

ORDINANCE NO.

**CHAPTER 17  
PROPERTY MAINTENANCE**

**CHAPTER 21  
FIRE PREVENTION**

**AN ORDINANCE TO AMEND PROVISIONS  
OF THE PROPERTY MAINTENANCE AND FIRE PREVENTION  
CODE OF THE MUNICIPAL CODE  
OF THE CITY OF WAUKESHA, WISCONSIN**

WHEREAS, the State Legislature enacted 2013 Wisconsin Act 270 on April 16, 2014, requiring municipalities to submit existing municipal code provisions for approval if they establish minimum standards for constructing, altering, or adding to commercial buildings which differ from the state construction codes; and

WHEREAS, on June 13, 2014, the City of Waukesha submitted selected provisions of its Building, Fire and Property Maintenance Codes for approval in accordance with Act 270; and

WHEREAS, the State Department of Safety and Professional Services completed its review of the City's submittal on December 23, 2015 and opined that although most of the ordinances submitted were either grandfathered or outside the scope of Act 270, a few provisions could not be grandfathered under the new law; and

WHEREAS, the City must amend its ordinances to conform with the State's findings to comply with the law; and

WHEREAS, other corrections to the Fire Prevention Code are needed to correct typographical errors and bring its citations to the Wisconsin Administrative Code up-to-date;

THE COMMON COUNCIL OF THE CITY OF WAUKESHA DO ORDAIN AS FOLLOWS:

SECTION I. Section 17.10(2)(f) of the Waukesha Municipal Code is hereby repealed.

SECTION II. Section 21.01 of the Waukesha Municipal Code is hereby amended to read as follows:

**21.01 Adoption of eCodes**

(1) (Am. #2-00) (Am. #18-08) (Am. #1-13) The following codes of the National Fire Protection Association (NFPA) and any amendments thereto are hereby

adopted and made a part of this code as if fully set forth herein: 10, 11, 11A, 12, 12A, 13, 13R, 14, 16, 17, 17A, 18, 20, 22, 24, 25, 30, 30A, 30B, 31, 32, 33, 34, 35, 36, 40, 51, 51A, 51B, 52, 55, 58, 59A, 61, 69, 72, 75, 80, 82, 85, 86, 92, 96, 99, 110, 111, 160, 211, 241, 326, 385, 407, 409, 484, 495, 498, 505, 654, 655, 664, 750, 1123, 1124, 1125, 1126, 1127, and 2001.

(2) (Am. #49-02) (Am. #18-08) (Am. #1-13) The following provisions of the Wisconsin Administrative Code and any amendments thereto are hereby adopted and made a part of this chapter as if fully set forth herein: SPS Chapters 305, 307, 308, 310, 314, 316, 318, 328, 332, 334, 340, 341, 343 and 360-366; ATCP Chapter 93. Buildings for which plans were submitted before July 1, 2002, must further comply with COMM Chapters 50-59 and 66 and said provisions of the Wisconsin Administrative Code are hereby adopted and made part of this chapter as if fully set forth herein.

(3) The following provisions of the International Code Council International Fire Code and any amendments thereto are hereby adopted and made a part of this chapter as if fully set forth herein: IFC Chapters 2-33, 35-45. IFC Chapter 34 is hereby adopted and made a part of this chapter as if fully set forth herein. Where IFC Chapter 34 and ATCP Chapter 93 ~~Wis. Admin. Code SPS 310~~ set conflicting requirements, types of materials, or methods of construction, the most restrictive rule shall govern.

SECTION III. Section 21.05(1) of the Waukesha Municipal Code is hereby amended to read as follows:

#### **21.05 Flammable and Combustible Liquids**

(1) The provisions of this section are in addition to those in ATCP 93 ~~COMM 10~~ as adopted above.

SECTION IV. Section 21.06 of the Waukesha Municipal Code is hereby amended to read as follows:

#### **21.06 Installation and Removal of Above Ground and Under Ground Tank Systems**

(1) PURPOSE. This section shall provide the rules and regulations for contractors and property owners for the control of fire hazards and life safety which shall apply to all new and existing tank systems used for the storage of any flammable or combustible liquids.

(2) APPLICATION. The provisions of Wis. Admin. Code ATCP Chapter 93 ~~COMM. Chapter 10~~ shall apply to all new and existing tank systems used for the storage of flammable or combustible liquids and any alterations or remodeling therefore.

(3) TANK INSTALLATION. Prior to commencing any construction for a new or additional aboveground or underground tank installation or piping installation; change in operation; upgrading to bring into compliance any existing piping or tank installation for the storage, handling or use of flammable or combustible liquids; addition of vapor or ground water monitoring wells; addition of leak detection; addition of spill or overflow protection; tank lining; conversion of general services to self service station or to the conversion of the use of key, card or code operated dispensing devices, a plan review and written approval must be obtained from the Fire Department.

(a) Plan Submittal. Plans shall be submitted to the Fire Department and shall meeting the specifications of Wis. Admin. Code ATCP Chapter 93 ~~the Wisconsin Administrative Code, COMM. Chapter 10~~. The Fire Department will not process plans without a completed application and the payment of proper fees.

(b) Expiration of Plans. Plans approved by the Fire Department shall expire two years from the date of the plans if construction is not complete.

(c) Plan Revision. Any change in the installation which deviates from the original approved plan shall be resubmitted for review to the Fire Department.

(d) Revocation of Approval. The Fire Department may revoke approved plans for any false statement or misrepresentation of facts upon which approval was given.

(e) Fees for Plan Approval. (Am. #59-01) (Am. #18-08) Fees for plan approval shall be charged in accordance with Wis. Admin. Code SPS §302.44 ~~the Wisconsin Administrative Code, COMM section 2.43~~. The Department shall maintain a list of the fees established under Wis. Admin. Code SPS §302.44 ~~COMM 2.43~~ and provide it to the public upon request.

(4) Tank Removals. The Fire Department must be notified in writing a minimum of fifteen (15) calendar days before the tank closure takes place. All tank removals require a tank removal permit obtained from the Fire Department and no tank removal shall occur on Friday, Saturday or Sunday unless in response to an emergency. All removals shall be performed in accordance with the Wisconsin

Administrative Code COMM Chapter 10 Flammable and Combustible liquids. All waste product from tank shall be removed from site within 90 days of tank removal.

(a) Permit Fees for Tank Removal. (Am. #59-01)

1. Underground residential tanks: \$75.00 per tank.
2. Underground nonresidential tanks: \$125.00.
3. Nonresidential above ground tanks: \$75.00.
4. Closing tank on site: \$125.00 per tank.

(5) Double Fees. Failure to obtain plan approval or the proper permit, before any work begins may result in a doubling of fees if, in the sole discretion of the Fire Department, the circumstances warrant such fees. The double fees shall not relieve the violator from compliance with the provisions or penalties under this chapter.

SECTION V. Section 21.07 of the Waukesha Municipal Code is hereby amended to read as follows:

**21.07 Installation of Automatic Sprinkler Systems**

(1) PURPOSE. Whereas automatic fire sprinkler systems are one of the most effective means of protecting life and property from the effects of fire, this section is created to provide rules and regulations for contractors and property owners for the installation and maintenance of sprinkler systems. This section shall apply to new and existing buildings.

(2) NEW OCCUPANCIES AND LOCATIONS. Automatic fire sprinkler systems shall be installed and maintained in operable condition in the following new occupancies and locations:

- (a) Within all new factories, workshops, office buildings, mercantile establishments, warehouses, passenger terminals, exhibition buildings, new motor vehicle repair garages, motor vehicle storage garages, body shops, and places of public assembly with less than a 100 person occupant load where:

1. (Am. #49-02) ~~If the plans for the building were submitted before July 1, 2002, and the building is of Class 1 or Class 2 fire resistive construction, and is 10,000 square feet or more in total area; (Repealed.)~~

2. (Am. #49-02) All buildings 6,000 square feet or more in total area or where required by Wisconsin Administrative Code SPS Chapters 361-366 ~~COMM Chapters 60-64~~; or

3. ~~¶~~The building has three (3) interior stories or more in height regardless of area.

4. ~~¶~~In any basement or subbasement in a new motor vehicle repair garage, motor vehicle storage garage or body shop if a vehicle can be parked therein.

(b) Within the following residential occupancies:

1. (Am. #1-13) In structures having the occupancy classification residential R-1 and R-2 under section 202-204 of the International Fire Code, the buildings shall be protected by an automatic sprinkler system installed and maintained in accordance with IFC §§903.2.8 and 901.6.

2. (Am. #18-08) (Am. #1-13) In structures having the occupancy classification residential R-3 and R-4 under section 202-204 of the International Fire Code, the buildings shall be protected by an automatic sprinkler system installed and maintained in accordance with Wis. Admin. Code SPS §362.0903-§362.09(3).

(c) In new theaters and buildings of public assembly over 100 person occupancy, new health care facilities including hospitals, nursing homes, convalescent and group care centers, new detention and correctional facilities, day care facilities licensed to accommodate public or private day care for twenty (20) or more children, automatic sprinklers shall be installed throughout such buildings regardless of size or type of construction.

(d) New schools, colleges and universities.

1. (Am. #18-08) ~~(Repealed.) Where the building is of Type I or Type II fire resistive construction, automatic fire sprinkler systems shall be installed in the following locations:~~

~~a. In all areas of the building that have woodworking, auto and machines shops.~~

~~b. In all areas that more than 10 gallons of flammable or combustible liquids are stored.~~

2. (Am. #18-08) Where the building is of Types 3-5 of non- fire resistive construction, throughout the building regardless of size.

(e) Airport Buildings. (Am. #49-02) If the plans for the building were submitted before July 1, 2002, control towers; terminal buildings; buildings that are primarily used for repair or servicing of aircraft; buildings that have attached area used for storage, office manufacturing dining or other similar activities; any hangar with an area over 15,000 square feet which is constructed after the date of adoption of this ordinance. This subsection shall not apply to buildings the plans for which were submitted on or after July 1, 2002.

(f) High hazard occupancy: Any new building which by reason of its construction, or combustible operations is deemed a severe life or property hazard by the Fire Chief or his designate. This includes, but shall not be limited to the following operations:

1. The manufacturing, storage, handling, spraying of paint and varnish or other related operations.
2. Storage of combustible and flammable gases including but not limited to acetylene, hydrogen, liquid propane, in excess of 2,000 cubic feet.
3. Manufacturing and storage of explosives and pyrotechnics.
4. Commercial building basements over 2,500 square feet with combustible materials contained or stored within and not subject to Wisconsin Administrative Code.

(g) Exceptions. Automatic fire sprinkler systems are not required in the following:

1. Rooms or buildings used for the manufacture or storage of aluminum powder, calcium carbide, calcium phosphate, metallic sodium or potassium, quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion.

2. The portion of the building or foundry used to melt and pour metal or glass into a mold or cast and portions of buildings used for heat treating operations.

3. (Am. #18-08) In any building where the Fire Chief determines that the use of water as a fire extinguishing agent would increase the hazard. However, an automatic fire extinguishing system as defined in IFC section 902.1 using an extinguishing agent other than water, and/or an automatic detection system shall be installed.

~~4. Hangars divided by a four hour fire wall to keep the building sections under 15,000 square feet.~~

~~5. Church sanctuaries and church naves which are used exclusively for worship and ceremonies.~~

(3) EXISTING BUILDINGS. All existing public buildings or places of employment, additions thereto, and all use changes shall conform to this Code as follows:

(a) The entire building if more than 50 percent of the cumulative square footage of the building, place of employment or addition thereto is remodeled, after the adoption of the City's Automatic Fire Sprinkler System ordinance on August 7, 1996, in one or more increments over the life of the building.

(b) An addition, regardless of size or occupancy, made to a building with an existing automatic fire sprinkler system.

(c) If an existing building which was built before August 7, 1996, is divided by a four hour division fire wall as defined in COMM 51.02(B) the division shall result in two separate buildings. Only one such fire division wall will be allowed per building.

(4) APPROVAL OF PLANS AND SYSTEMS.

(a) Prior to the installation of an automatic fire sprinkler system, ~~four~~ **five** copies of the plans and specifications shall be submitted to the Fire Prevention Bureau for its review. Approved plans shall be stamped "Conditionally Approved" by the Fire Prevention Bureau, including the date of such approval, and the signature of the officer granting approval. Pursuant to Wis. Admin. Code SPS §361.37, a conditional approval of a plan by the Department may not be construed as an assumption of any responsibility on the part of the Department for the design or construction

of the project. Three copies shall be returned to the owner, and one copy ~~two copies~~ will be kept on file in the Fire Prevention Bureau. All sprinkler systems and plans must meet the standards of the N.F.P.A., SPS COMM and the Municipal Code of the City of Waukesha.

(b) All plans submitted to the Fire Prevention Bureau shall be signed and sealed in accordance with ~~COMM Building Codes~~ Wis. Admin. Code SPS §361.31.

(c) Conditional approval of the automatic fire sprinkler system plans by the Fire Prevention Bureau is not intended to confirm the accuracy of any calculations or system design performed by the contractor. The contractor is responsible for the accuracy of any calculations of the system's design.

(d) No work may begin on the installation of an automatic fire sprinkler system or alteration of a fire sprinkler system unless it is approved by the Fire Prevention Bureau. If work is started before plan's received "conditional approval", all work must stop immediately.

(e) No automatic fire sprinkler system shall receive final approval prior to an acceptance test being performed before the Fire Chief or his/her designee. The building may not be occupied before the test is completed and approved. All acceptance tests will be scheduled by the Fire Prevention Bureau. No acceptance test will be conducted unless the Fire Prevention Bureau receives at least forty-eight (48) hour advance notice.

(f) Additions or changes involving less than 20 sprinkler heads to an existing approved automatic fire sprinkler system requires a letter from the owner or occupant of the building to the Fire Prevention Bureau describing the installation including a sketch of the proposed additions or changes. The Fire Prevention Bureau may require a plan review that meets the requirements of this ordinance.

#### (5) INSTALLATION.

(a) Approved automatic fire sprinkler systems shall be installed in accordance with the standards of the current edition of N.F.P.A. relating to the installation of sprinkler systems and other applicable standards of SPS COMM, and the Municipal Code of the City of Waukesha.

(b) Compressors for Dry Pipe Systems are required to be wired directly into the building's electrical power system.



(c) (Am. #59-01) All compressors for Dry Pipe Systems will have low limit air switches and alarms separate from any other alarms located on the premise.

(d) Hydrant water flow test data shall be performed no more than one (1) year prior to the submission of the automatic fire sprinkler plans. The data shall be obtained in cooperation with the Waukesha Water Utility.

(e) (Am. #39-99) All fire alarm systems shall be interconnected. One horn strobe alarm shall be provided on the outside of the building by the F.D.C.

(6) MAINTENANCE OF EQUIPMENT.

(a) Automatic fire sprinkler systems and standpipe systems shall be maintained in operative conditions at all times.

(b) It shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions.

(c) The Fire Prevention Bureau shall be notified when the system has been shut down and a state licensed sprinkler contractor is not on site. The Fire Prevention Bureau shall be notified when the system has been restored to service.

(d) (Cr. #59-01) The building owner or occupants shall not make changes in the occupancy, its use or process, or materials used or stored in the building without evaluation by the Waukesha Fire Department of the fire protections systems and their capability to protect the new occupancy's use of materials. The evaluation shall consider factors that include but are not limited to occupancy changes, process or material changes, building renovations; such as relocating walls, adding mezzanines and ceilings below sprinklers, the removal of heating systems and spaces with piping subject to freezing.

(7) INSPECTIONS. Every sprinkler system required by the Municipal Code, or by the Wisconsin Administrative Code shall be tested in accordance with N.F.P.A. 25. The results of the testing shall be kept on site and available for review by the Fire Prevention Bureau.

(8) FIRE DEPARTMENT HOSE CONNECTIONS. Every automatic sprinkler system installed in new or existing buildings shall be equipped with at least one

Fire Department hose connection at a location approved by the Fire Prevention Bureau and meeting SPS-COMM standards.

(9) FEES. (Am. #59-01) (Am. #18-08)

- (a) Basic fire sprinkler plan review fee \$165.00
- (b) Fire sprinkler plans review with hydraulic calculations \$220.00
- (c) Fire sprinkler hydraulic calculations verification only \$140.00
- (d) Each additional review of the same system \$140.00
- (e) Site inspection of fire sprinkler installations during installation \$165.00
- (f) Small additions (under twenty (20) sprinkler heads) and changes \$85.00

(10) LICENSE REQUIRED FOR INSTALLATION, MAINTENANCE OR INSPECTION. (Cr. #9-04)

- (a) (Am. #18-08) No person may install, maintain or repair automatic fire sprinkler systems unless the person holds a license as required by Wis. Admin. Code SPS §§305.50(1)(a) and (1)(b). ~~Wisconsin Administrative Code COMM sections 5.50(1)(a) and (1)(b).~~
- (b) (Am. #18-08) No person may conduct annual inspection and testing of an existing automatic fire sprinkler system and its components unless the person holds a license as required by Wis. Admin. Code SPS §305.50(2). ~~Wisconsin Administrative Code COMM section 5.50(2).~~

SECTION VI. Section 21.09(2) of the Waukesha Municipal Code is hereby amended to read as follows:

**21.09 Non-Water Based Fire Extinguishing Systems**

- (2) ELECTRICAL WIRING. Electrical wiring shall be in accordance with Wis. Admin. Code SPS §316-COMM-16.

SECTION VII. These ordinances shall take effect 130 days after their publication.

Passed the \_\_\_\_ day of \_\_\_\_\_, 2017.

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Shawn N. Reilly, Mayor

Attest:

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Gina L. Kozlik, City Clerk