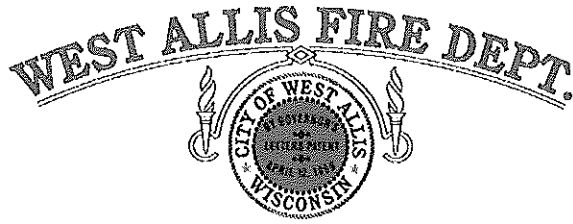




BUREAU OF FIRE  
PREVENTION  
MARTIN M. KING  
ASSISTANT CHIEF  
RICK GALE  
LIEUTENANT



CITY of WEST ALLIS  
FIRE DEPARTMENT

July 28, 2011

Mayor Dan Devine  
Common Council

As directed in the May 3, 2011 Common Council Resolution, a study was made analyzing the differences between the City of West Allis Fire Prevention Code and the applicable State of Wisconsin Codes. The attached report identifies the differences where the City's ordinance is more restrictive, as it applies to development, increasing tax base and job creation, than the State Code. This report includes the justification for the difference or a summary of proposed updates/changes to the specific code section.

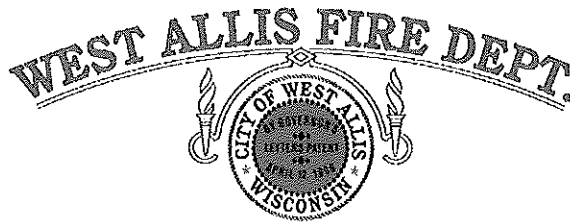
Please contact me regarding any questions.

Respectfully submitted,

Assistant Chief Martin M. King



BUREAU OF FIRE  
PREVENTION  
MARTIN M. KING  
ASSISTANT CHIEF  
RICK GALE  
LIEUTENANT



CITY of WEST ALLIS  
FIRE DEPARTMENT

July 18, 2011

West Allis Common Council  
Alderman Richard Narlock  
7525 West Greenfield Avenue  
West Allis, WI 53214

At their May 3, 2011 regular meeting the Common Council adopted a resolution directing various departments to study and prepare a report analyzing the differences between City of West Allis ordinances and State law with respect to building, electrical, plumbing, fire and health regulations. Council asked these departments to determine where the City's regulations are more restrictive than State regulations with respect to their impact on development, increasing the tax base or job creation.

This report examines Chapter V of the City of West Allis Revised Municipal Code, "Fire Department Regulations", which has remained virtually unchanged since August 1992. As part of this Chapter, the City has adopted the National Fire Protection Association's NFPA 1, the "Uniform Fire Code", and the State of Wisconsin Fire Prevention Code.

In addition to the State Fire Prevention Code, This report also refers to the Wisconsin Enrolled Commercial Building Code that regulates various aspects of new construction and renovation. The Wisconsin Fire Prevention Code primarily regulates the testing and maintenance of fire protection features.

In most cases the State's and the City's Fire Prevention Codes are similar, however, three sections of the City's Code could be perceived as more restrictive, potentially impacting development, taxes, and job creation. These sections regulate the storage of flammable gases, private fire hydrants, and fire protection sprinkler systems.

Please bear in mind that Chapter Comm 14 of the State's Fire Prevention Code (section 14.14.01.6.b) provides that "Pursuant to s.101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive requirements for public buildings and places of employment, provided the requirements do not conflict with this chapter."

Our City has made informed decisions about the level of fire protection necessary for residents and businesses, after careful consideration of our particular demographics, and has written the City's Code to reflect those concerns.

**Review of the Codes:**

**RMC Chapter V, Sections 5.10 (5) “Bulk Storage of Liquefied Petroleum Gases” and RMC Chapter V, Sections 5.10 (6) “Storage of Flammable and/or Combustible Liquids in Storage Tanks”**

Section (5) prohibits the bulk storage of LP Gas and Section (6) prohibits the storage of flammable and combustible liquids storage in all zoning districts except MC-1 (Manufacturing) and heavy industrial. The Wisconsin Fire Prevention Code does not specify particular zoning requirements for these products.

The fire department could consider providing allowances for temporary installations, under certain circumstances to help reduce hardships on contractors and additional expense for business owners.

**RMC Chapter V, Section 5.10.8, “Fire Hydrant Requirements on Private Property”**

The Wisconsin Enrolled Commercial Building Code fails to address fire hydrants on private property, so the City’s code requires an easement for control and access to water supplies. The City is required to inspect, test and maintain these hydrants; property owners do not bear these costs.

The maintenance of an adequate water supply for firefighting is essential to provide protection for occupants and reduce structural damage in the event of a fire. Therefore, the fire department recommends that this chapter remains unchanged and in force.

**RMC Chapter V, Section 5.10.16, “Automatic Fire Sprinklers”**

With regard to new and existing buildings, the City’s code is more restrictive than the current Wisconsin Enrolled Commercial Building Code in certain occupancies.

The following table identifies the differences between the State of Wisconsin and the City of West Allis:

Occupancy Type	State of Wisconsin Enrolled Bldg Code	City of West Allis	
		Fire Resistive Construction	Non-Fire Resistive Construction
Assembly (A-1) Theaters	12,000 SF, or occupant 300 or more, or located above grade, or multi-theater complex	Stage and accessory areas, or 10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	Throughout All
Assembly (A-2) Restaurants, Taverns, and Banquet Halls	5,000 SF, or occupant 300 or more, or Located above grade	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories

Assembly (A-3) Auditoriums, Churches, Gymnasiums	12,000 SF, or occupant 300 or more, or located above grade	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Assembly (A-4) Arenas, Swimming Pools	12,000 SF, or occupant 300 or more, or located above grade	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Business/Offices	Not Addressed	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Educational	20,000 SF, or areas below grade.	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	Throughout All
Factory	12,000 SF, or over 3 stories in height, or Bldg over 24,000 SF, or woodworking ops in excess of 2,500 SF	3,000 SF	3,000 SF
High Hazard	Throughout All	Throughout All	Throughout All
Institutional Hospitals, Jails, Nursing Homes, Certain Day Cares	Throughout All	Throughout All	Throughout All
Mercantile	12,000 SF, or over 3 stories in height, or Bldg exceeds 24,000 SF, or high pile storage areas	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Residential Boarding House, Hotels	Throughout All, unless less than 3 stories and room doors lead to exterior	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Residential Apartments	Over 2 stories, or 8 Units or more	3 units or more	3 units or more
Residential Dorms, Fraternities, Sororities	Over 2 stories, or 8 Units or more	Basement and accessory areas, or 5,000 SF, or over 2 stories	Throughout All
Residential CBRF, Assisted Living	Throughout All	0 SF (New Const Only), or 10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	Throughout All (New Const Only), or 5,000 SF, or over 2 stories
Storage Moderate Hazard	12,000 SF, or over 3 stories in height, or Bldg over 24,000 SF	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Storage Enclosed Parking Garage	Throughout All	Throughout All	Throughout All
Tire Storage	Exceeding 20,000 CF	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Repair Garages	10,000 SF	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories

Buildings/basements without openings	1,500 SF	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories
Buildings over 55 feet	Throughout All, except open parking structures	10,000 SF, or over 1 story and 6,000 SF, or over 2 stories	5,000 SF, or over 2 stories

For your further information and comparison of fire protection sprinkler systems, I've included a chart showing the requirements of some of our neighboring communities. Please see Appendix A.

The City's Revised Municipal Code has been revised to consider the density of local buildings and population. Today, these thresholds are as important with the reduction in fire service staffing, increase in department call volume, reduction in availability of capable response under industry standards, and the future financial outlook due to the current economic crisis.

With life safety and property conservation in mind, I've provided some examples of our experience with the impact of fire in buildings without fire sprinkler systems:

- 1441 S 63 St Apartments (2010) – The fire originated in apartment 1, but smoke damage was throughout the four-unit apartment building. Three people were injured due to the fire. One occupant spent at least three days in the hospital and two other people were treated and released. Fire apartment unoccupied for months and the other residents relocated for four days.
- 5821 W Lincoln Ave Apartments (2009) – The fire originated in an upper apartment, but smoke damage was throughout the building. There was one occupant injured and was treated for smoke inhalation. The occupant of the fire apartment was relocated for months and the remaining occupants were relocated for two days.
- Heritage House Apartments (2009) – 11515 West Cleveland Avenue. The fire originated in an apartment and injured one occupant who was treated and released. The occupant was not able to return to their apartment for two days.
- Sunrise Apartments (2008) – 8750 West National Avenue. This apartment fire caused smoke damage throughout the six-story building resulting in 9 injuries. One person was hospitalized for a couple days and the remaining were treated and released. Two occupants were relocated for months.
- 98<sup>th</sup> Street Apartments (2004) – This apartment fire resulted in the loss of life of the two occupants. The apartment was unoccupied for 6 months.
- Hills Apartments (2001) – This apartment fire resulted in the loss of life of two of the occupants and hospitalization of the four remaining occupants.

We have seen the success of fire sprinkler systems in controlling the fire and allowing businesses to continue operating the same day:

- Berkshire Apartments – 1441 South 65<sup>th</sup> Street (2011). Apartment fire confined to the kitchen area and extinguished by the fire sprinkler system. There was minimal fire and water damage to the apartment. All occupants allowed returning to their apartments, including the apartment with the kitchen fire.

CD Baird (2008) – 5325 West Rogers Street. Fire sprinklers controlled two arson fires in the loading dock area. Employees returned to work within the hour and company back to full production.

West Park Place (2008) – 7400 West Greenfield Avenue. The laundry room fire was controlled by fire sprinkler system. Residents returned to their apartments within an hour. The laundry room was back in service within the day.

Goodwill (2007) – 11000 West Oklahoma Avenue. A trash compactor fire was controlled by the fire sprinkler system. The store was opened within the hour. The storeroom sustained no fire damage and minimal smoke damage.

Fountains Apartments (2007) – 5920 West National Avenue. This storage room fire determined as arson was controlled by the fire sprinkler system. Occupants were able to occupy their apartments within an hour. Water damage to the common activity room limited use for a day.

International Auto (2004) – 2400 South 108<sup>th</sup> Street. This arson fire in the service department was controlled by the fire sprinkler system. The service department was able to open that morning for customers with limited smoke damage in the building. The showroom and offices were open for normal business hours.


Target (2003) – 2600 South 108<sup>th</sup> Street. This fire in the trash compactor was controlled by the fire sprinkler system. The business opened that morning at its normal time.

Oak West Elderly Apartments (2002) – 11102 West Oklahoma Avenue. This fire in the boiler room was controlled by the fire sprinkler system and limited the damage to the buildings HVAC system. All residents were allowed back into their apartments within a couple hours.

In all of the cases above, fire sprinklers limited the areas damaged by fire and smoke. No injuries were reported in these fires.

These examples show the benefits of fire sprinkler systems for the property owners, businesses, and residents/occupants. We have a history of no injuries or deaths in buildings with fire sprinkler systems. The structure or business sustained minimal fire and water damage allowing for the business to continue or occupants remaining in their residences. The fire department recommends that the fire sprinkler thresholds remain at the current levels.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MMS', written over a horizontal line.

Assistant Chief Martin M. King

## Appendix A

This chart is a comparison of the Wisconsin Enrolled Commercial Building Code with local municipalities. This is a simplified chart of the minimum square footage requirements for the installation of fire sprinkler systems. This does not account for exceptions, which may require the installation of a fire sprinkler system because of occupant load or location of the occupancy above the level of discharge. An asterisk marks where there are exceptions that could require a fire sprinkler system in less than the square footage listed.

	<b>Assembly Hall Fire Resistant</b>	<b>Assembly Hall Non-Fire Resistant</b>	<b>Office Fire Resistant</b>	<b>Office – Non-Fire Resistant</b>	<b>Multi-Story Office – 0 Sq Ft Requirement</b>
WI Enrolled Code	5,000 SF*	5,000 SF*	Not Addressed	Not Addressed	Over 55' high
Brookfield	Throughout All	Throughout All	6,000 SF	6,000 SF	Over 2 stories
Greendale	Areas	Throughout All	12,000 SF *	6,000 SF *	Over 2 stories
Greenfield	3,000 SF	Throughout All	10,000 SF *	5,000 SF *	Over 2 stories
Menomonee Falls	Throughout All	Throughout All	5,000 SF *	2,500 SF *	Over 2 stories
New Berlin	Throughout All	Throughout All	6,000 SF *	6,000 SF *	Over 2 stories
Oak Creek	Areas	Throughout All	10,000 SF *	7,000 SF *	Over 3 stories
Wauwatosa	8,000 SF	Throughout All	3 stories *	2 stories *	2 stories
West Allis	Areas	Throughout All	10,000 SF *	5,000 SF *	2 stories
	<b>Retail – Fire Resistant</b>	<b>Retail – Non-Fire Resistant</b>	<b>Retail – 0 Sq Ft Requirement</b>	<b>Schools – Fire Resistant</b>	<b>Schools – Non-Fire Resistant</b>
WI Enrolled Code	12,000 SF *	12,000 SF *	Over 3 Stories	20,000 SF *	20,000 SF *
Brookfield	6,000 SF	6,000 SF	2 stories	Areas	Throughout All
Greendale	12,000 SF *	6,000 SF *	Over 2 stories	Areas	Throughout All
Greenfield	5,000 SF *	3,000 SF *	2 stories	Throughout All	Throughout All
Menomonee Falls	12,000 SF *	5,000 SF *	2 stories	Areas	Throughout All
New Berlin	6,000 SF *	6,000 SF *	2 stories	Throughout All	Throughout All
Oak Creek	10,000 SF *	5,000 SF *	Over 2 stories	Throughout All	Throughout All
Wauwatosa	12,000 SF	6,000 SF *	3 stories	Throughout All	Throughout All
West Allis	10,000 SF *	5,000 SF *	2 stories	Areas	Throughout All

	<b>Factory Fire Resistant</b>	<b>Factory Non-Fire Resistant</b>	<b>High Hazard</b>	<b>Multi-Family – Fire Resistant</b>	<b>Multi-Family – Non-Fire Resistant</b>
WI Enrolled Code	12,000 SF *	12,000 SF *	Throughout All	Over 8 units*	Over 8 Units*
Brookfield	6,000 SF	6,000 SF	Throughout All	Areas	3,000 SF
Greendale	12,000 SF *	6,000 SF *	Throughout All	Areas	Over 2 stories
Greenfield	5,000 SF	3,000 SF	Throughout All	5,000 SF	3,000 SF
Menomonee Falls	12,000 SF *	5,000 SF *	Throughout All	12,000 SF *	4,000 SF *
New Berlin	6,000 SF *	6,000 SF *	Throughout All	Over 3 Units	Over 3 Units
Oak Creek	10,000 SF *	5,000 SF *	Throughout All	10,000 SF	5,000 SF
Wauwatosa	12,000 SF *	6,000 SF *	Throughout All	Over 3 stories*	Over 2 stories*
West Allis	10,000 SF *	5,000 SF *	Throughout All	Over 3 units	Over 3 units
	<b>Warehouse -</b>	<b>Warehouse -</b>	<b>Warehouse -</b>	<b>Institutional</b>	
	<b>Fire Resistant</b>	<b>Non-Fire Resistant</b>	<b>0 Sq Ft Requirement</b>		
WI Enrolled Code	12,000 SF *	12,000 SF *	Over 3 stories*	Throughout All	
Brookfield	6,000 SF	6,000 SF	2 stories	Throughout All	
Greendale	10,000 SF *	6,000 SF *	Over 3 stories	Throughout All	
Greenfield	5,000 SF *	3,000 SF *	2 stories	Throughout All	
Menomonee Falls	12,000 SF *	5,000 SF *	2 stories	Throughout All	
New Berlin	6,000 SF *	6,000 SF *	6,000*	Throughout All	
Oak Creek	9,000 SF *	6,000 SF *	Over 3 Stories	Throughout All	
Wauwatosa	12,000 SF *	6,000 SF *	2 stories	Throughout All	
West Allis	10,000 SF *	5,000 SF *	2 stories	Throughout All	

Area denotes that specific parts of the building are required to be provided with fire sprinkler protection.

\*Note: This denotes that other factors may require providing fire sprinklers based upon number of stories or occupant load.

\*\*Note: The State of Wisconsin Enrolled Commercial Building Code allows for lower thresholds for municipalities with pre-existing stricter fire sprinkler ordinances for multi-family buildings only. It does not allow municipalities to enact lower thresholds if not recognized by the State. The City of West Allis is one of 16 communities recognized by the State for conformance with 61.03(4)(b). The municipal fire sprinkler code cannot be modified, except to follow State Code. Modifications will revert to the State Code. The State Code is considered the minimum requirement; no community can be less restrictive than the State Code.



## **Appendix B**

Listed below are sections of the City of West Allis Revised Municipal Code that are more restrictive than the Wisconsin Fire Prevention Code but were not considered a deterrent to development, increasing the tax base, and job creation. They are provided for informational purposes and were completed as a complete review of the City of West Allis Fire Prevention Code.

**RMC Section 5.10.7 Automatic Fire Protection Equipment** is more restrictive than the State of Wisconsin in that it requires the number of plans to be submitted.

I **recommend** that this section of the Revised Municipal Code (RMC), in that it is repetitive of the model code (NFPA 1) and that the information on review of plans, which is a procedural process and should be part of the department guidelines. I am not sure why procedural process was included in the RMC code.

**RMC Section 5.10.9 Opening Burning** is more restrictive than the State Fire Code. The State Fire Code does not regulate the hours of operation, nor does it restrict the fires to screened fireplaces. It allows for the use of outdoor fire pits (recreational fire pits) no closer than 25 feet and open fires no closer than 50 feet from a structure. Both of these types of fires do not require screening, nor would it require containment. This does not regulate what could be burned and would allow for the burning of brush, leaves and other combustible materials as long as the distance from a structure is maintained.

I **recommend** that the current code be maintained and remain stricter than the State Fire Code due to the population and building density throughout most of the City of West Allis. Changes would lead to further issues with neighbors and what/when people burn.

**RMC Section 5.10.11 Causing Fire by Smoking and 5.10.12 Smoking in Schools and Public Library** are not specifically mentioned within the State Fire Code, as such are more restrictive. These codes should be eliminated due to the 2010 indoor smoking act. The Uniform Fire Code allows for the Fire Department to enact rules restricting smoking in areas designated as hazardous.

**RMC Section 5.10.13 Christmas Tree Sales** is not covered under the State Fire Code, thus more restrictive. The City Code covers sales, display or storage of seasonal trees. We generally see 3 – 4 permits applied for each season and do not restrict business development. I **recommend** that the code be maintained as adopted.

**RMC Section 5.10.14 Automatic Fire Detection Systems and Warning Systems** was adopted because this information was not part of the building or fire code years ago. There are two sections that are more restrictive than the current State Codes. The first is with the failure to test alarm systems and transfers the testing responsibility to the fire department. The costs of these services are billed to the owner of the property. I **recommend** that this section of the code be

eliminated and rely on the enforcement actions (citation and summons) for compliance. We no longer have the staff to provide this service. The second section was for the installation of smoke alarms when not corrected by the owner, with the costs of the smoke alarm and installation billed to the owner. I **recommend** that this section remain for the safety of the residents when an owner is noncompliant. I **recommend** that this be expanded to include carbon monoxide alarms to provide this level of safety to the residents.

**RMC Section 5.10.15** Closing Devices was created to cover requirements for the installation and maintenance of closing devices on fire doors. The current State codes address these areas. I **recommend** elimination of this code section due to duplication.

**RMC Section 5.10.17** Fireworks prohibits the sale or use of consumer fireworks within the City of West Allis and is more restrictive than the State Code. This was developed to prevent fires and for the safety of our citizens.

I **recommend** that the current city code remain. There is no information to suggest that it restricts business development within the City of West Allis.

**RMC Section 5.10.22** Ignition Devices deals with the possession of ignition devices by minor children. This was established in the 90's to address the problem of child-set fires. The ordinance provides for educational opportunities for children involved in these fires and penalties that fail to attend. This is more restrictive than the State Code because it is not addressed within the code.

I **recommend** maintaining this ordinance. This ordinance does not affect business within the community.

**RMC Section 5.22** Penalties is more restrictive than the State Code. The City assesses a penalty of not less than twenty-five (\$25.00), nor more than five hundred dollars (\$500.00) while the State assesses not less than ten (\$10), nor more than \$100. I recommend that the current amounts remain. The City of West Allis is responsible for all costs of enforcement. Our ability to work with owners is partly responsible for this success, but non-compliant owners are informed of the possible penalties. In these cases, I believe that the higher penalties assist with their compliance.