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FIRE DEPARTMENT

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TO: Members of the Safety and Licensing Committee

FROM: Battalion Chief Joseph Strauss, Appleton Fire Department

DATE: January 5, 2018

RE: Proposed Changes to Appleton Municipal Code Chapter 6

The purpose of the proposed update to Chapter 6 is largely a result of the adoption of 2013 Wisconsin Act 270 in April of 2014 (See attached copy of Act 270). The last complete update to Chapter 6 was in January of 2009.

2013 Act 270 established a uniform commercial building code in Wisconsin, while allowing municipalities to grandfather certain fire detection, prevention, and suppression ordinances. Municipal ordinances could be grandfathered if, in addition to other criteria, DSPS determined "that the ordinance requires standards that are at least as strict as the rules promulgated by the department." As a result, Appleton Municipal Code Chapter 6 was submitted to the State of Wisconsin's Department of Safety and Professional Service (DSPS) for review. Our ordinances were reviewed and we were informed which ordinances were outside of the scope of enforcement by DSPS, as well as which ordinance could and could not be grandfathered by DSPS. Following notification of which ordinances were not grandfathered, the Appleton Fire Department initially filed an appeal to DSPS of all ordinances not grandfathered. We then received correspondence from DSPS to explain why the ordinances should be grandfathered. The Appleton Fire Department, working in conjunction with the City Attorney's office, conducted an in-depth analysis of those ordinances we sought to have grandfathered. This analysis indicated that several of the ordinances we initially appealed were actually less restrictive than available codes from the International Fire Code (IFC), the International Building Code (IBC), and/or National Fire Protection Association code (NFPA:1). As a result, we withdrew the appeal to several of the ordinances. However, four of the ordinances we maintained and justified our appeal and asked for a re-examination. Upon further review by DSPS, one additional ordinance was grandfathered. The entire process regarding the review of Chapter 6 by DSPS took nearly a year.

Although the Appleton Fire Department was, in practice, adhering to ACT 270 upon being enacted, we did not immediately request changes to the published version of Chapter 6. Past history of Wisconsin Acts have indicated that once actually placed into day-to-day operation, they may be revised or reversed. Essentially, we chose to take a “wait and see” approach before changes were made. Once we were comfortable that the provisions were permanent, the Appleton Fire Department began a review of Chapter 6 to see what changes needed to be made. During our review, we noted several ordinances that we also recommend either revising or eliminating. These ordinances include:

6-8. Investigation of fires.

In this ordinance, we cleaned up language as it related to collection of evidence. The Appleton Fire Department does not collect evidence. Evidence of a crime is to be collected by a law enforcement agency.

6-15. Posting of no smoking signs.

Due to the statewide no smoking ban in public buildings this ordinance is obsolete.

6-17. Sale of defective fire extinguishers.

There is no issue with this in Appleton. We believe that there is no longer a need for this ordinance.

6-18. Key box.

It is our desire to require all newly constructed buildings, except one- and two-unit family dwellings, and those buildings substantially remodeled, to install a key box, thus allowing the Appleton Fire Department better access during an emergency (fire or medical) call. The ordinance is also a benefit to the owner in that the cost of a key (lock) box would be a fraction of the cost of repairs to a door that would need to be forced open on a call. The ordinance currently written, in summary, only requires a lock box when access to a structure is “unduly difficult because of secured openings”.

6-50. Recovery of costs associated with technical rescue responses.

In this ordinance we are seeking to clean up existing language and expand the ability to seek reimbursement on all types of technical rescue responses - not limited to structural collapse rescues.

6-62. Smoke detectors.

In this ordinance, we are seeking to clean up terminology. Smoke "Alarms" is the most current terminology as opposed to Smoke "Detectors".

6-72. Maintenance, approval and registration of installed fire protection systems.

In this ordinance, we are seeking to add the ability to determine the required size of fire department connection.

Thank you for your consideration.