

CITY OF MADISON, WISCONSIN

A SECOND SUBSTITUTE ORDINANCE _____

PRESENTED November 18, 2008

REFERRED BOE; Board of Building Code,
Fire Code, and Licensing Appeals; PSRB

Creating Chapter 40 entitled "Conveyance Code" of the Madison General Ordinances and amending portions of Section 29.18 of the Madison General Ordinances to rename the Board of Building Code, Fire Code, and Licensing Appeals.

EXHIBIT D

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Date: December 16, 2008

SPONSORS: Aids. Schumacher,
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DRAFTER'S ANALYSIS: The Creation of Chapter 40 – Conveyance Code will govern all design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of elevators, escalators, lift devices, and other equipment specified therein. As a precondition for this Chapter, the Madison Fire Department has had discussions with the Wisconsin Department of Commerce and secured authorization to proceed as an agent municipality for purposes of the duties specified in Chapter 40, *infra*. The Chapter will be governed by the Chief of the Madison Fire Department and the Chief's designees. The Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals shall hear appeals of decisions of the Chief and designees.

Sec. 29.18, MGO, is being amended to reflect the Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals will oversee the appeals of decisions under Chapter 40.

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

1. Chapter 40 entitled "Conveyance Code" of the Madison General Ordinances is created to read as follows:

40.01 STATEMENT OF PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the public and employees by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of conveyances installed in the City of Madison.

40.02 EFFECTIVE DATE OF CHAPTER. This chapter is effective April 1, 2009 and upon the City receiving from the Wisconsin Department of Commerce a designation as an agent municipality, granting the Fire Chief and the Chief's designees the authority to review and approve conveyance plans and specifications, conduct inspections and issue permits to operate for those types of installations to be located within the City of Madison, pursuant to the Wis. Admin. Code § Comm 18.1016.

Approved as to form:

40.03 ADOPTION OF STANDARDS. The most current edition and any subsequent editions of the following are adopted by reference and made a part of this chapter:

- (1) Wis. Admin. Code ch. Comm 18 (Comm 18).
- (2) Wis. Admin. Code chs. Comm 61 to 65.
- (3) The Safety Code for Elevators and Escalators, ASME A17.1 and referenced codes and standards, as adopted and modified by Comm 18.
- (4) The Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1 and referenced codes and standards, as adopted and modified by Comm 18.

40.04 DEFINITIONS. To the extent the terms in this section and any other terms used in this chapter are defined by Wis. Stat. ch. 101 and Comm 18, such definitions shall apply to this chapter. In the event any definition contained in Wis. Stat. ch. 101 is modified by Comm 18, the definition in the Administrative Code shall apply.

For purposes of this chapter, the following definitions apply:

- (1) "Alteration" means any change to equipment, including its parts, components, or subsystems, other than maintenance, repair, or replacement.
- (2) "ANSI" means the American National Standards Institute.
- (3) "ASME" means the American Society of Mechanical Engineers.
- (4) "Chief" means the Madison Fire Department Chief and the Chief's designees.
- (5) "Conveyance" means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of the Department of Commerce.
"Conveyance" does not include a grain elevator, a ski lift or towing device or an amusement or thrill ride.
- (6) "Dwelling Unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.
- (7) "Elevator" means a hoisting or lowering machine, other than a dumbwaiter, equipped with a compartment or platform that moves in guides and serves two or more floors or landings of a building or structure.
- (8) "Elevator contractor" means an individual holding an elevator contractor's license from the Wisconsin Department of Commerce under Wis. Stat. § 101.985(1).
- (9) "Elevator inspector" means an employee of the Madison Fire Department that holds an elevator inspector license from the Wisconsin Department of Commerce pursuant to Wis. Stat. § 101.985(3).
- (10) "Elevator mechanic" means an individual holding an elevator mechanic's license from the Wisconsin Department of Commerce under Wis. Stat. § 101.985(2).
- (11) "Equipment" means any of the equipment covered by this chapter as defined in Sec. 40.05 of this chapter.
- (12) "Escalator" means a power-driven, moving stairway used for raising and lowering people.
- (13) "Material lift" means a lift, other than a personnel lift, that is used to raise or lower materials during construction, alteration, or demolition of a building or structure.
- (14) "Personnel lift" means a lift that is installed inside or outside a building or structure during the construction, alteration, or demolition of the building or structure and that is used to raise and lower individuals and materials which the lift is designed to carry.
- (15) "Power Dumbwaiter" means a power-driven hoisting and lowering mechanism that satisfies all of the following conditions:
 - (a) Is equipped with a compartment that moves in guides in a substantially vertical direction and has a floor area of not more than nine (9) square feet.
 - (b) Has a maximum lifting and lowering capacity of not more than five hundred (500) pounds.
 - (c) Is used exclusively for carrying materials.

40.05 AUTHORITY OF THE FIRE CHIEF.

- (1) The Fire Chief shall have the authority, as a designated municipal agent of the Department of Commerce pursuant to Wis. Admin. Code § Comm 18.1016, to review and approve conveyance plans and specifications, including plans to construct, install, or alter any equipment covered by this chapter, to conduct inspections, and issue permits to

operate for devices located with the City of Madison requiring approval and inspection under this chapter.

- (2) The Chief may delegate authority and duties under this chapter to individuals who hold the necessary licenses and qualifications for performing duties under this chapter as specified by Wis. Admin. Code § Comm 5.64 and § Comm 18.1016. The activities of such individuals shall be construed as a valid activity of the Chief.
- (3) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises containing equipment subject to this chapter for the purpose of making any inspection or investigation which, under the provisions of this chapter, s/he may deem necessary.
- (4) The Chief may obtain a special inspection warrant under Wis. Stat. § 66.0119 when necessary for the purpose of making an inspection of any building or premises containing equipment subject to this chapter where the owner or occupant has refused admission to the Chief.
- (5) No person, having been duly informed of the existence of a warrant pursuant to sub. (4) to inspect the building or premises owned or occupied by that person, shall refuse to permit such search to be made. Each day or portion thereof during which such refusal continues shall be deemed a separate offense.

40.06 APPLICATION

- (1) Covered Equipment. This chapter applies to any of the following equipment installed in or at a public building, a place of employment, or a dwelling unit within the City of Madison:
 - (a) Passenger elevators
 - (b) Freight elevators
 - (c) Limited-use/limited application elevators
 - (d) Inclined elevators
 - (e) Power sidewalk elevators
 - (f) Rooftop elevators
 - (g) Special purpose personnel elevators
 - (h) Private residence elevators installed in public buildings or places of employment prior to July 1, 2002
 - (i) Escalators
 - (j) Moving walks
 - (k) Stage and orchestra lifts
 - (l) Type B material lifts
 - (m) Vertical platform lifts within the scope of ASME A18.1a
 - (n) Inclined platform lifts within the scope of ASME A18.1a
- (2) Covered Equipment. This chapter applies to any of the following equipment installed in or at a public building or a place of employment within the City of Madison:
 - (a) Power dumbwaiters
 - (b) Stairway chairlifts
- (3) Except as otherwise specified in Subchapter VII of Chapter 101 of the Wisconsin Statutes and Comm 18, all new and existing installations and alterations of equipment covered by this chapter shall conform to the provisions in this chapter. Existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Fire Chief.
- (4) In the event of a conflict between any provisions of this chapter and the Wisconsin Administrative Code, the Safety Code for Elevators and Escalators, ASME A17.1, or the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1a, the code or chapter containing the strictest provision shall apply.
- (5) A copy of the codes and standards incorporated by references shall be kept at all times and available for inspection during reasonable hours in the office of the Chief.

40.07 PLAN REVIEW AND PERMITS FOR CONSTRUCTION, INSTALLATION, AND ALTERATION.

- (1) General Requirements. An elevator contractor shall submit plans and permit applications for the installation of any new or altered conveyance to the Chief for approval. Such application shall be submitted on a permit form as required by the Chief. No work shall commence before the plans and permit application for conveyances are approved by the

Chief in writing and the appropriate plan examination and permit fees have been paid. The Chief will authorize commencement of work by means of a written approval letter, issued by the Chief. Such approval letter shall be posted prior to construction at or near the equipment space at the construction site and shall remain posted until the final inspection determines compliance with this chapter. The approval letter shall be considered a permit specified by Wis. Stat. § 101.983(1).

(2) New Installations.

(a) Number of Plans. An elevator contractor shall submit all of the following to the Chief for plan review and approval for the proposed installation of any new conveyance:

1. At least three (3) copies of bound equipment layout plans and specifications.
2. At least three (3) copies of the permit application.

(b) Information on equipment plans or specifications. Information on equipment plans or specifications shall conform to the applicable sections in ASME A17.1 and ASME A18.1a and include all of the following:

1. A plan of the car, hoistway, and machine room, control room or control space showing all clearances, including all inside car or platform dimensions specified in this chapter and in Wis. Admin. Code chs. 61 to 65.
2. A cross-section drawing through the hoistway, pit, car and machine room, control room or control space that shows all applicable dimensions. Landings shall be shown, indicating types of hoistway doors or gates.
3. A complete dimensioned layout of the machine room, control room, or control space showing working clearances around machine, controller and disconnecting means.
4. The size and weight per foot of guiderails and details of the guiderail supports, including reinforcements where required.
5. Sufficient data and information to determine if the conveyance and machine room, control room or control space comply with the requirements of this chapter.
6. For conveyances serving public buildings and places of employment, at least one copy of the equipment plans and specifications containing the original shop drawing stamp of the supervising building designer.

(c) Building plan approval. Building plan approval, where applicable, shall be included with the conveyance plan submittal.

(3) Alterations.

(a) Equipment plans and application required.

1. A permit application form provided by the Chief and at least three (3) copies of equipment plans and specifications complying with sub. (2) shall be submitted for examination to the Chief for the proposed alteration of conveyances as specified in Tables Comm 18.1013-1 through 18.1013-7, Wis. Admin. Code § Comm 18.1013.
2. Evidence of building plan approval, where applicable, shall be included with the conveyance plan submittal.

(b) Application required. At least three (3) copies of the completed permit application form shall be submitted to the Chief for examinations for the alterations, repairs, and replacements specified in Tables Comm 18.1013-4 to 18.1013-7.

(4) Plan review actions.

(a) Review of plans. All approvals of permit application and plans for installation, repair, replacement, or alteration of equipment covered by this chapter in the City of Madison shall be performed by the Chief.

(b) Conditional Approval. If, upon examination, the Chief determines that the permit application and plans for installation, repair, replacement, or alteration substantially comply with the provisions of this chapter, a condition approval, in writing, shall be granted. All conditions that do not comply with this chapter shall be stated in the conditional approval and shall be corrected prior to completion of

installation. A conditional approval issued by the Chief shall not be construed as an assumption of any responsibility or liability for the design or construction of the equipment.

- (c) Revocation of Approval. The Chief may revoke any approval, issued under this chapter if the Chief determines any of the following:
 - 1. Information provided in the application or the permit contains false statements of material fact or misinterpretations of material fact.
 - 2. That the approval was issued in error.
 - 3. That the work performed is not consistent with the approval or is in violation with this chapter.
- (d) Denial of Approval. If the Chief determines the plans or permit application do not substantially comply with the provisions of this chapter, the permit application for approval shall be denied in writing.
- (e) Processing Time. The Chief shall review and make a determination on a permit application for approval of an installation or an alteration of a conveyance within fifteen (15) business days. If a permit application has been submitted with inadequate information or fees, the application will be placed on hold and the Chief will notify the applicant of the information needed to process the application. Upon receipt of the complete information, the Chief will process the permit. The length of the processing time shall begin the day after the receipt of the completed permit or application, additional information or fees. The ending date, which shall be used to assess whether the permit was timely processed, shall be the date the Chief made a determination to approve, deny or withhold the permit.
- (f) Expiration of Approval. An approval issued under this chapter expires under any of the following circumstances:
 - 1. If the work authorized under the approval is not commenced within six (6) months after the date on which the approval is issued.
 - 2. If the work authorized under the approval is suspended or abandoned for sixty (60) consecutive days at any time following the commencement of the work.
- (g) Resubmittal. When an approval expires under sub. (f), plans shall be resubmitted in accordance with this section.
- (h) Chief's Option to Waive Jurisdiction. The Chief may waive jurisdiction for plan review and approval of any project at the Chief's discretion, in which case such plan review and approval shall be conducted by the Department of Commerce.

40.08 PERMITS TO OPERATE.

- (1) Issuance. No owner may use or operate a conveyance in the City of Madison until an acceptance inspection, periodic inspection, or test of equipment covered by this chapter has been performed by the Chief and the conveyance is found to be in compliance with the provisions of this chapter. Upon finding a conveyance to be in compliance with this chapter, the Chief shall issue a permit to operate within ten (10) business days of the inspection by the Chief provided such inspection demonstrates to the satisfaction of the Chief the equipment complies with the provisions of this chapter.
- (2) Display. The owner of a building in which a conveyance is located shall display the permit to operate issued under this section applicable to the conveyance on or in the conveyance, or, if applicable, in the machinery room or space. No owner may operate or use any conveyance without displaying the permit to operate as required by this subsection.
- (3) Term. The term of any permit to operate shall expire one year from the date of issuance.
- (4) Renewal.
 - (a) Six (6) weeks prior to the expiration of the permit to operate, an owner shall renew the permit to operate by scheduling a periodic inspection with the Chief.
 - (b) Upon performing the inspection, the Chief shall give the owner notice of relevant conveyance safety requirements that must be complied with and shall instruct the owner as to the procedure for obtaining periodic inspections and reviewing the permit under which the conveyance is operated.

- (5) Revocation. The Chief may revoke a permit to operate if the equipment is found to be in non-compliance with the applicable safety standard. Upon revocation of the permit to operate, the Chief shall notify the owner, in writing, of the non-complying items and the appeal rights outlined in Sec. 40.13.

40.09 INSPECTION RESPONSIBILITIES.

- (1) General.
- (a) All inspections of conveyances required by this chapter and Comm 18 shall be conducted by the Chief who is licensed in accordance with Wis. Admin. Code § Comm 5.64.
 - (b) The Chief shall prepare an inspection report that identifies items of noncompliance. Items listed on the inspection report as being out of compliance with this chapter shall be corrected on or before the compliance date stated on the report.
- (2) Inspection Procedures.
- (a) The Chief shall be notified at least seven (7) days from when work covered by Section 40.07 is complete and ready for an inspection to be scheduled.
 - (b) If the equipment is not complete and ready at the time of the scheduled inspection, the inspection will not be made and a fee as specified in Sec. 40.11(3) shall be assessed and a reinspection will be scheduled.
 - (c) Unless the Chief receives in writing a cancellation of a scheduled inspection at least seven (7) days prior to the scheduled inspection date, a fee as specified in Sec. 40.11(3) will be assessed for the cancellation.
 - (d) Equipment found to be in noncompliance must be reinspected as determined by the Chief to obtain compliance with the provisions of this chapter.
- (3) Types of Inspection or Tests.
- (a) Acceptance of Inspection or Tests. The Chief shall conduct acceptance inspections and tests as specified in ASME A17.1 section 8.10, and ASME A18.1a section 10.1.3.
 - (b) Periodic or routine inspections. The Chief shall conduct periodic or routine inspections as specified in ASME A 17.1 section 8.11, and ASME A18.1a sections 10.2 and 10.3.
 - (c) Periodic tests.
 - 1. Periodic tests as specified in ASME A17.1 section 8.11 and ASME A18.1a section 10.3 shall be conducted by persons licensed or registered as specified by Wis. Admin. Code § Comm 5.991.
 - 2. Reports containing complete information of these tests shall be submitted to the Chief on form SBD-2E for electric elevators, or SBD-3 for hydraulic elevators.
 - 3. Periodic tests or retests may be required to be witnessed by the Chief.

40.10 ORDERS. Pursuant to the authority granted under this chapter, whenever the Chief shall find any equipment covered by this chapter in a condition deemed by the Chief to constitute a danger to health, safety, or well-being, the Chief shall order such condition(s) to be immediately corrected.

- (1) Stop Work Orders. The Chief has authority under this chapter to order the stoppage of work on any equipment covered by this chapter when such work is not authorized by the Chief or when such work is in violation of this chapter.
- (2) Stop Use Orders. The Chief has authority under this chapter to order the stoppage of use of any equipment covered by this chapter which the Chief deems necessary due to the imminent hazard to the life, safety, and well-being of the public.
- (3) Notice. The notice of orders shall be made upon the owner or occupant of the building in which the equipment is contained, either by personal service of such order upon the owner or occupant or by mailing such orders to the owner, occupant, or other responsible person.

40.11 FEES. Fees for plan review, permit applications, inspection, permits to operate, and other services performed by the Chief pertaining to conveyances shall be submitted as follows:

- (1) Plan Examination, Application and Initial Inspection Fees. Fees for the initial inspection of plans or for an application for installation or alteration, submitted in accordance with the requirements of Wis. Admin. Code § Comm 18.1013 shall be determined as shown in the table below. A reinspection fee as specified in the table below shall be charged for each inspection conducted until the installation or alteration qualifies for a permit to operate:

**Plan Examination and Inspection Fees
for Conveyances**

Type of Unit	Plan Examination		Type of Inspection		
	New Installations	Alterations, Repairs and Remodeling	Acceptance or Acceptance Re-inspection		Periodic or Periodic Re-inspection
			New Installations	Alterations, Repairs and Remodeling	
1. Traction elevator, other elevator driving machines	\$400.00	\$200.00	\$800.00	\$400.00	\$320.00
2. Hydraulic elevator	\$320.00	\$160.00	\$720.00	\$360.00	\$240.00
3. Dumbwaiter, platform lift, stair chair lift, special application elevator	\$320.00	\$160.00	\$640.00	\$320.00	\$160.00
4. Escalator, moving walk	\$320.00	\$160.00	\$800.00	\$400.00	\$320.00

- (2) Periodic Inspection and Reinspection Fees. Fees for periodic inspections and reinspections of all classes of conveyance devices within the scope of this chapter shall be determined in accordance with the fee table in sub. (1). An inspection fee shall be charged for each reinspection of an elevator in accordance with the fee table in sub. (1) until the installation qualifies for a permit to operate.
- (3) Fee for Failure to Have Equipment Ready for Inspection. A fee equal to fifty percent (50%) of the applicable inspection fee shall be assessed for failure to have the conveyance ready for inspection on the date specified, unless the Chief is notified, in writing, seven (7) business days prior to the specified inspection date.
- (4) Miscellaneous Fees. Inspections outside of normal work hours (Monday through Friday 7:00 a.m. to 5:00 p.m.) whether required or requested shall be subject to a fee of eighty dollars (\$80) per hour in addition to the applicable fees as specified in this section.
- (5) Fee for Permit to Operate. The fee for a permit to operate under this chapter shall be thirty-five dollars (\$35). Such fee shall be paid with any inspection fees due and owing to the Clerk of the City of Madison. The City shall retain the inspection fee and forward the permit fee to the Department of Commerce.
- (6) Unpaid Fees. The Chief shall keep an accurate account of all unpaid fees incurred for plan examinations, inspections, reinspections, failure to have equipment ready under this chapter, permits to operate, and any other fees for services rendered under this chapter, and report the same to the City Comptroller, who shall annually prepare a statement of these unpaid fees as a special charge at each lot or parcel of land and shall report such statement of unpaid fees to the City Clerk, and the amount charged 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.

40.12 PETITION FOR VARIANCE. Any variance from the provisions of the Comm 18, ASME 17.1, ASME 18.1, or ANSI Codes must be submitted to the Wisconsin Department of Commerce.

40.13 APPEALS. The owner of conveyance subject to this chapter or any other person directly affected by a decision of the Chief under this subsection may appeal such decision to the Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals, as provided in Madison General Ordinance §29.18. Such appeal must be commenced by filing a written notice of appeal with the City Clerk and upon payment of fifty dollars (\$50) payable to the City of Madison within fifteen (15) days of the Chief's decision to be appealed. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. Nothing in this section shall limit an owner's authority under the Wis. Admin. Code § Comm 18.1009(2) to challenge a local order as unreasonable and in conflict with the rules of the Department of Commerce.

40.14 SEVERABILITY. If any section, paragraph, sentence, or word of this chapter hereby adopted by the Common Council of Madison should be declared for any reason to be invalid, it is the intention of said Council that other sections, provisions, or applications of such chapter to other persons or circumstances shall not be affected thereby. It is the stated intention of the Council that this chapter would have been adopted had such invalid portions, if any, not been adopted.

40.15 CITY'S RIGHT TO RELINQUISH PLAN EXAMINATION AND INSPECTION AUTHORITY. The City of Madison maintains the right to relinquish any and all responsibility for plan examination and inspection under this chapter by providing written notice to the Department of Commerce no less than ninety (90) days prior to the date upon which the City intends to relinquish such authority.

40.16 PENALTIES. Any person violating a provision of this chapter may be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1000). Each day or portion thereof such violation continues shall be considered a separate offense."

2. The Title of Section 29.18 entitled "Board of Building Code, Fire Code and Licensing Appeals" of the Madison General Ordinances is amended to read as follows:

"29.18 BOARD OF BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS. A Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals is hereby created."

3. Paragraph 1. of Subdivision (a) entitled "Appeals" of Subsection (3) entitled "Duties" of Section 29.18 entitled "Board of Building Code, Fire Code and Licensing Appeals" of the Madison General Ordinances is amended to read as follows:

"1. The owner of a building or structure or any other person who is aggrieved and directly affected may appeal from decisions or orders of the Fire Chief, from Building Code Orders, or from a decision of the Director of the Neighborhood Preservation and Inspection Division refusing to grant approval of a plan, modification of or variance from the provisions of Madison General Ordinances Chapters 27, ~~and 29, and 40~~ covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, or the wrecking or demolition of a building or structure determined to be unsound pursuant to Sec. 28.04(22)(d)1.a. of the Madison General Ordinances, to the Board of Building Code, Fire Code, Elevator Conveyance Code and Licensing Appeals."

EDITOR'S NOTE: When the changes provided by this ordinance have been made, the Table of Contents for Chapter 40 will read as follows:

CHAPTER 40: CONVEYANCE CODE

- 40.01 Statement of Purpose.
- 40.02 Effective Date of Chapter.
- 40.03 Adoption of Standards.
- 40.04 Authority of the Fire Chief.
- 40.05 Application.
- 40.06 Definitions.
- 40.07 Plan Review and Permits for Construction, Installation, and Alteration.
- 40.08 Permits to Operate.
- 40.09 Inspection Responsibilities.
- 40.10 Orders.
- 40.11 Fees.
- 40.12 Petition for Variance.
- 40.13 Appeals.
- 40.14 Severability.
- 40.15 City's Right to Relinquish Plan Examination and Inspection Authority.
- 40.16 Penalties.