

ORDINANCE

An Ordinance to amend Manitowoc Municipal Code Chapters 6 - Regulating Fire Department and Fire Prevention, Chapter 16 - Building, Heating and Ventilation Code, Chapter 17 - Plumbing Code, and Chapter 18 – Electrical Code.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 6.040 Fire Inspector-Duties is amended to read as follows:

“6.040 Fire Inspector- Duties.

The Chief of the Fire Department shall hold the office of Fire Inspector as a duly authorized agent of the Wisconsin ~~Department of Commerce~~ **Department of Safety and Professional Services** under Wis. Stat. § 101.14(2)(a). The Chief has the power to appoint a Deputy Fire Inspector, who shall perform the same duties and have the same powers as the Fire Inspector.

...”

Section 2. Section 6.050 Duties of Fire Inspector is amended to read as follows:

“6.050 Section Duties of Fire Inspector.

- (1) (a) Inspections – Remove, Abate Causes, Correct Conditions. It shall be the duty of the Fire Inspector of the City of Manitowoc, in person or by officers or members of the Fire Department designated by him/her for that purpose, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings within the City limits. Inspections shall be conducted at least once per calendar year provided the interval between those inspections does not exceed 15 months as authorized under Wisconsin ~~Department of Commerce~~ **Department of Safety and Professional Services** Wis. Admin. Code ~~Comm~~ **SPS 3** 14. The inspections are for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires and to remove and abate any cause from which immediate danger of fire may be apprehended, and to cause all buildings, chimneys, stove pipes, hearths, ovens, boilers, ash houses and apparatus used in every building which shall be found in an unsafe condition to be immediately and at the expense of the owner thereof put in such condition as not to be dangerous in causing or promoting fires.

...

- (3) Reports. Written reports of inspection shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form as required by the Wisconsin ~~Department of Commerce~~ **Department of Safety and Professional Services**.

- (4) Inspections. Such inspections shall be subject to the supervision and direction of the Wisconsin ~~Department of Commerce~~ **Department of Safety and Professional Services**, which shall upon examination certify to the Commissioner of Insurance after the expiration of each calendar year such city where the inspections for such year have been made, and records thereof have been made and kept on file as required by law.

...”

Section 3. Section 6.070 Regulation of Fireworks and Pyrotechnics is amended to read as follows:

“6.070 Regulation of Fireworks and Pyrotechnics.

...

(2) Permit Required. No person may sell, possess, use or discharge fireworks or pyrotechnics, as defined in Wis. Stat. § 167.10(1), within the City without a fireworks or pyrotechnics permit issued by the City of Manitowoc unless authorized to do so pursuant to Wis. Stat. § 167.10(2) or (3)(b). Permits shall not be issued to individuals 17 years old or younger.

While Wis. Stat. § 167.10(1) controls in any dispute between this section and the Wisconsin statutes, examples of fireworks or pyrotechnics that do not require a permit are as follows:

- Sparklers not exceeding 36 inches in length
- Stationary cones and fountains
- Toy snakes
- Smoke bombs
- Caps and noisemakers
- Confetti poppers
- Any other device that spins or moves on the ground

Examples of fireworks or pyrotechnics that require a permit are as follows:

- Firecrackers
- Roman candles
- Bottle rockets
- Mortars
- Anything that explodes or leaves the ground

...”

Section 3. Section 6.130 Flammable Liquids is amended to read as follows:

“6.130 Flammable Liquids.

(1) State Code Provisions Adopted. Wisconsin ~~Department of Commerce Wis. Admin. Code Comm 10,~~ Department of Agriculture Trade and Consumer Protection ATCP 93, entitled “Flammable and Combustible Liquids,” or any successor to this chapter of the Administrative Code is hereby adopted by reference.

(2) Inspection Fees. In the event the City of Manitowoc enters into an agreement with the State of Wisconsin authorizing the Manitowoc Fire Department to perform tank inspections, the State of Wisconsin Inspection Fee Schedule currently contained in ~~Wis. Admin. Code Comm 2~~ ATCP 93 is hereby adopted.

...”

Section 4. Section 6.140 Flammable Liquids- Regulations is amended to read as follows:

“6.140 Flammable Liquids – Regulations.

It shall be unlawful for anyone to discharge flammable liquids into any container, hose, machine, or other unit for storage or use of flammable liquids without having a person in attendance at the point of discharge during the entire time of discharge of said flammable liquid or liquids, excepting that automatic nozzles approved by the Underwriters Laboratories, Inc., as approved by the Wisconsin ~~Department of Commerce~~ Department of Safety and Professional Services, may be used.

...”

Section 5. Section 6.150 Fire Prevention is amended to read as follows:

“6.150 Fire Prevention.

(1) Fire Prevention Code. The City of Manitowoc hereby adopts Wisconsin ~~Department of Commerce~~ Department of Safety and Professional Services Administrative Code Chapter SPS 314, also known as Wis. Admin. Code ~~Comm 14~~, and all sections of the National Fire Protection Association Code and any other codes and standards referenced therein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Wis. Admin. Code ~~Comm~~ SPS 314 is adopted in its entirety save except such portions as are hereinafter deleted, modified or amended by subsection (7) of this section.

...

(4) Storage of Flammable Liquids. Establishment of Limits of Districts in Which Storage of Flammable Liquids in Outside Above-Ground Tanks Is to Be Prohibited.

(a) The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, are hereby established as follows: as approved by the Wisconsin ~~Department of Commerce~~ Department of Agriculture Trade and Consumer Protection, Department of Safety and Professional Services and by the Chief of the Fire Department.

(b) The limits referred to in the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: as approved by the Wisconsin ~~Department of Commerce~~ Department of Agriculture Trade and consumer Protection, The Department of Safety and Professional Services and by the Chief of the Fire Department.

(5) Storage of Liquefied Petroleum – Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases Is to Be Restricted. The limits referred to in the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: as approved by the Wisconsin ~~Department of Commerce~~ Department of Agriculture Trade and consumer Protection, The Department of Safety and Professional Services.

...”

Section 6. Section 16.010 Building Regulations is amended as follows:

“Section 16.010 Building Regulations.

...

(3) ~~Repealed November 18, 1992.~~ Camping Units. Wisconsin Admin. Code SWPS 327 governing Camping Units, as prepared by the State of Wisconsin Department of Safety and Professional Services Division of Industry Services, and future amendments thereto, are hereby adopted by reference.

(4) Building Permit Required. No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this chapter without first obtaining a building permit therefor from the Building Inspector or designee.

(a) Information to Accompany Building Permit Application. A building permit application shall be deemed incomplete and no permit shall be issued unless all of the following are submitted:

...

2. Plans. Plans for buildings involving the Commercial State Building Code shall bear the stamp of the plan reviewer ~~“conditionally approved by the State Department of Safety and Professional Services Division of Industry Services”~~ if as required by Wis. Admin. Code SPS 361. One plan shall be submitted which shall remain on file in the office of the Building Inspector. When required by Wis. Admin. Code SPS 361, plans and calculations shall be signed and sealed by the licensed designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wis. Admin. Code SPS 320.09.

Delegated Appointed Agent Municipality. The municipality has adopted the Appointed Agent Municipality Status as described in SPS 361.60 and SPS 382 of the Wisconsin Administrative Code.

(a) Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

1. Provide inspection of commercial building with certified Commercial Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler inspectors.

2. Provide plan examination of commercial building with certified commercial Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler inspectors.

(b) Plan Examination. Drawings, specifications and calculations for all types of buildings and structures, except state-owned buildings and structures and other structures exempted in SPS 361.03(3) & SPS 382, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

1. A new building or structure.

2. An addition to a building, structure, or building system such as fire alarm, sprinkler, plumbing, or HVAC system.

3. An alteration of the building space, element, or structure. Including alteration of an existing fire alarm system, fire sprinkler system, plumbing

system, HVAC system or replacement of equipment or fixtures within those systems.

4. A certified or delegated municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.

5. The department may waive its jurisdiction for the plan review of a specific project, when agreed to by a delegated municipality, in which case plans and specifications shall be submitted to the delegated municipality for review and approval.

(c) Plan Submission Procedures. All commercial buildings, structures and alterations, including new buildings and additions require plan submission as follows:

1. Building permit application
2. Application for review – State of Wisconsin forms as applicable based on trade submitted or Municipal Equivalent.
 - a. Fees per municipal fee schedule. All fees will be adopted by resolution. Fees apply to all commercial projects.

AND one of the following options

3. 4 sets of plans signed and sealed per SPS 361.31 or SPS 382 as appropriate.
 - (1) set of specifications
 - Component and system plans
 - Calculations showing code compliance.

OR

- 1 sets of plans with 3 Project cover sheets
- Signed and sealed per SPS 361.31 or SPS 382 as appropriate.
- (1) set of specifications
- Component and system plans
- Calculations showing code compliance.

Note: Nothing in this code or chs. SPS 361 to 366 and SPS 380-387 is intended to prohibit the submission and acceptance of plans and construction documents in an electronic or digital media. However, if plans are approved electronically, a copy in a format acceptable to the City of Manitowoc bearing the approval stamp of the reviewer is required to be submitted prior to permit issuance.

...”

Section 7. Section 16.020 Commercial Building Codes is amended as follows:

“16.020 Commercial Building Codes.

...

(4) Building Inspector. Building Inspectors authorized by the City to enforce the adopted codes shall be commercially certified by the State of Wisconsin Division of ~~Industry~~ **Safety and Professional Services**.

...”

Section 8. Section 16.320 Fire Limits is amended as follows:

“16.320 Fire Limits.

Wis. Admin. Code ~~Comm~~ **SPS 362**, as amended from time to time, is hereby adopted by reference. Where inconsistent with Wis. Admin. Code ~~Comm~~ **SPS 375** to **379**, the provisions of Wis. Admin. Code ~~Comm~~ **SPS 362** shall apply.”

Section 9. Section 17.020 Plumbing Regulations is amended as follows:

“17.020 Plumbing Regulations.

Wis. Stat. Ch. 145 and Wis. Admin. Code ~~ILHR 81, ILHR 82, ILHR 83, ILHR 84~~ **SPS 381-387** and ~~ILHR~~ **SPS 320** through **325** and all future amendments thereto are hereby adopted by reference. A copy of these provisions shall be permanently on file and open to public inspection in the office of the Department of Building Inspection.”

Section 10. Section 17.040 Authority of Plumbing Inspector is amended as follows:

“17.040 Authority of Plumbing Inspector.

...

(4) It shall be the duty of the plumber in charge to notify the Plumbing Inspector whenever any work is ready for inspection (i.e., soil, vent, underground drain, final inspection). All plumbing work shall be left exposed until such time as the Inspector has completed his examination and inspection. When, in the opinion of the Inspector, a test in addition to requisites of Wis. Admin. Code ~~ILHR~~ **SPS 382.21** is necessary, he may require a water or air test on any part or the entire installation.

...”

Section 11. Section 17.105 Prohibition of Cross Connections with City Water System is amended as follows:

“17.105 Prohibition of Cross Connections with City Water System.

...

(6) Owner Responsibility. The property owner shall be financially responsible for the elimination of or protection from all cross connections on their premises in compliance with Wis. Admin. Code ~~Comm~~ **SPS 382.**”

Section 12. Section 18.110 Electrical Inspection is amended as follows:

“18.110 Electrical Inspection.

(1) Procedure. Upon completion of the wiring of any building or before any wiring is to be hidden from view it shall be the duty of the person, firm or corporation doing the same to notify the Electrical Inspector and he **the Inspector** shall inspect the installation two business days after such notice is received...”

Section 13. Section 18.020 Definitions is amended as follows:

“18.020 Definitions.

~~**Electrical Contractor (Active).** An electrical contractor (active) is any person who is skilled in the installation, planning, designing, superintending or inspection of electrical wiring and equipment and who is engaged in this work. Before any person shall be licensed as an electrical contractor such person must have served at least two years as a journeyman electrician and meet all other qualifications for an electrical contractor’s license as determined by the Board of Electrical Examiners.~~

...

~~**Inactive Contractor and Journeyman.** He shall hold a valid license but is not actively engaged in the trade. At any time upon payment of the annual fee the license shall become active.~~

~~**A journeyman electrician (active)** is any person other than an electrical contractor who is skilled in the installation of electrical wiring and equipment for the production, modification, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, and who is engaged in this work. He shall have had at least four years’ practical experience. Two or more years in an accredited trade school shall be equivalent to the first two years. He shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners. In no case shall a licensed journeyman electrician do electrical work in the City of Manitowoc unless under the supervision of a licensed electrical contractor, who shall be responsible in accordance with this chapter.”~~

Section 14. Section 18.150 Penalty is amended as follows:

“18.150 Penalty.

Any person, firm or corporation who shall violate any of the provisions of this chapter or shall fail to comply with the same shall, upon conviction thereof, be punished by a forfeiture of not more than \$1,000. Each day **or portion thereof such** of violation **continues** shall constitute a separate offense.

Penalties for violating MMC 18.040 shall be \$250.00 plus costs.

Section 16. This ordinance shall take effect the day after publications.

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

Fiscal Impact: Anticipated no more than \$200 for ordinance publication and code update costs of which are appropriated in the 2024 adopted budget. No additional tax levy or 2024 budget amendments.
Funding Source: 1100-13100-532100
Finance Director Approval: /SMA
Approved as to form: /EGN

This Ordinance was drafted by Eric G. Nycz, City Attorney