for inspecting, testing and maintenance must be filed according to the requirements found in Sec. 34.03, MGO.

#### **34.806 DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS.**

The requirements of IFC section 806.1.1 do not apply to natural cut seasonal holiday trees.

#### **34.903 AUTOMATIC SPRINKLER SYSTEMS.**

- (1) The following requirements are in addition to the requirements found in IFC section 903.3.5:  
Automatic sprinkler systems shall provide a minimum safety factor of ten percent (10%) or 5psi, whichever is greater, in the fire protection system hydraulic calculations below the water supply curve.

- (2) The following language is substituted for IFC section 903.4.2:  
Approved audible and visual notification devices shall be connected to every automatic sprinkler system. Such notification devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building located above the fire department connection. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
- (3) Records for the inspecting, testing and maintenance of automatic sprinkler systems shall be kept in accordance with Sec. 34.03, MGO.

#### **34.904 COMMERCIAL COOKING SYSTEMS.**

- (1) The following requirements are in addition to the requirements found in IFC section 904.11.6: Duct and hood systems, including the fire extinguishing system, shall be maintained in accordance with NFPA 96, as referenced in Wis. Admin. Code chs. Comm 61 to 65.
- (2) The following language is substituted for IFC section 904.11.6.2:  
Automatic fire-extinguishing systems shall be serviced at least every six (6) months and after every activation of the system. Inspection shall be by qualified individuals and a certificate of inspection shall be maintained and made available to the Chief upon request.

#### **34.906 FIRE EXTINGUISHERS.**

The following requirements are in addition to the requirements in IFC chapter 906:

- (1) Substandard Extinguishers Prohibited.  
The Chief shall order the removal, repair or testing of any fire extinguisher that has been found to be a danger. It shall be unlawful to allow any fire extinguisher to remain on the premises for which the Chief has ordered the removal thereof.
- (2) Recharging of Extinguishers.  
All fire extinguishers shall be recharged at periodic intervals so as to be maintained in continuous effective operating condition in accordance with the applicable standard specified in this code. Records kept regarding the inspection, testing and maintenance of fire extinguishers shall be kept in accordance with Sec. 34.03, MGO.
- (3) Licensed Contractors Required.  
Only qualified persons who have obtained a license in accordance with Sec. 34.105, MGO for such work shall do the recharging and servicing of fire extinguishers. The Chief shall issue such license after examination of the applicant, to make sure the applicant understands the requirements for recharging.

#### **34.907 FIRE ALARM AND DETECTION SYSTEMS.**

Buildings built before 2009 shall comply with this section, all buildings built after 2009 shall comply with IFC section 907. In IFC section 907.6.2.1.1 the following language is substituted for the last sentence: The minimum sound pressure levels shall be: 75dBA in occupancies in Groups R and in I-1; 90 dBA in mechanical equipment rooms and 70dBA in other occupancies.

- (1) Definitions. For the purposes of this section, the following terms are defined as follows:
  - "Residential building" means any building located in the City of Madison used in whole or in part for sleeping or lodging purposes including, but not limited to, any single family home, duplex, multifamily house, apartment house, rooming house, hotel, motel, children's home, dormitory, community-based residential facility and any other building used for sleeping or lodging purposes, but does not include a hospital or nursing home.
  - "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Sleeping area includes the area within an efficiency unit for sleeping purposes.
  - "Smoke alarm" means a single or multiple station alarm system responsive to smoke and not connected to a fire alarm system. Smoke alarms contain an audible warning device. Smoke alarms may use either photoelectric or ionization sensing technology.
  - "Smoke detector" means a device, suitable for connection to a circuit, which has a sensor that responds to visible or invisible particles of combustion. Smoke detectors are connected to a fire alarm control panel.

“Tenant” means an individual with a residential rental agreement whether written or verbal with the owner of the property.

(2) Required Installation.

- (a) On August 15, 2009 all residential buildings, except owner-occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
  - 1. A smoke alarm with two (2) independent power sources consisting of a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.
  - 2. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
- (b) On August 15, 2009 all owners of residential buildings, except owner-occupied single family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six (6) feet of each door leading to a bedroom or sleeping area of each unit and on each floor of the building. This subdivision does not apply to owners of hotels and motels.
- (c) If the residential building has smoke alarms powered by the building’s commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturer’s instructions or sub. (3)(h). Replacement smoke alarms must meet the requirements of sub. (2)(a)1.
- (d) Owner-Occupied Single Family Homes. It shall be the responsibility of the owner of an owner-occupied single family home to install smoke alarms as required by sub. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.
- (e) Smoke Alarm Installation. Smoke alarms should be installed in accordance with this section and other applicable state building codes. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
- (g) Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.

(3) Maintenance of Smoke Alarms.

- (a) Replacement of Batteries.
  - 1. The owner of any residential building shall replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
  - 2. The owner of any residential building shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
- (b) The owner of any residential building shall provide all tenants with the manufacturer’s maintenance and testing instructions.
- (c) Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
- (d) The tenant shall be responsible for maintaining and testing, in accordance with the manufacturer’s instructions, smoke alarms that are within the dwelling unit during the term of the tenancy. The tenant shall be responsible for notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the requirements of sub. (2)(a).
- (e) Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.
- (f) Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer’s instructions. Non-operational, damaged, or missing smoke alarms shall be replaced with smoke alarms meeting the requirements of sub. (2)(a)1.
- (g) The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.
- (h) No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.

- (4) Fire Safety Education Required. Upon each new lease and at least once every twelve (12) months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Chief. The Chief shall prepare the text and make the text available for distribution by the owner.
- (5) This ordinance does not apply to any buildings that have smoke detectors installed as required by other codes, ordinances, or standards and located in locations specified in sub. (2)(b).
- (6) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance.

#### **34.1001 ADMINISTRATION.**

- (1) In IFC section 1001 the phrases "Section 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings." are not included as part of this code.
- (2) The following language is in addition to IFC section 1001:  
1001.3 Existing Buildings. Sections 1003 through 1030 shall apply to existing buildings.  
Exceptions: Means of egress conforming to the requirements of the building code under which they were constructed shall be considered as complying means of egress if, in the opinion of the Chief, they do not constitute a hazard to life.

#### **34.1004 OCCUPANT LOAD.**

The Department is not required to follow IFC section 1004.2 regarding increased occupant load.

#### **34.1022 EXIT ENCLOSURES.**

The lettering size of the signage requirements found in IFC section 1022.8.1 is substituted as follows:

- (1) The signs shall be a minimum of 17 inches (431 mm) by 11 inches (279 mm).
- (2) The letters designating the identification of the stair enclosure shall be a minimum of 1 inch (25 mm) in height.
- (3) The number designating the floor level shall be a minimum of 3 ½ inches (88 mm) in height and located in the center of the sign.
- (4) All other lettering and numbers shall be a minimum of ¾ inch (19 mm) in height.

#### **34.1028 ASSEMBLY.**

The following exception is added to the exceptions found in IFC section 1028.12:

Seats not fastened to the floor are permitted for companions of a person with a disability.

#### **34.2703 HAZARD IDENTIFICATION SIGNS.**

The following requirements are in addition to the requirements found in IFC section 2703.5:

- (1) Hazardous Material Identification.
  - (a) Identification Signs Required. Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain hazardous materials shall be identified with signs in accordance with this section. Signs shall be maintained at all times and shall be located as directed by the Chief. Signs shall be durable, weather resistant and unobstructed.
  - (b) Exemptions. The following are not required to be identified with a sign:
    1. Buildings used primarily for a retail trade activity that do not store or sell hazardous materials in quantities to present hazard to first responders.
    2. Doors that directly access a laboratory shall be identified with a notice at least eight and a half (8½) inches by eleven (11) inches in size. The notice shall contain at least the laboratory emergency information as specified in Table A.
  - (c) Building Identification. A sign at least two and a half (2 ½) inches square with no numbers shall be conspicuously placed on or near all of the exterior building exit doors to identify the building to the Fire Department as a labeled building. A sign at least seven and a half (7 ½) inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.
  - (d) Room Identification. Doors that directly access a room or area that contains a hazardous material shall be identified with a numbered sign at least seven and a half (7 ½) inches square. In any room or area that has more than one hazardous material, the sign shall list the highest number of the most hazardous material for each hazard. The sign shall be placed on the door or as designated by the Chief.

- (e) Above Ground Tank Identification. A sign at least seven and a half (7 ½) inches square with the required identification numbers shall be placed on each individual tank in such a manner so that the sign is clearly visible on two (2) sides.

TABLE A  
LABORATORY EMERGENCY INFORMATION

<b>Department:</b>	<b>Room:</b>	<b>Date of Latest Update:</b>
<b>Supervisor Responsible for Lab.:</b>	<b>Office Phone:</b>	<b>Home Phone or 24 hr. access:</b>
<b>Alternate Contact:</b>	<b>Office Phone:</b>	<b>Home Phone or 24 hr. access</b>
<b>Alternate Contact:</b>	<b>Office Phone:</b>	<b>Home Phone or 24 hr. access</b>
<b>Building Emergency Coordinator:</b>	<b>Office Phone:</b>	<b>Home Phone or 24 hr. access</b>
<b>Alternate Contact:</b>	<b>Office Phone:</b>	<b>Home Phone or 24 hr. access</b>
BIOHAZARD		
Biosafety Level 1 <input type="checkbox"/> Low Biosafety Level 2 <input type="checkbox"/> Biosafety Level 3 <input type="checkbox"/> Biosafety Level 4 <input type="checkbox"/> High None <input type="checkbox"/>	Pathogens: <input type="checkbox"/> None <input type="checkbox"/> Human <input type="checkbox"/> Animal Toxins: <input type="checkbox"/> Yes <input type="checkbox"/> No Other: <input type="checkbox"/> <input type="checkbox"/>	Flammable Liquid <input type="checkbox"/> Air/Water Reactive <input type="checkbox"/> Toxic/Carcinogen <input type="checkbox"/> Corrosives <input type="checkbox"/> Gas Cylinder <input type="checkbox"/> Oxidizing Material <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
CHEMICALS		
Special Fire Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No Location:	Special Fire Control Agent <input type="checkbox"/> Yes <input type="checkbox"/> No Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No Location:	Laser <input type="checkbox"/> Irradiator <input type="checkbox"/> Radiation Sealed Source <input type="checkbox"/> Radioactive Materials <input type="checkbox"/> Radioactive Waste <input type="checkbox"/> Other: <input type="checkbox"/> <input type="checkbox"/>
RADIATION		
Special Fire Control Agent <input type="checkbox"/> Yes <input type="checkbox"/> No Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No Location:	Classification of Radiation: <input type="checkbox"/> Radioactive I <input type="checkbox"/> Radioactive II <input type="checkbox"/> Radioactive III <input type="checkbox"/> None	Special Fire Control Agent <input type="checkbox"/> Yes <input type="checkbox"/> No Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No Location:
<b>Nearest Safety/Contamination Shower Location:</b>		
<b>Additional Information:</b>		

**34.3301 EXPLOSIVES AND FIREWORKS.**

The following requirements are in addition to the requirements found in IFC Chapter 33:

- (1) Recreational Fireworks means the following:
  - (a) A cap containing not more than one-quarter ( $\frac{1}{4}$ ) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct body contact with a cap when it is in place for explosion.
  - (b) A toy snake that contains no mercury.
  - (c) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or one quarter ( $\frac{1}{4}$ ) inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter ( $\frac{1}{4}$ ) grain of explosive mixture.
  - (e) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
- (2) The following exceptions are additional exceptions to the requirements in IFC section 3301.1.3:

The retail sales, storage, handling and use of recreational fireworks as specified in this section are permitted.
- (3) The following requirements are in addition to the requirements in IFC section 3301.2:
  - (a) As specified in Sec. 34.105, MGO, a permit is required for the retail sales of recreational fireworks.
  - (b) An application for a permit for the sales of recreational fireworks shall be made in writing at least thirty (30) days in advance of the sale or offer to sell, and shall specify:
    1. The name and address of the permit holder;
    2. The date on and after which sales or offers to sell shall be made;
    3. The kind, quantity, and location of each device to be offered for sale.
- (4) Storage and Handling. The following requirements are in addition to the requirements in IFC section 3304.1:
  - (a) A person who stores or handles fifty pounds (50 lbs) or more of recreational fireworks shall immediately notify the Chief of the location, description and quantity of the recreational fireworks.
  - (b) No person may store recreational fireworks within one hundred (100) feet of a dwelling.
  - (c) No person may store recreational fireworks within one hundred (100) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.
- (5) The Chief may seize, at the expense of the owner of recreational fireworks that is stored, handled, sold, possessed or used by any person in violation of this code. Such seized products shall be destroyed after conviction for a violation and other returned to the owner.

**34.3308 FIREWORKS DISPLAY.**

The following requirements are in addition to the requirements found in IFC section 3308:

- (1) It shall be unlawful to possess or display fireworks or pyrotechnic special-effect material unless a license has been obtained under Sec. 34.105(14)(b), MGO.
- (2) Manually ignited firework displays are prohibited.
- (3) Mortars shall be covered to prevent entry of rain and debris and to indicate the shell lifted from the mortar.
- (4) The Chief may prohibit or terminate the use or display of fireworks or pyrotechnic special-effect material when in the opinion of the Chief atmospheric conditions or local circumstance make such use or display a fire hazard or other hazard to public safety. During such prohibition no person may use or display or permit the starting of any use or



display of fireworks or pyrotechnic special-effect material anywhere within the City of Madison.

- (5) The Chief may seize, at the expense of the owner, all explosives, fireworks or pyrotechnic special-effects material that is stored, handled, sold, possessed or used by any person in violation of this code. Such seized products shall be destroyed after conviction for a violation and other returned to the owner.
- (6) The following language is substituted for IFC section 3301.2.4:  
Every public display permittee shall have and maintain Commercial General Liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence; additional limits may be requested upon review by the City Risk Manager. Said insurance shall include coverage for bodily injury, property damage, and contractual liability, and name the City, its officers, officials, employees and agents as additional insureds. It shall also provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the permit application. In addition, the applicant shall agree to indemnify, defend, and hold harmless the City and its officers, officials, employees and agents against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

#### **34.3404 STORAGE TANKS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS.**

The following requirements are in addition to the requirements found in IFC section 3404.2:

- (1) The owner and operator of storage tanks for flammable and combustible liquids, at service stations or other locations, is responsible for the integrity and maintenance of each and all tanks at the location, together with the piping and dispensing systems connected therein at all times from original installation until termination of use of the tanks, piping and dispensing equipment. The provisions contained in Wis. Admin. Code ch. Comm. 10, shall apply to the abandonment, closure, removal, change-in-service, or placing the system temporarily out of service of aboveground and underground tanks.
- (2) Approval from the Chief shall be required for the closure, change-in-service or the temporary removal from service of any tank system for flammable and combustible liquids. Tank "system" includes aboveground and underground storage tanks in excess of sixty (60) gallons and system components including but not limited to piping, vents, leak detection, cathodic protection and spill or overflow protection systems. Documents submitted under this section shall comply with all requirements found in Sec. 34.02, MGO.

#### **34.4600 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS.**

Chapter 46 of the IFC are not included as part of this code."

2. The City Attorney is directed to make corresponding changes to other City ordinances to reflect these new sections in the Fire Prevention Code.

3. Subsection (2) entitled "Definitions" of Section 5.08 entitled "Regulation of Private Alarm Systems" of the Madison General Ordinances is amended to read as follows:

"Alarm" means any sound, signal or message generated by an alarm system, alarm user or other person, to which police ~~or fire~~ personnel are expected to respond.

"Central alarm station" means a facility having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected, and where operators supervise an alarm panel and upon receipt of emergency signals indicating ~~fires~~, burglaries or robberies, may relay a message to the ~~fire~~ or police department and may notify an alarm agent for the purpose of responding to the alarm signal."

4. Subsection (6) entitled "Misuse of Alarm System" of Section 5.08 entitled "Regulation of Private Alarm Systems" of the Madison General Ordinances is amended to read as follows:

"(6) Misuse of Alarm System. Use of an alarm system in the absence of an actual emergency situation, which results in the response of police ~~or emergency service~~ personnel; or use of an alarm system rather than a telephone to summon police ~~or emergency service~~ personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons; or use of an alarm system to summon police to incidents where all suspects are believed to have left the scene, is a false alarm and misuse of the alarm system. Misuse of an alarm system is unlawful."

5. Subsection (3) of Section 40.03 entitled "Adoption of Standards" of the Madison General Ordinances is amended to read as follows:

"(3) The Safety Code for Elevators and Escalators, ASME A17.1 and referenced codes and standards, as adopted and modified by Comm 18 and Sec. 40.035, MGO."

6. Section 40.035 entitled "Changes, Additions or Omissions to ASME A17.1" of the Madison General Ordinances is created to read as follows:

**"40.035 CHANGES, ADDITIONS OR OMISSIONS TO ASME A17.1.**

- (1) The following language is in addition to the requirements in ASME A17.1: In each elevator an audible signaling device shall be provided. It shall be operable from the emergency stop switch, where required, and from a switch identified as "ALARM", which shall be provided in or adjacent to each car operating panel. The "ALARM" switch of visual identification shall illuminate when the "ALARM" switch is actuated. One audible signaling device shall be permitted to be used for a group of elevators. The audible signaling device shall:
- (a) Have a rated sound pressure rating of not less than 80dBA and no more than 90dBA at 3 m (10 feet);
  - (b) Respond without delay after the switch has been activated;
  - (c) Be located inside the building and audible inside the car and outside the hoistway; and
  - (d) For elevators with a travel greater than 30 m (100 ft), be duplicated as follows:
    - 1. One device shall be mounted on the car; and
    - 2. A second device shall be placed at the designated level."

7. Paragraph 2. of Subdivision (c) entitled "Periodic Tests" of Subsection (3) entitled "Types of Inspections or Tests" of Section 40.09 entitled "Inspection Responsibilities" of the Madison General Ordinances is amended to read as follows:

"2. Reports containing complete information ~~off~~ for these tests shall be ~~submitted to the Chief on form SBD-2E for electric elevators, or SBD-3 for hydraulic elevators~~ kept on site in a conspicuous location adjacent to the conveyance controller on Madison Fire Department test form. Within thirty (30) days of testing, results shall be reported electronically via the City of Madison electronic reporting system. Incomplete tests or failed tests shall be submitted within three (3) business days to the Madison Fire Department for review."

8. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating, amending or repealing therein the following:

<del>"Posted fire lanes.</del>	34.19	\$55
<del>Tampering with fire protection equipment.</del>	34.26	\$300

Unlawful fireworks.	<del>34.31</del> <u>34.3308(1), (2), (3)</u>	\$225, 1 <sup>st</sup> , \$300, 2 <sup>nd</sup> & sub
Use or display of fireworks after prohibition by Fire Chief.	<del>34.31(1)</del> <u>34.3308(4)</u>	\$500
<del>Minor's use of fireworks.</del>	<del>34.31(2)</del>	<del>\$500</del>
<del>False alarm/Interference with firefighting.</del>	<del>34.37</del> <u>34.104(2)</u>	\$300
Vehicle not to be operated over street with <u>fire hose</u> , fire apparatus.	<del>34.38</del> <u>34.104(6), (8)</u>	\$300
Obstructing <del>emergency medical personnel</del> <u>firefighter</u> .	<del>34.39(2)</del> <u>34.104(1)</u>	<del>\$300</del> <u>500</u>
False request for <del>emergency medical</del> <u>fire</u> personnel.	<del>34.39(3)</del> <u>34.104(2)</u>	<del>\$300</del> <u>500</u>
<del>Failure to assist at fire.</del>	<del>34.40</del>	<del>\$300</del>
<del>Resistance to firefighters-Injury to apparatus.</del>	<del>34.41</del>	<del>\$300</del>
<u>Interference with fire alarm system.</u>	<u>34.104(3)</u>	<u>\$500</u>
<u>Resistance to firefighter.</u>	<u>34.104(5)</u>	<u>\$500</u>
<u>Interference with fire apparatus.</u>	<u>34.104(7)</u>	<u>\$500</u>
<u>Intentional false alarm.</u>	<u>34.04(4)</u>	<u>\$500</u>
<u>Malfunction of Alarm System, Unintentional false alarm (if 2 violations in 1 month or 3 violations in 12 months).</u>	<u>34.04(5)</u>	<u>\$100, 1<sup>st</sup></u> <u>\$200, 2<sup>nd</sup></u> <u>\$300, 3<sup>rd</sup> &amp; sub</u>
<u>Inspection, testing, maintenance resulting in false alarm.</u>	<u>34.04(5)</u>	<u>\$100, 1<sup>st</sup></u> <u>\$200, 2<sup>nd</sup></u> <u>\$300, 3<sup>rd</sup> &amp; sub"</u>

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.

When the changes provided by this ordinance have been made, the Table of Contents for Chapter 34 will read as follows:

**“CHAPTER 34: FIRE PREVENTION CODE**

- 34.01 General Provisions.
- 34.02 Design and Construction Reviews, Approvals and Permits.
- 34.03 Records For Inspecting, Testing & Maintenance of Fire Protection Systems.
- 34.04 Regulation of Fire Alarm Systems, False Alarms.
- 34.05 Ban on Sale of Novelty Lighters.
- 34.104 Interference with Fire Fighting.
- 34.105 Licenses and Permits.
- 34.202 Definitions.

- 34.304 Combustible Waste.
- 34.307 License Required for Open Burning.
- 34.308 Open Flames.
- 34.313 Fueled Equipment.
- 34.315 Miscellaneous Combustible Materials Storage.
- 34.501 Fire Service Features.
- 34.503 Fire Apparatus Access Roads.
- 34.505 Premises Identification.
- 34.507 Fire Protection Water Supply.
- 34.508 Fire Command Center.
- 34.603 Fuel-Fired Appliances.
- 34.604 Emergency and Standby Power Systems.
- 34.605 Electrical Equipment.
- 34.703 Fire-Resistance-Rated Construction.
- 34.806 Seasonal Holiday Trees.
- 34.903 Automatic Sprinkler Systems.
- 34.904 Commercial Cooking Systems.
- 34.906 Fire Extinguishers.
- 34.907 Fire Alarm and Detection Systems.
- 34.1001 Administration.
- 34.1004 Occupant Load.
- 34.1022 Exit Enclosures.
- 34.1028 Assembly.
- 34.2703 Hazard Identification Signs.
- 34.3301 Explosives and Fireworks.
- 34.3308 Fireworks Display.
- 34.3404 Storage Tanks For Flammable and Combustible Liquids.
- 34.4600 Construction Requirements for Existing Buildings.”