

**LEGISTAR 50336 – 2<sup>nd</sup> Substitute Body**

DRAFTER'S ANALYSIS: This ordinance increases the penalty for failing to comply with an order of the Chief to from \$75 to \$100. The ordinance further increases the inspection fee from \$60 to \$70. This ordinance reorganized and restructured Section 34.02, including adding a definition subsection and increases fees for plan review and inspections of new or modified systems covered by the code.. It further established duties for the applicant and the Chief. The ordinance created a requirement that all revisions and supplemental information be received with 15 days of request or the application will be rejected. This ordinance change requires electronic filing when the City implements the electronic record system. The ordinance increases fees for licenses issued by the Chief. The ordinance clarifies that a separate fireworks permit is not required when a pyrotechnic operational permit has been issued. The ordinance requires a license to recharge and service fire extinguishers. The ordinance further requires a work permit for the installation or modification of LPG containers. The ordinance establishes conditions when bon fires, natural lawn and prairie restoration and bonfires may not be ignited. The ordinance establishes requirements for having fixed outdoor fire feature devices. The ordinance further establishes requirements and carnivals and fairs regarding the location of cooking devices and the fire apparatus access that must be provided, along with requiring an emergency evacuation plan and security to ensure unauthorized individuals do not enter the carnival area after operating hours. The ordinance establishes emergency preparedness requirements for events involving a large number of individuals. The ordinance changes the grade of fire apparatus access roads to a slope of 10%. The ordinance requires that fire hydrants be located within 20 feet of any building. The ordinance establishes requirements for obtaining a license to clean commercial kitchen exhaust hoods and duct systems. The ordinance requires that the occupant load for outdoor assembly areas where individuals are confined by barriers be approved by the Chief. This ordinance created additional minor changes that have minimal impact. This ordinance shall become effective May 1, 2018.

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

1. Paragraph 1. of Subdivision (c) of Subsection (6) entitled "Issuance of Orders" of Section 34.01 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"1. Any person who shall fail to comply with any lawful order of the Chief issued pursuant to the provisions of this Chapter shall be assessed ~~seventy-five~~ one hundred dollars (~~\$75.00~~100) per inspection for compliance inspections in excess of one."

2. New Subdivision (c) of Subsection (13) entitled "Adoption by Reference: State and National Codes" of Section 34.01 entitled "General Provisions" of the Madison General Ordinances is created to read as follows:

"(c) NFPA 1, Fire Code, most current edition, to the extent as noted in this chapter."

3. Current Subdivision (c) of Subsection (13) entitled "Adoption by Reference: State and National Codes" of Section 34.01 entitled "General Provisions" of the Madison General Ordinances is hereby renumbered to Subdivision (d).

4. Subdivision (a) of Subsection (14) entitled "Miscellaneous Inspection Fees" of Section 34.01 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"(a) Inspections outside of normal work hours whether required or requested shall be subject to the fees in this section if the City incurs additional costs associated with said work. 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 or event organizer shall pay for personnel time in accordance with this subsection."

5. Subdivision (b) of Subsection (14) entitled “Miscellaneous Inspection Fees” of Section 34.01 entitled “General Provisions” of the Madison General Ordinances is amended to read as follows:

“(b) Inspection fee – ~~sixty~~ seventy dollars (~~\$60.00~~70) per hour.”

6. Section 34.02 entitled “Design and Construction Reviews, Approvals and Permits for Fire Protection and Other Safety Features” of the Madison General Ordinances is hereby repealed and recreated to read as follows:

### **34.02 WORK PERMITS.**

(1) Work Permit Required.

- (a) A Work Permit is required to install, erect, construct, 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.
1. A Work Permit must be obtained prior to commencing any such work on any of the following:
    - a. Fire protection systems (IFC Chapter 9)
      - i. Exceptions: Fire extinguishers (IFC 906), single-and multi-station smoke alarms (IFC 907.2.11), carbon monoxide detection (IFC 915)
    - b. Electronic locks access control, delayed egress, stair door locking system or device (IFC Chapter 10)
    - c. LPG containers (IFC Chapter 61)
    - d. High-piled storage arrays (IFC Chapter 32)
    - e. Flammable and combustible liquid storage arrangements, including any system subject to plan review under Wis. Admin. Code ch. ATCP 93 (IFC Chapter 57)
  2. The issuance or granting of a permit and 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.
  3. This requirement is irrespective of the issuance of permits or plan approvals by any other lawful approving authority.
  4. A Work Permit is not required for repairs and component replacement.
  5. The Chief may require a Work Permit or design documents for systems, projects or fire and life safety aspects associated with the use and occupancy of building and premises that fall in the scope of this code.

(b) Definitions. In this subsection, the following terms mean:

Administrative Hold. Occurs when there is incomplete or inaccurate application for a Work Permit. Generally, a hold can be released upon the receipt of additional information.

New Systems. To construct, erect, add to, extend or install a system regulated by this code.

Denial of Approval. To return the application or plans to the applicant when said application or plans do not demonstrate substantial compliance with the applicable code. Denial of Approval requires submittal of a new application, plans, specifications and fees.

Plan Revision. For the Chief to require and the applicant to provide design changes during the application review process or correction of errors in the application. For the applicant to resubmit previously approved plans due to design changes.

Repair or Component Replacement. To repair or replace components or devices associated with a system regulated by this code. A repair is limited to “like for like” devices with no design impact. Replacement is defined as installing the same make and same model component in the same location as the device being replaced.

System Modification. To alter, modify, upgrade, improve or convert an existing system regulated by this code. Any work on an existing system that impacts or changes the system design, coverage area, occupancy, design criteria, system performance or listing. Examples include, but are not limited to: replacing a fire alarm control panel, switching from analog to digital technology, replacing components with different flow characteristics, changing the system capacity.

(c) State-owned Buildings.

1. A Work Permit is required for state-owned projects.
2. When plans are approved by a state agency, a copy of the state plan approval letter is required as part of the permit application.
3. When plans are reviewed by the Chief, a complete submittal to include application, plans and fees is required.
4. The Chief shall inspect the fire protection systems in state owned buildings. See Sec. 34.02(2)5. For the applicable inspection fee.

(d) Duties of the Applicant.

1. Applications for permits shall be filed with the Chief in writing on a form furnished by the Chief. Applications shall be completed in details and all fields must be completed.
2. The applicant shall provide a detailed description of the work which will identify the proposed installation or work and shall detail the use or occupancy of all parts of the building and such other pertinent information.
3. The applicant shall submit three (3) sets of working plans and one (1) set of specifications or supporting documents with the application.
4. By filing, the applicant certifies the installation will comply with the applicable codes.
5. Submit fee in accordance with Sec. 34.02(2).
6. When advised of an administrative hold, the applicant shall submit the requested application materials within fifteen (15) days of being notified. If said requested materials are not received within fifteen (15) days the application will be rejected.
7. When plan revisions are required by the Chief, the applicant shall submit the revised application or plan revision documents within fifteen (15) days. If said requested materials are not received within fifteen (15) days the application will be rejected.

(e) Design Documents.

1. New systems and system modifications require design documents.
2. 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 application.

Exceptions:

- a. The Chief may authorize the issuance of a permit without plans or specifications for minor or inconsequential work.
- b. 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.
- c. Systems modification involving twenty or less fire sprinklers.

- d. Systems modification involving three or less fire alarm devices, not to include a fire alarm control panel.
  3. Plans submitted shall be drawn to scale and be clearly legible. The submitted plans shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the applicable regulations will be complied with. Plans shall accurately reflect the proposed installation. 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.
  4. 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.
  5. The data specified in all applicable standards adopted by this code shall be a part of, or shall accompany, all plans submitted for approval.
  6. Plan revisions shall specify and identify all changes.
  7. Applications for the removal of a fire protection system shall include a code analysis documenting the system is not a required system.
- (f) Duties of the Chief.
1. Permits shall be issued in the name of the, applicant, owner or owner's agent
  2. The Chief shall provide an application form for a work permit.
  3. 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 work 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.
  4. 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.
  5. Whenever a submitted application is incomplete, the Chief may place an administrative hold and suspend any action on such application and shall notify the applicant of the information needed to process such application
  6. When the application or plans fail to demonstrate substantial compliance with the applicable codes, the Chief may deny approval of the application and notify the applicant.
  7. The Chief may require plan revisions of specific application and plan documents when additional or alternate information is required to demonstrate substantial compliance with the applicable standards.
  8. The appropriate portion of each fee, as set forth in Wis. Admin. Code § SPS 302.31, Table 2.31-3, shall be forwarded to Department of Safety and Professional Services.
- (g) Execution of Permitted Work.
1. Work covered by a Work Permit shall not commence until a Work Permit is obtained.
  2. 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.

3. 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.

(h) Time Limitation of Work Permit.

1. Permits issued under this code shall lapse and be void unless:
  - a. The work authorized has commenced within one (1) year from the date of issuance; or
  - b. The work has resumed within one (1) year from the date that construction begins.

In the event of further construction after either of the above mentioned time periods, a new permit must be obtained pursuant to all the requirements of the code.

- (i) 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, until the date the owner or contractor submits the proper plans in an approved format to the Chief.

- (j) Stop Work Order. The Chief has authority under this chapter to order the stoppage of work on any equipment or system covered by this chapter when such work is not authorized by the Chief or when such work is in violation of this chapter.

(2) Fees.

(a) Fees for Work Permits.

1. The fees fixed in this section shall be assessed and collected by the Chief for the examination of applications and design document and the issuance of Work Permits. These fees also include the inspection of newly installed and remodeled systems. These fees do not cover any re-inspections. These fees shall be paid in advance from the owner or agent.
2. Except as otherwise specified in this section, fees for new systems shall be computed upon the basis of the total square footage of each building or affected area. For the purpose of determining the fee on the basis of square foot, floor area measurements shall be taken from outside of the building at each floor level, including the 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.
3. The fees for limited area systems or components are established in Sec. 34.02(2)8.

(b) Process Fees.

1. Administrative Hold Fee. An additional fee of one hundred dollars (\$100) shall be assessed for incomplete plan submittals placed on hold.
2. Denial of Approval Fee. The additional fee of two hundred fifty dollars (\$250) 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. A fee of two hundred fifty dollars (\$250) shall be assessed for plan submittals that have been rejected for failing to comply with an administrative hold.
3. Plan Revision Fee. The fee of two hundred fifty dollars (\$250) shall be assessed for revisions to previously approved plans.

- (c) A fee is not required for repair or component replacement.

- (d) The fee for the inspection only of devices/systems in state-owned buildings shall be fifty percent (50%) of the fees specified in this Chapter, but not less than one hundred twenty-five dollars (\$125).
- (e) Except as otherwise specified in this section, plan review fees for modifications to existing systems shall be computed upon the basis of the total square footage of each building or affected area.
- (f) The fee for review of submittals or review of plans for any work to be performed under this section or the IFC, not specified in the fee schedules in this section, shall be two hundred fifty dollars (\$250).
- (g) Fire Protection System Removal.
1. The permit fee shall be two hundred fifty dollars (\$250).
  2. 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.
  3. A fee is not required for removal associated with razing of a building for which a permit is obtained from the City of Madison Building Inspection Division pursuant to Sec. 29.13, MGO.
- (h) Fee Schedule.
1. Sprinkler Systems (IFC 903)  
New systems and system modifications – See Area Table  
System modifications to include, but not limited to, the installation or relocation of 20 or fewer sprinklers or system components without a hydraulic impact - \$125
  2. Standpipe systems (not to include combined sprinkler/standpipe systems)  
New systems– See area table  
System modifications - \$125
  3. Private fire service mains and hydrants (IFC 507) that are not subject to a Plumbing Permit as issued by the City of Madison Building Inspection Unit  
New systems - \$250 per system  
System modifications - \$125 per system
  4. Fire Alarm system (IFC 907)  
New systems and system modifications – See Area Table  
System modifications to include, but not limited to the installation or relocation of 3 or less fire alarm devices - \$125  
Replace fire alarm control panel - \$250
  5. Alarm Monitoring Systems (DACT, IP, Cellular, Radio transmitters) (IFC 907)  
New systems - \$250 per system  
System modifications - \$125
  6. Fire detection devices that actuate fire doors/shutters (which are not part of any fire alarm system)  
New systems - \$250 per system  
System modifications - \$125
  7. Alternative Automatic Fire-Extinguishing Systems (IFC 904)  
Exception: Commercial cooking suppression systems and Domestic cooking suppression systems in Group I-2, Condition 1  
New systems – See Area Table  
System modifications to include, but not limited to, the installation or relocation of 3 or less devices (not to include control units) - \$125
  8. Commercial cooking suppression systems and domestic cooking suppression systems in Group I-2, Condition 1  
New systems - \$250 per system  
System modifications involving 3 or fewer components that do not have an impact on the manufacture's design - \$125
  9. Tanks for Flammable and Combustible Liquids and Federally Regulated Hazardous Substances  
New systems and system modifications – Wis. Admin. Code ch. DCTP 93.

- Closure, change in use or temporary removal of any tank system regulated by SPS 310 - \$250
10. LP-Gas (IFC 61)  
Retail Cylinder Exchanges of more than 100 gallons, or aggregate - \$250 each  
LPG Individual containers less than 2000 gallons - \$250 each  
LPG Individual containers aggregate less than 4000 gallons - \$250 each
  11. Fixed outdoor fire feature  
\$250 per feature
  12. Outdoor Assembly capacity approval  
\$250 annual or recurring event  
\$50 one-time event  
\$50 revisions
  13. Smoke Control Panels  
New systems - \$250 per panel  
System modifications - \$125
  14. Electronic lock hardware: Access Control, Delayed Egress, Locked Stair Door Systems  
New systems - \$250 per 10 doors or fraction thereof  
System modifications - \$125
  15. Smoke and Heat Vents  
New systems and system modifications - \$250 per system
  16. High-piled Storage Arrays  
New high-piles storage arrays and modifications to high-piled storage arrays –  
See Area Table
  17. Fire Command Center  
New command centers - \$250 each  
Modifications to existing command centers - \$125 each

**AREA TABLE**

AREA (SQUARE FEET)	FEE
Less than 2,500	\$250
2,501 – 5,000	\$315
5,001 – 10,000	\$375
10,001 – 20,000	\$750
20,001 – 30,000	\$1,125
30,001 – 40,000	\$1,500
40,001 – 50,000	\$1,875
50,001 – 75,000	\$2,250
75,001 – 100,000	\$2,625
100,001 – 200,000	\$3,000
200,001 – 300,000	\$3,375
300,001 – 400,000	\$3,750
400,001 – 500,000	\$4,125
Over 500,000	\$4,500

7. Section 34.03 entitled “Records for Inspecting, Testing & Maintenance of Fire Protection Systems” of the Madison General Ordinances is amended to read as follows:

**“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. SPS 305, 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 fire protection systems that occur annually or less frequent or fire protection components as required by the IFC 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 or component 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) shall become effective ~~on March 4, 2014~~ upon implementation of the reporting system. Prior to ~~March 4, 2014~~ implementation, all individuals shall submit all records of system inspection, testing and maintenance to the Chief.”

8. Subsection (6) of Section 34.105 entitled “License and Permits” of the Madison General Ordinances is amended to read as follows:

“(6) A fee of one hundred ~~twenty-five~~ twenty-five dollars (~~\$100~~125) 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.

9. Subdivision (b) entitled “Pyrotechnic Special Effects Materials” of Subsection (14) of Section 34.105 entitled “License and Permits” of the Madison General Ordinances is amended to read as follows:

“(b) Pyrotechnic Special Effects Materials. An operational permit is required for the use and handling of pyrotechnic special effects materials before a proximate audience or in a motion picture, television, theatrical and group entertainment productions. A permit is required for each display. The permit fee is two hundred and fifty dollars (\$250). All use and handling of pyrotechnic special effect materials shall comply with the requirements found in IFC section 105.6.36, IFC chapter 56 and Sec. 34.5608, MGO. A fireworks event permit in accordance with Sec. 34.5608(5) is not required.”

10. Subsection (17) of Section 34.105 entitled “License and Permits” of the Madison General Ordinances is created to read as follows:

“(17) A license is required to clean commercial kitchen hoods in accordance with Sec. 34.609.”



11. Subsection (18) of Section 34.105 entitled "License and Permits" of the Madison General Ordinances is created to read as follows:

"(18) A license is required to recharge and service fire extinguishers in accordance with Sec. 34.906."

12. Current Subsections (17) and (18) of Section 34.105 entitled "License and Permits" of the Madison General Ordinances are hereby renumbered to Subsections (19) and (20), respectively.

13. Renumbered Subsection (20) of Section 34.105 entitled "License and Permits" of the Madison General Ordinances is amended to read as follows:

"~~(18)~~(20) The requirements of the following IFC subsections are not included as part of this code:

Section 105.1.3	Permits for same location
<del>Section 105.6.4</del>	<del>Carnivals and fairs</del>
<del>Section 105.6.13</del>	<del>Exhibits and trade shows</del>
Section 105.6.45 <u>16</u>	Fire hydrants and valves
Section 105.6.46 <u>17</u>	Flammable and combustible liquids – omit 1., 4., 6., and 7.
Section 105.6.47 <u>18</u>	Floor finishing
Section 105.6.48 <u>19</u>	Fruit and crop ripening
Section 105.6.49 <u>20</u>	Fumigation and thermal insecticidal fogging
Section 105.6.23 <u>24</u>	Hot work operations
Section 105.6.24 <u>25</u>	Industrial ovens
<del>Section 105.6.26</del>	<del>Liquid- or gas-fueled vehicles or equipment in assembly buildings</del>
Section 105.6.27 <u>28</u>	LP-gas
<del>Section 105.6.31</del>	<del>Open flames and torches</del>
Section 105.6.29 <u>30</u>	Miscellaneous combustible storage
Section 105.6.33	Open flames and torches
Section 105.6.32 <u>34</u>	Open flames and candles
Section 105.6.35 <u>37</u>	Private fire hydrants
Section 105.6.38 <u>40</u>	Refrigeration equipment
Section 105.6.40 <u>42</u>	Rooftop heliports
Section 105.6.44 <u>46</u>	Tire-rebuilding plants
<del>Section 105.7</del>	<del>Required construction permits</del>

14. Subsection (21) of Section 34.105 entitled "License and Permits" of the Madison General Ordinances is created to read as follows:

"(21) The requirements of IFC 105.6.4 applies to pressurized refrigerated liquid carbon dioxide systems."

15. Subsection (22) of Section 34.105 entitled "License and Permits" of the Madison General Ordinances is created to read as follows:

"(22) Section 105.7 of the IFC is hereby amended to revise the title. "~~Required Construction Work Permits,~~" refer to Sec. 34.02, Work Permits.

(a) The following language is substituted for IFC section 105.7.12:

A Work Permit is required for the installation or modification of all Liquefied Petroleum Gas (LPG) retail cylinder exchanges and for LPG containers of one hundred (100) gallon, or aggregate, water capacity or more.

(b) The following IFC subsections are not included as part of this code:

Section 105.7.2	Battery systems
Section 105.7.3	Compressed gases
Section 105.7.4	Cryogenic fluids
Section 105.7.5	Emergency responder radio coverage system
Section 105.7.9	Gates and barricades across fire apparatus

Section 105.7.10	Hazardous materials
Section 105.7.11	Industrial ovens
Section 105.7.16	Spraying or dipping
Section 105.7.18	Temporary membrane structures and tents”

16. Section 34.304 entitled “Combustible Waste” of the Madison General Ordinances is hereby repealed.

17. The title of Section 34.307 entitled “License Required for Open Burning” of the Madison General Ordinances is amended to read as follows:

**~~“34.307 LICENSE REQUIRED FOR OPEN BURNING”~~**

18. Subsection (4) of Section 34.307 renamed “Open Burning” of the Madison General Ordinances is created to read as follows:

“(4) IFC section 307.4.2 Recreational Fire is not included as part of this code.”

19. Current Subsections (4) and (5) of Section 34.307 renamed “Open Burning” of the Madison General Ordinances are hereby renumbered to Subsections (6) and (7).

20. Subdivision (b) of Subsection (4) of Section 34.307 entitled “License Required for Open Burning” of the Madison General Ordinances is amended to read as follows:

“(b) Fire Pits and fireplaces shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks;”

21. Subsection (6) of Section 34.307 entitled “License Required for Open Burning” of the Madison General Ordinances is created to read as follows:

“(6) Bon fires, natural lawn and prairie restoration fires and bonfires shall not be ignited or kindled when either or both of the following conditions exist:

- (a) When air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR).
- (b) When the DNR has set fire danger at High or above for Dane County
- (c) The Chief may allow professionally trained individuals to conduct prairie restoration fires when site specific conditions permit a safe and controlled burn. Natural lawn and prairie restoration fires planned and supervised by individuals that meet the DNR Burn Boss Type 3 (RXB3) training standards are exempt from the DNR fire danger restrictions.”

22. Paragraph 2. of Subdivision (c) entitled “Permits” of Subsection (2) entitled “Fire Performance Art” of Section 34.308 entitled “Open Flames” of the Madison General Ordinances is amended to read as follows:

“2. ~~Fire performance artists shall obtain a Fire Performance Art Permit that~~ A license in accordance with Sec. 34.105 is required. The license will be valid only for the duration of the performance or event. Additional locations will be required to have separate permits.”

23. Subparagraph a. of Paragraph 4. of Subdivision (c) entitled “Permits” of Subsection (2) entitled “Fire Performance Art” of Section 34.308 entitled “Open Flames” of the Madison General Ordinances is hereby repealed.

24. Subparagraphs b. through g. of Paragraph 4. of Subdivision (c) entitled “Permits” of Subsection (2) entitled “Fire Performance Art” of Section 34.308 entitled “Open Flames” of the Madison General Ordinances are hereby renumbered as Subparagraphs a. through f.

25. Subsection (3) entitled "Fixed Outdoor Fire Feature Devices" of Section 34.308 entitled "Open Flames" of the Madison General Ordinances is created to read as follows:

- "(3) Fixed Outdoor Fire Feature Devices. This section applies to the installation and use of outdoor decorative fire features, fire tables and fire pits installed in all commercial buildings, including multi-family dwellings.
- (a) Fuel for fires shall only consist of fuels designated for the appliance.
  - (b) Flames shall be enclosed with a secured heavy screen or other means to ensure exposed and accessible (within reach of persons) surface areas of the enclosure do not reach 172 degrees Fahrenheit (ANSI and CPSC standard). The surface area of other areas shall not reach 400 degrees Fahrenheit.
  - (c) Devices shall be used on a non-combustible, stable, and level surface.
  - (d) Fire features shall not be located within fifteen (15) feet of combustible construction. Non-combustible materials covering combustible materials shall be of sufficient substance to prevent the transfer of heat or flame via conduction, convection, or radiant transfer.
  - (e) No combustible materials shall be allowed within five (5) feet of the device.
  - (f) The device shall be located a minimum of ten (10) feet from building air intakes or other openings.
  - (g) A fire extinguisher or other method of fire control shall be readily available and accessible.
  - (h) Devices located in a commercial building must be supervised by a staff member. Devices located in a multi-family dwelling must be supervised by a responsible adult..
  - (i) The staff member or responsible adult so assigned must maintain visual connection with the operating devices. The fire must be completely extinguished before the device is left unsupervised.
  - (j) Flames shall be controlled by a timer with a maximum operating time of sixty (60) minutes, and the control systems to automatically shut off gas once the set time expires.
  - (k) The igniter needs to be secured to prevent unauthorized persons from igniting the burner at any time.
  - (k) Staff member or responsible adult shall be trained in the proper usage of the device.
  - (l) A visible emergency shut-off button or switch shall be provided along the path of exit egress at the nearest reasonable point approved by the Chief.
  - (m) If the building is equipped with a fire alarm system, a manual pull station shall be installed in the path of exit egress at the nearest reasonable point approved by the Chief.
  - (n) An operational plan of procedures for the use and supervision of the fire feature shall be provided for review.
  - (o) Installation design drawings and the operational permit shall be submitted for review and approval.
  - (p) A Work Permit in accordance with Sec. 34.02 is required prior to installation of a fixed outdoor fire feature device."

26. Section 34.319 entitled "Carnivals and Fairs" of the Madison General Ordinances is created to read as follows:

**"34.319 CARNIVALS AND FAIRS.**

- (1) Fire extinguishers shall be provided at all concessions stands, cooking areas and refueling areas.
- (2) Electrical distribution systems shall be inspected and approved by a Wisconsin licensed electrician.
- (3) Concession stands with cooking facilities shall be located at least ten (10) feet from other stands, rides and buildings.
- (4) The event organizer shall develop emergency and evacuation plans in accordance with IFC 403. In addition, plans for safeguarding event participants shall be included in the emergency plan.

- (5) Fire apparatus access which is twenty (20) feet wide shall be provided adjacent to all rides and amusements where people are more than thirty-five (35) feet above grade.
- (6) Security shall be provided to ensure unauthorized individuals do not enter the carnival area after operating hours.”

27. Section 34.320 entitled “Exhibits and Trade Shows” of the Madison General Ordinances is created to read as follows:

**“34.320 EXHIBITS AND TRADE SHOWS.**

Exhibits and trade shows shall comply with section 20.1.55.4 of the 2015 edition of NFPA 1.”

28. Section 34.403 entitled “Emergency Preparedness Requirements” of the Madison General Ordinances is created to read as follows:

**“34.403 EMERGENCY PREPAREDNESS REQUIREMENTS.**

Indoor facilities and outdoor events where people are confined by fences or other barriers and outdoor events, involve a gathering of more than two hundred fifty (250) people indoors or more than one thousand (1000) people outdoors, crowd managers shall be provided in accordance with IFC sections 403.12.3.1 through 403.12.3.3. Only qualified persons who have participated in an approved crowd manager training or certification may serve as a crowd manager.”

29. Subsection (3) entitled “Grade of Fire Apparatus Access Roads” of Section 34.503 entitled “Fire Apparatus Access Roads” of the Madison General Ordinances is amended to read as follows:

**“(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 ten~~ percent (~~810~~%).”

30. Subdivision (e) of Subsection (1) of Section 34.507 entitled “Fire Protection Water Supply” of the Madison General Ordinances is amended to read as follows:

- “(e) Fire hydrants shall not be located within ~~forty~~ twenty (~~40~~20) 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.”

31. Subsection (1) of Section 34.604 entitled “Emergency and Standby Power Systems” of the Madison General Ordinances is amended to read as follows:

- “(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~~ or natural gas with a separate and labeled gas supply.”

32. Section 34.609 entitled “Commercial Kitchen Hoods” of the Madison General Ordinances is created to read as follows:

**“34.609 COMMERCIAL KITCHEN HOODS.**

The following requirements are in addition to the requirements in IFC chapter 609:

- (1) Licensed Cleaning Services Required.

Only qualified persons who have obtained a license in accordance with Sec. 34.105, MGO, for cleaning commercial kitchen exhaust hood and duct systems shall perform the cleaning of commercial kitchen exhaust hoods and duct systems. The Chief shall issue such license after an applicant has either:

- (a) Passed a written examination in commercial kitchen exhaust hood and duct systems cleaning administered by the Fire Department. Upon successful completion of written examination, applicant will be issued a certification number; or
- (b) Provided proof of certification or qualification in commercial kitchen exhaust hood and duct systems cleaning from another jurisdiction or other recognized organization that that has a standard equivalent with sub (a) and has been approved by the Chief.
- (c) The tag required by IFC 609.3.3.3.1 shall include the license number of the individual certified in accordance with this section.”

33. Paragraph 4. entitled “Owner-Occupied Single Family Homes” of Subdivision (b) entitled “Required Installation” of Subsection (1) entitled “Smoke Alarms” of Section 34.907 entitled “Fire Alarm and Detection Systems” of the Madison General Ordinances is amended to read as follows:

“4. 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. (21)(a) and sub. (21)(b) of this ordinance by August 15, 2010.”

34. Section 34.1004 entitled “Occupant Load” of the Madison General Ordinances is amended to read as follows:

**34.1004 OCCUPANT LOAD.**

- (1)        The Department is not required to follow IFC section 1004.2 regarding increased occupant load.
- (2)        The occupant load for outdoor assembly areas such as beer gardens, beer tents, concerts and other areas where individuals are confined by barriers for assembly uses shall be approved by the Fire Chief. A Work Permit in accordance with Sec. 34.02 is required.”

35. Section 34.1022 entitled “Exit Enclosures” of the Madison General Ordinances is renumbered and amended to read as follows:

**“34.10223 EXIT ENCLOSURES INTERIOR EXIT STAIRWAYS AND RAMPS.**

The lettering size of the signage requirements found in IFC section ~~1022.8.1~~ 1023.9.1 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.”

36. Section 34.1028 entitled “Assembly” of the Madison General Ordinances is renumbered and amended to read as follows:

**“34.10289 ASSEMBLY.**

The following exception is added to the exceptions found in IFC section 1028.4214:  
Seats not fastened to the floor are permitted for companions of a person with a disability.”

37. Subdivision (a) entitled “Requirement” of Subsection (5) entitled “Fireworks Event Permit” of Section 34.5608 entitled “Non-Recreational Fireworks” of the Madison General Ordinances is amended to read as follows:

- “(a) Requirement. A fireworks event permit may be issued by the Chief to allow a person to stage a fireworks event. A permittee shall follow all conditions imposed on the fireworks event permit

holder by the Chief under this Subsection. The failure to comply with any such conditions is a violation of this Subdivision. An event permit is not required for the use of pyrotechnic materials before a proximate audience.”

38. Subsection (1) of Section 34.5704 entitled “Storage Tanks for Flammable and Combustible Liquids” of the Madison General Ordinances is amended to read as follows:

“(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. ~~SPS 310~~ ATCP 93, shall apply to the abandonment, closure, removal, change-in-service, or placing the system temporarily out of service of aboveground and underground tanks.”

39. This ordinance shall become effective May 1, 2018.

EDITOR’S NOTE:

1. Sections 34.02(1)(j) and (k) currently read as follows:

- “(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 the Department of Safety and Professional Services.”

2. Section 34.304 currently reads as follows:

**“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.”

3. Section 34.308(2)(c)4.a. currently reads as follows:

“a. A \$50 (fifty dollar) application fee, per event or contracted performance location not to exceed sixty (60) days.”