



Legislation Text

File #: 20622, Version: 1

**Fiscal Note**

No fiscal impact.

**Title**

Creating New Sec. 34.01(12) and renumbering current Secs. 34.01(12) through (15) to Secs. 34.01(13) through (16), respectively, amending Sec. 34.315(1), creating Sec. 34.503(4) and amending Secs. 34.507(1) (c), 34.508, and 34.907 and creating Sec. 34.914 of the Madison General Ordinances to provide outdoor storage requirements and to adopt IFC Appendix D105 and to apply requirements to fire apparatus access roads and exterior walls of newly constructed dwellings and create an exception for water supply to fire pumps and to correct some typographic errors.

**Body**

DRAFTER'S ANALYSIS: This ordinance creates Sec. 34.01(12) which creates specific requirements for the filing of a judicial review. It amends Sec. 34.315(1), to provide that listed storage requirements apply to outdoor storage. It also creates Sec. 34.503(4) that adopts IFC Appendix D105. It amends Sec. 34.507 so that requirements apply to fire apparatus roads and exterior walls of newly constructed dwellings. It amends Sec. 34.508 to reflect the correct IFC item number. The ordinance also creates a new Sec. 34.914 which creates an exception for water supply to fire pumps not found within the IFC. It also amends ordinance to insure conformity with IFC sections.

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

1. New Subsection (12) entitled "Judicial Review" of Section 34.01 entitled "General Provisions" of the Madison General Ordinances is created to read as follows:

"(12) Judicial Review.

- (a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- (b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript."

2. Current Subsections (12) through (15) of Section 34.01 entitled "General Provisions" of the Madison General Ordinances are renumbered to Subsections (13) through (16), respectively.

3. Subsection (1) of Section 34.315 entitled "Miscellaneous Combustible Materials Storage" of the Madison General Ordinances is amended to read as follows:

"(1) The following requirement is in addition to the requirements found in IFC section 315: Outdoor Ss 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."

4. Subsection (4) entitled "Aerial Fire Apparatus Access Roads" of Section 34.503 entitled "Fire Apparatus Access Roads" of the Madison General Ordinances is created to read as follows:

"(4) Aerial Fire Apparatus Access Roads.

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

(a) IFC Appendix D105.”

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

(c) All portions of the ~~exterior walls of~~ required fire apparatus access roads for 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. ~~All portions of the exterior walls of newly constructed~~ 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.”

6. Section 34.508 entitled “Fire Command Center” of the Madison General Ordinances is amended to read as follows:

“The following requirements are in addition to the requirements found in IFC section 508.15, item 65:

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.”

7. Section 34.907 entitled “Fire Alarm and Detection Systems” of the Madison General Ordinances is amended to read as follows:

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

(1) Smoke Alarms. 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.~~

(1a) 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.

(2b) Required Installation.

(a)1. 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:

- 4a. 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.
- 2b. 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)2. 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.
- (e)3. 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)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. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.
- (e)5. 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.
- (f)6. Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.
- (3c) Maintenance of Smoke Alarms.
  - (a)1. Replacement of Batteries.
    - 4a. 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.
    - 2b. 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)2. The owner of any residential building shall provide all tenants with the manufacturer's maintenance and testing instructions.
  - (e)3. Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
  - (d)4. 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)5. Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.
  - (f)6. 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.

(g7) The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.

(h8) No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.

(4d) 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.

(5e) 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).

(6f) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance.

(2) Alarm Notification Appliances. 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."

8. Sec. 34.914 entitled "Water Supply to Fire Pumps" of the Madison General Ordinances to created to read as follows:

**"34.914 WATER SUPPLY TO FIRE PUMPS.**

The following exception is in addition to the exception found in IFC section 914.3.1.2:

Exception: Two connections are not required where the highest system demand can be met via the fire department connection and a City of Madison Fire Engine."