



Virtual Meeting
Mequon, WI 53092
Phone: 262-242-3500
Fax: 262-242-7655

www.ci.mequon.wi.us

Police and Fire Departments

PUBLIC SAFETY COMMITTEE

Tuesday, July 14, 2020

5:00 PM

Virtual Meeting

Agenda

ELECTRONIC MEETING NOTICE: Pursuant to the current recommendation of the CDC limiting the size of public gatherings and the various federal and state orders implementing that recommendation, and to help protect our community from the Coronavirus (COVID-19) pandemic, this meeting will be held virtually through the GoToMeeting platform with each member accessing the meeting remotely. Citizens may join the meeting online or by phone. Please go to <https://global.gotomeeting.com/join/352812013> to join the meeting online or call into the meeting by dialing 1-877-309-2073 and enter access code: 352-812-013.

WRITTEN PUBLIC COMMENTS may be made in writing in advance of the meeting. Written comments should be directed to the Police Department at least 2 hours prior to the meeting by email at dkowalchuk@ci.mequon.wi.us addressed to the intended committee. Written public comment may also be deposited in the drop box at City Hall on 11333 N. Cedarburg Road, Mequon at least 2 hours prior to the meeting. Comments received timely will be forwarded to all members of the body for their consideration.

VERBAL PUBLIC COMMENTS will be accepted only from members of the public who register in advance. Registration shall be made by sending an email to Executive Assistant Diane Kowalchuk at dkowalchuk@ci.mequon.wi.us or by leaving a message at 262-242-7987 no later than 2 hours prior to the meeting.

1) Call to Order

2) Approve Meeting Minutes

Action requested: review and approve

Public Safety Committee - Regular Meeting - Jun 9, 2020 5:15 PM

3) Ordinances

Action requested: review and recommend approval

ORDINANCE 2020-1577 An Ordinance Amending Chapter 30 of the Mequon Municipal Code, Allowing the Fire Chief to Determine the Timing and Frequency of Fire Inspections

4) Adjourn

Dated: July 14, 2020

/s/ Kathleen Schneider, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Public Safety Office at 262-242-3500, Monday through Friday, 8:00 AM – 4:30 PM

PUBLIC SAFETY COMMITTEE

Tuesday, June 9, 2020

5:15 PM

Virtual Meeting

Minutes

1) Call to Order

Present:

Chair Kathleen Schneider

Alderman Mark Gierl

Alderman Dale Mayr

Also Present: Police Chief Pryor, Fire Chief Bialk, Deputy Fire Chief Zellman, City Attorney Sajdak, City Administrator Jones, Mayor Wirth, Executive Assistant Kowalchuk, and interested public

2) Approve Meeting Minutes

Public Safety Committee - Regular Meeting - May 12, 2020 6:45 PM

RESULT: **Approved by Voice Acclamation [Unanimous]****MOVED BY:** Alderman Mayr**SECONDED BY:** Alderman Gierl

AYES: Schneider, Gierl, Mayr

3) Discussion

False alarm waiver request - 10952 N. Port Washington Rd.

Chief Pryor gave a summary of this false alarm event and the officers response. He additionally read the letter of waiver request provided by the business owner who had not yet called into this virtual meeting to speak on his behalf.

Moved by Alderman Mayor, seconded by Alderman Schneider to table this agenda item and take up Resolution 3741 (agenda item 4), to allow more time for this business owner to call into this meeting.

At this time, the business owner joined in on this virtual meeting, however, due to technical difficulties, the committee continued onto Resolution 3741 while Chief Pryor worked with the business owner to help him resolve the technical difficulties.

The following took place after Committee action on Resolution 3741 / Agenda Item 4 had concluded.

Mr. Basis Bearer explained that his concern was that he did not want his daughter, who is the store manager to go into the building without police support. However, she did determine on her own that a sensor had fallen to the ground which is what had triggered the alarm.

Motion to approve the staff recommendation to deny this false alarm waiver request.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Mayr

AYES: Schneider, Gierl, Mayr

4) Resolutions

Action requested: review and recommend approval

RESOLUTION 3741 Adoption of a Resolution Authorizing the Execution of Various Documents in Connection with a Phase I Feasibility Analysis of Fire & EMS Service Sharing in Ozaukee County

City Administrator Jones provided an overview of this proposed Resolution to approve participation in a feasibility study of potential shared Fire and Emergency Medical Services within Ozaukee County.

The Committee was supportive of the proposed Resolution, however concern was voiced over the fact that the Future of the Fire Department Committee has had a number of meetings wherein recommendations that may potentially be brought forward, may now be contradictory to the potential new direction this study could project for the City's Fire Department..

Mayor Wirth and City Administrator Jones explained that there are no preconceived ideas with regards to this study. It will likely be a multiyear effort that will have a longer-term horizon and should not impede suggestions or recommendations coming out of the Future of the Fire Department Committee.

RESULT: **Approved as Amended by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Schneider

AYES: Schneider, Gierl, Mayr

5) Adjourn

Motion to adjourn the meeting at 5:40 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Mayr
SECONDED BY: Alderman Schneider

AYES: Schneider, Gierl, Mayr

Respectfully Submitted,

Diane Kowalchuk

Minutes Acceptance: Minutes of Jun 9, 2020 5:15 PM (Approve Meeting Minutes)



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Office of Fire/Ambulance

TO: Public Safety Committee
FROM: David Bialk, Fire Chief
DATE: July 2, 2020
SUBJECT: ORDINANCE 2020-1577 An Ordinance Amending Chapter 30 of the Mequon Municipal Code, Allowing the Fire Chief to Determine the Timing and Frequency of Fire Inspections

Background

Annually, the City of Mequon Fire Department receives funding from the State of Wisconsin for the performance of fire inspections in commercial and multi-family residential occupancies. This arrangement between the State of Wisconsin and local municipalities is known as the 2% dues program. For a municipality to qualify for the disbursement of funds from the State of Wisconsin, the community must certify that all required fire inspections are performed within a specific time frame each year. Per SPS 314.01(13)(b), the Fire Chief of the community is the individual responsible for ensuring that each qualifying occupancy is inspected. Per SPS 314, the frequency of the required fire inspections can either be prescribed by the local Fire Chief or by the State of Wisconsin. If the community has no ordinance language allowing the Fire Chief to prescribe the timing of the required fire inspections, then the timing of the inspections is defined by the State. If the community has ordinance language allowing the Fire Chief to determine inspection timing, that schedule will supersede the State defined schedule.

The State government collects the 2% funds directly from insurance companies engaged in the provision of fire insurance within the State. The amount collected by the State from the insurance companies is 2% of the total value of the policies provided in the year. The amount of money the State reimburses to a municipality is 2% of the equalized valuation of real property improvements on land within the qualifying cities.

Act 270 was passed in 2013 and went into effect on January 26, 2015, at which point most of the verbiage and local rules as codified in Section 30-57 of the Mequon Code became obsolete and unenforceable as written. At the time of implementation, municipalities could request a continuance of their local ordinances as written, which Mequon did request. The State responded to all the local requests with one document that spelled out which sections of local ordinances could remain. At this point, the unenforceable verbiage remains within Section 30-57 and has led to confusion regarding what is permissible within Mequon.

Accordingly, the requested change will accomplish two objectives. First, the addition of verbiage to the subject ordinance that allows the Fire Chief to determine the timing of fire inspections will add local control to the inspection process and insulate the City from the potential loss of inspection revenue. Second, there is language and a process defined within the current ordinance that are no longer valid or permitted by the State of Wisconsin after the passage of Act 270 in

2013. As such, Act 270 limited a municipality's ability to have or enforce fire protection codes or practices that were more restrictive than the State-adopted Fire Prevention Code.

Analysis

The City of Mequon does not currently have language within its existing ordinances to allow the Fire Chief to determine the scheduling of fire inspections; therefore, the City of Mequon must abide by the State defined inspection schedule. The State-defined schedule is restrictive on the timing of inspections and allows the Fire Department very little flexibility in the performance of inspections. By implementing the ability for the Fire Chief to prescribe the inspection schedule, the Fire Chief can more efficiently utilize resources and direct enforcement and inspection efforts where they are most needed. By doing so, the Chief can improve fire safety in the community and ensure that occupancies that need additional time and focus are afforded such and that occupancies that are substantially compliant do not need unnecessary visits.

Implementing this suggested change will ensure that the City of Mequon is never in danger of failing to meet the State of Wisconsin's definition of substantial compliance with the fire inspection schedule and, therefore, not in danger of the loss of the 2% funds disbursement.

Amending Section 30-57 will strike the currently unenforceable language within the ordinance. Notably, additional efforts will be needed in the future to further reconstruct this ordinance to fit within the state's current uniform code policy.

Here are some highlights for the Council's consideration:

- Adoption of a local fire inspection schedule will reduce the regulatory burden on occupancies that maintain a record of compliance by reducing the number of required fire inspection visits each year.
- The City improves local control of the regulatory process.
- The risk of the loss of the 2% dues for failure to meet the State's definition of substantial compliance for fire inspections is greatly reduced.
- The Fire Chief may direct inspection resources in the manner which best fits the organization and is most efficient for this community.
- Striking the unenforceable code language is a matter of maintenance that needs to be done after the passage of Act 270 invalidated the ability of a municipality to have provisions more restrictive than the State-adopted Fire Protection Code.

Fiscal Impact

The recommendation to adopt new language allowing the Fire Chief to determine inspection timing has no associated implementation cost. If the State were to determine that its fire inspection schedule was not substantially complied with, the City of Mequon would lose just over \$180,000 in revenue from the State for each year of noncompliance. There is also no fiscal impact to the maintenance of the existing fire prevention ordinance.

Recommendation

Staff recommends the following:

- Adopting the additional language within Chapter 30 of the Mequon Municipal Code, allowing the Fire Chief to define the schedule of fire inspections within the City of Mequon.
- Repealing the unenforceable portions of Section 30-57 in the Code, to comply with Act 270 of 2013, which went into effect on January 26, 2015.

Attachments:

Act 270 Of 2013 FAQ's from DSPS (PDF)

WI Act 270 of 2013 Gutting of Local Fire Prevention (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2020-1577

An Ordinance Amending Chapter 30 of the Mequon Municipal Code, Allowing the Fire Chief to Determine the Timing and Frequency of Fire Inspections

RECITALS

A. Chapter 30 of the Mequon Municipal Code was previously adopted by the Council to establish certain fire prevention standards within the City of Mequon.

B. The Wisconsin Administrative Code authorizes local governments to adopt an ordinance to authorize some flexibility with respect to the timing of fire inspections on certain structures.

C. The Fire Chief recommends adopting a local ordinance pursuant to that Administrative Code provision.

D. In 2013 Wis. Act 270, the Wisconsin Legislature adopted the uniform commercial building code which, among other things, limited the authority of local governments to impose certain requirements on fire suppression sprinkler systems.

E. In compliance with Act 270, the Fire Chief submitted a copy of Sec. 30-57 of the Municipal Code to the Wisconsin Department of Administration to review, in order to provide for a continuance of provisions within that section.

F. Following that review, certain provisions of the Mequon Municipal Code may no longer be enforced.

G. Establishing regulations related to the fire prevention furthers the protection of the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

Section 30-25(f) of the Mequon Municipal Code is created to read as follows:

(f) Pursuant to Wis. Admin. Code § SPS 314.01(13)(b)7, the fire inspector shall complete an inspection of all public buildings and places of employment least once per calendar year, provided that the interval between those inspections

does not exceed 15 months.

SECTION II

Section 30-57 is repealed except for sections (a)-(c), (e)(1)i, (e)(4)a, (f), and (g).

SECTION III

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION V

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: July 14, 2020

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on July 14, 2020.

Caroline Fochs, City Clerk

Published: _____

Wisconsin Department of Safety and Professional Services
Division of Industry Services
Fire Prevention Program
4822 Madison Yards Way
PO Box 7302
Madison WI 53707-7302



Phone: 608-266-2112
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Email: dps@wisconsin.gov

Tony Evers, Governor
Dawn Crim, Secretary

2013 WI Act 270 – Uniform Commercial Building Code FAQ’s

In 2014 the Legislature passed, and Governor Scott Walker signed into law 2013 WI Act 270 which created a uniform commercial building code. Below is a list of frequently asked questions on this new law.

1. What DPS building codes are now uniform in the state of Wisconsin as a result of Act 270?

- a. SPS 361-366 – Commercial Buildings
- b. SPS 316 – Electrical (Became uniform as a result of 2015 WI Act 55 which is the 2015-2017 Budget Bill)
- c. SPS 318 – Elevators
- d. SPS 340 – Gas systems (If they are located in or part of a commercial building)
- e. SPS 341 – Boilers and Pressure Vessels
- f. SPS 345 – Mechanical Refrigeration

2. Did Act 270 affect the Uniform Dwelling Code or Plumbing Code which were already uniform across the state?

No, Act 270 did not affect the UDC or Plumbing Codes. They are still uniform.

3. Are there exceptions to the uniformity of the commercial building code?

Yes, Act 270 allowed municipalities to submit preexisting fire detection, prevention or suppression ordinances to the department to be grandfathered. For a complete list of grandfathered ordinances, [click here](#).

4. Can a municipality make changes to an ordinance that was grandfathered under Act 270?

Yes, see 101.02(7r)(c).

101.02(7r)(c) (c) A town, village, or city may amend an ordinance that is enforceable under par. (b) if all of the following apply:

- 1. The amendment will not broaden the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.
- 2. The amendment will not change the specific subject matter regulated by the ordinance.
- 3. The town, village, or city submits a copy of the enacted amendment to the department at least 120 days before the effective date of the amendment.
- 4. The town, village, or city publishes the enacted amendment in the manner required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date of the amendment.

Amended ordinances should be sent to DSPPolicyDevelopment@wisconsin.gov

Attachment: Act 270 Of 2013 FAQ's from DPS (ORDINANCE 2020-1577 : Amend Chapter 30 Fire Prevention & Protection)

5. What about the State Fire Maintenance Code in SPS 314?

SPS 314 is the fire maintenance code and is not intended to be used as a design standard. Therefore, the State Fire Maintenance Code in SPS 314 is not uniform.

6. What municipal ordinances were in effect during the time the Department was reviewing ordinances submitted for grandfathering?

Ordinances that were pending grandfathering review were not in effect or enforceable. Ordinances which adopted the state commercial building code for purposes of delegated plan review or inspection were enforceable.

7. What is the effective date of the Uniform code?

April 18, 2014. Grandfathered municipal ordinances took effect on January 26, 2015.

8. Who enforces the municipal ordinances that were grandfathered under Act 270? Pursuant to 101.02(7r)(b) the municipality in which the ordinance was grandfathered is responsible for the enforcement of the grandfathered ordinance.

9. If a local ordinance required additional smoke detection on an existing building, and that local ordinance was not grandfathered under Act 270, is the building still required to be maintained based on the old ordinance?

Yes, see SPS 361.(13)(a)

Unless otherwise specifically stated in this code, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code provisions that applied when the building, structure, element, system, or component was constructed, or altered, except when required by subsequent editions of the building code.

10. Who is authorized to make inspections that relate to constructing, altering or adding to commercial buildings?

Pursuant to 101.12(4)(a) only a licensed Commercial Building Inspector is permitted to perform inspections that relate to constructing, altering or adding to commercial buildings.

11. Can a licensed UDC inspector make inspections on commercial building projects? Yes, but only if he/she holds a current Commercial Building Inspector license issued by DSPS.

12. Can a Fire Chief or Fire Inspector make inspections that relate to constructing, altering or adding to commercial buildings?

Yes, but only if he/she holds a current Commercial Building Inspector license issued by DSPS.

13. Was there a new Fire Suppression, Detection and Prevention Inspector credential created with Act 270?

Yes, pursuant to 101.14(4r) the department is currently working on creating a Fire Detection, Prevention and Suppression Inspector credential.

101.14(4r)

(b) A person may perform inspections of fire detection, prevention, and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment only if he or she has received certification as an inspector from the department.

14. When will the Fire Suppression, Detection and Prevention Inspector credential be available for people to apply for and obtain?

Pursuant to Act 270, there was a three-year delayed effective date for this new credential. This credential will become available for new applicants no later than the spring of 2017, and possibly sooner depending upon how quickly it can be added into the administrative code.

15. Can 2nd class cities that have been delegated by DSPS to do plan review and inspections issue their own variances on commercial code requirements?

Yes, pursuant to State Statute 101.12(3m)(d) 2nd class cities that have been delegated by DSPS to perform plan reviews or inspections may issue petitions for variance. 101.12(3)(bq) states that variance must be reviewed and decided in a manner approved by the department. Click here to find a copy of the Department's variance application.

16. What are the requirements to be considered a 2nd class city?

Pursuant to State Statute 62.05:

s. 62.05 Classes of cities.

(1) Cities shall be divided into 4 classes for administration and the exercise of corporate powers as follows:

(a) Cities of 150,000 population and over shall constitute 1st class cities.

(b) Cities of 39,000 and less than 150,000 population shall constitute 2nd class cities.

(c) Cities of 10,000 and less than 39,000 population shall constitute 3rd class cities.

(d) Cities of less than 10,000 population shall constitute 4th class cities.

(2) Population of cities shall be determined by the last federal census, including a special federal census taken of such city, except in newly incorporated cities when a census is taken as provided by law. Cities shall pass from one class to another when such census shows that the change in population so requires, when provisions for any necessary changes in government are duly made, and when a proclamation of the mayor, declaring the fact, is published according to law.

17. Are administrative functions like number of plan sets, fees, plan review and inspection processing times all part of the new uniform code?

No, the newly created uniformity only applies to design and construction standards and does not apply to administrative requirements.

18. Can a municipality require a duplicative or additional plan review after plans have been conditionally approved by DSPS?

Yes, the newly created uniformity only applies to design and construction standards and does not apply to administrative requirements.

19. Can a municipality that has been delegated by DSPS to do plan review require seals and signatures on plan submittals for projects < 50,000 cubic feet?

No, pursuant to State Statute 443.15, seals and signatures cannot be required on plans for buildings less than 50,000 cubic feet total volume. SPS 361.31(1) adopts 443 into the commercial building code. SPS 361.60 requires a municipality to adopt the commercial building code in its entirety. As a result, a delegated municipality is bound by 443 in the administration of the commercial building code and cannot require seals and signatures for projects less than 50,000 cubic feet, unless done by an individual licensed under 443.



2013 Senate Bill 617

Date of enactment: April 16, 2014
Date of publication*: April 17, 2014

2013 WISCONSIN ACT 270

AN ACT to renumber 101.12 (3) (am) 2. and 101.12 (3) (am) 4.; to renumber and amend 101.12 (3) (am) 1., 101.12 (3) (am) 3. and 101.12 (3) (am) 5.; to amend 101.02 (15) (j) and 101.19 (1g) (am); and to create 15.407 (18), 101.02 (7r), 101.023, 101.12 (3) (bq), 101.12 (3m) (d), 101.12 (3r), 101.12 (4) and 101.14 (4r) of the statutes; relating to: ordinances, variances, and rules relating to the constructing or altering of, or adding to, public buildings and buildings that are places of employment, the creation of a building code council, and inspections of public buildings and buildings that are places of employment, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.407 (18) of the statutes is created to read:

15.407 (18) BUILDING CODE COUNCIL. (a) There is created in the department of safety and professional services a building code council consisting of the following members appointed for 3-year terms:

1. Two members representing the skilled building trades, each of whom is actively engaged in his or her trade.
2. Two members representing local building inspectors, each of whom is authorized to do inspections under s. 101.12 (4) and who is employed by a city, village, or county.
3. Two members representing the fire services, each of whom is actively engaged in fire service work and at least one of whom is a fire chief.
4. Two members representing building contractors, each of whom is actively engaged in on-site construction of public buildings and buildings that are places of employment.

5. Two members representing architects, engineers, and designers, each of whom is actively engaged in the design or evaluation of public buildings and buildings that are places of employment.

(b) An employee of the department shall serve as nonvoting secretary of the council.

(c) The council shall meet at least 2 times annually.

(d) Six members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required, except that at least 8 members of the council are required to vote affirmatively to recommend changes in the statutes or rules.

SECTION 2. 101.02 (7r) of the statutes is created to read:

101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce an ordinance that establishes minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment unless that ordinance strictly conforms to the applicable rules under sub. (15) (j), except as provided in pars. (b) to (d).

(b) Notwithstanding par. (a), a town, village, or city may enforce an ordinance establishing minimum stan-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2013 Wisconsin Act 270

- 2 -

2013 Senate Bill 617

dards for constructing, altering, or adding to public buildings or buildings that are places of employment that does not strictly conform to the applicable rules under sub. (15) (j) if all of the following apply:

1. The ordinance was enacted before May 1, 2013.
2. The ordinance was published by the town, village, or city in the manner required under s. 60.80, 61.50, or 62.11 (4).
3. The ordinance relates to fire detection, prevention, or suppression components of buildings.
4. The building is not a multifamily dwelling, as defined in s. 101.971 (2).
5. The ordinance is submitted to the department within 60 days after the effective date of this subdivision [LRB inserts date].
6. The department determines that the ordinance requires standards that are at least as strict as the rules promulgated by the department.

(c) A town, village, or city may amend an ordinance that is enforceable under par. (b) if all of the following apply:

1. The amendment will not broaden the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.
2. The amendment will not change the specific subject matter regulated by the ordinance.
3. The town, village, or city submits a copy of the enacted amendment to the department at least 120 days before the effective date of the amendment.
4. The town, village, or city publishes the enacted amendment in the manner required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date of the amendment.

(d) 1. The department shall maintain a list of the ordinances that are enforceable under par. (b) and of the amendments that are enforceable under par. (c). The list shall be accessible to the public in electronic format, and shall include electronically photographed or scanned copies of the ordinances and amendments.

2. For an amendment submitted to the department under par. (c) 3., the department shall make it accessible as required under subd. 1. within 10 working days after receiving the amendment.

(e) Notwithstanding par. (a), a town, village, or city may enact and enforce an ordinance establishing a property maintenance code that is stricter than rules promulgated by the department under sub. (15) (j).

(f) Notwithstanding par. (a), a city of the 1st or 2nd class may enact and enforce an ordinance that relates to fire suppression that requires existing buildings to be altered to comply with the rules for the construction of buildings that are promulgated by the department under sub. (15) (j).

SECTION 3. 101.02 (15) (j) of the statutes is amended to read:

101.02 (15) (j) The department shall ascertain, fix and order such reasonable standards or rules for the construction, repair and maintenance of places of employment and constructing, altering, adding to, repairing, and maintaining public buildings, as shall and places of employment in order to render them safe.

SECTION 4. 101.023 of the statutes is created to read:
101.023 Building code council duties. The building code council shall review the rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. In preparing rules under this chapter that relate to public buildings and to buildings that are places of employment, the department shall consult with the building code council.

SECTION 5. 101.12 (3) (am) 1. of the statutes is renumbered 101.12 (3) (am) and amended to read:

101.12 (3) (am) Accept the examination of essential drawings, calculations and specifications in accordance with sub. (1) performed by a 2nd class city in conformity with the requirements of this paragraph that is certified pursuant to sub. (3m).

SECTION 6. 101.12 (3) (am) 2. of the statutes is renumbered 101.12 (3m) (a).

SECTION 7. 101.12 (3) (am) 3. of the statutes is renumbered 101.12 (3m) (b) and amended to read:

101.12 (3m) (b) A 2nd class city may apply for certification by the department for the purposes of this paragraph under this subsection if that city employs at least one architect or one professional engineer who has been granted a certificate of registration under s. 443.10. The department shall certify a 2nd class city when the department determines and certifies the competency of all examiners employed by the city. The department shall review the competency of the examiners of a city that is certified under this paragraph subsection on a regular basis and may revoke the certification of a city if the examiners do not meet standards specified by the department.

SECTION 8. 101.12 (3) (am) 4. of the statutes is renumbered 101.12 (3m) (c).

SECTION 9. 101.12 (3) (am) 5. of the statutes is renumbered 101.12 (3m) (e) and amended to read:

101.12 (3m) (e) The department shall by rule set fees, to be collected by the 2nd class city and remitted to the department, to meet the department's costs in enforcing and administering its duties under this paragraph sub. (3) (am) and this subsection.

SECTION 10. 101.12 (3) (bq) of the statutes is created to read:

2013 Senate Bill 617

- 3 -

2013 Wisconsin Act 270

101.12 (3) (bq) Accept the review and determination performed by 2nd class cities that are certified pursuant to sub. (3m) on variances for buildings if the variances are reviewed and decided on in a manner approved by the department.

SECTION 11. 101.12 (3m) (d) of the statutes is created to read:

101.12 (3m) (d) The department shall certify 2nd class cities to perform reviews and determinations of variances under sub. (3) (bq) if the 2nd class city has been certified for purposes of sub. (3) (b).

SECTION 12. 101.12 (3r) of the statutes is created to read:

101.12 (3r) An owner of a building may request, and the department may grant, a variance from standards contained in a rule relating to constructing, altering, and adding to public buildings and buildings that are places of employment if the department finds that the requested variance will impose an equivalent standard that meets the intent of the rule.

SECTION 13. 101.12 (4) of the statutes is created to read:

101.12 (4) (a) Except as provided in par. (b), any inspection performed to determine compliance with the rules promulgated by the department that relate to constructing, altering, or adding to public buildings and buildings that are places of employment may be performed only by a person who is certified under rules promulgated by the department to make such inspections.

(b) The certification requirement under par. (a) does not apply to any of the following:

1. An inspection performed under s. 101.14 (2) (b) or (c) by an inspector who is designated under s. 101.14 (2) (d) to make such inspections.

2. An inspection performed by an inspector who has received certification under s. 101.14 (4r).

SECTION 14. 101.14 (4r) of the statutes is created to read:

101.14 (4r) (a) In this subsection, "fire detection, prevention, and suppression devices" has the meaning given in sub. (4) (g) 2.

(b) A person may perform inspections of fire detection, prevention, and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment only if he or she has received certification as an inspector from the department.

(c) 1. The department shall promulgate rules establishing procedures and requirements for issuing certifications for purposes of par. (b). The department shall include in the rules a requirement that the person hold a

valid certification from the national fire protection association qualifying him or her as a certified fire inspector I or that he or she hold a valid equivalent certification.

2. The department shall determine which certifications issued by other entities will qualify as valid equivalent certifications. Notwithstanding s. 227.10 (1), determinations under this subdivision shall not be promulgated as rules.

(d) The department shall provide assistance to any nationwide or statewide organization that represents fire chiefs and that is engaged in providing training and certification opportunities for persons seeking to receive certification by the department under this subsection.

SECTION 15. 101.19 (1g) (am) of the statutes is amended to read:

101.19 (1g) (am) The services specified by s. 101.12 (3) (am) and (bq) and (3m).

SECTION 16. Nonstatutory provisions.

(1) COUNCIL; TERMS OF INITIAL MEMBERS. Notwithstanding the length of terms specified in section 15.407 (18) (a) (intro.) of the statutes, as created by this act, the initial members of the building code council under section 15.407 (18) of the statutes, as created by this act, shall be appointed by the governor for the following terms:

(a) One member appointed under section 15.407 (18) (a) 2. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 3. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 4. of the statutes, as created by this act, and one member appointed under section 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1, 2017.

(b) One member appointed under section 15.407 (18) (a) 1. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 2. of the statutes, as created by this act, and one member appointed under section 15.407 (18) (a) 4. of the statutes, as created by this act, for terms expiring on July 1, 2016.

(c) One member appointed under section 15.407 (18) (a) 1. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 3. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1, 2015.

SECTION 17. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 101.14 (4r) (b) takes effect on the first day of the 37th month beginning after publication.