

Communication File 250193

Communication from the Department of Neighborhood Services, the Office of the City Attorney, and the Milwaukee Fire Department relating to the enforcement of the building code, the retroactivity of provisions within the building code, and provisions governing the installation of sprinkler systems.



Thank you for the invitation to discuss this critical issue. First, DNS offers our heartfelt sympathies to the families and friends of those lost in the tragic fire at the Highland Court Apartments.

DNS shares the goal of the Common Council to increase safety in the City of Milwaukee by addressing policies and procedures that we can influence. As we all are aligned in the pursuit of safety for Milwaukee's residents, we appreciate having this file introduced for discussion today.

I have a concise presentation that I feel will provide necessary context.

- Wisconsin adopted its first Building Code in 1914 and remained one of only two states to have its own independent Building Code until 2002, when it adopted the newly created "International Building Code" for all buildings except 1 & 2 family homes. 1 & 2 family homes remain covered under Wisconsin's "Uniform Dwelling Code".
 - 1980 – Uniform Dwelling Code
 - 2002- Adoption of 2000 International Building Code- IBC
 - 2011-Adoption of 2009 ICC
 - 2014- 2013 WI Act 270 Uniform Commercial Code
 - 2018- Adoption 2015 ICC
 - 2021- DSPS proposed adopting 2021 ICC The Wisconsin Department of Safety and Professional Services (DSPS) proposed adopting the 2021 International Building Code (IBC), but the Wisconsin Legislature blocked the adoption. The DSPS had recommended the new code, which would have brought the state into alignment with

the latest standards of the International Code Council, including the International Energy Conservation Code. The Senate rules committee rejected the proposal, citing concerns about the economic impact of the updated standards and whether they would lead to increased costs for businesses and local governments. The state currently uses the 2015 IBC.

- The Wisconsin Department of Safety and Professional Services (DSPS), is responsible for the adoption of Wisconsin's building, fire safety and energy efficiency codes. DSPS's Division of Industry Services coordinates certification for local municipalities to provide plan review and inspection services. City of Milwaukee Department of Neighborhood Services is the delegated agent of the State of Wisconsin to conduct plan reviews, permit issuance, and building code inspections.
- As an agent of the State of Wisconsin Department of Safety and Professional Services, the Department of Neighborhood Services conducts plan reviews, permit issuance, and building code inspections in the City of Milwaukee.
- Structures or portions of structures are classified with respect to the purpose which the room or space will be occupied. Construction type of structure will determine building elements fire resistance rating.
- Building codes, particularly those related to life safety, have evolved significantly over time, driven by major fires and advancements in fire safety technology and design. Fire protection encompasses measures to limit the spread of fire, protect building structures, and ensure safe evacuation, while fire suppression focuses on extinguishing fires that have already started.
- In 1974, building code was altered to require the installation of sprinkler systems in new residential construction, additions, or alterations. In 2006, Wisconsin building codes required automatic fire sprinkler systems in certain types of buildings, especially those with student

housing. Specifically, residence halls and dormitories at institutions of higher education, particularly those owned or operated by the University of Wisconsin System, were mandated to have sprinklers if initial construction began on or after April 26, 2000, or for other institutions of higher education if construction began on or after January 7, 2006. These changes reflected a growing trend in fire safety standards across the country.

- 2013 WI Act 207 created a uniform commercial code that allowed municipalities to submit preexisting fire detection, prevention or suppression ordinances to the department to be non-conforming. A town, village or city may amend an ordinance. The amendment shall not broaden the applicability of the ordinance relates to fire detection, prevention, or suppression components of buildings.
- A non-conforming building is one that was built according to regulations that were in place at the time of construction, but those regulations have changed, and the building no longer meets the current standards. This could be due to changes in zoning laws, building codes, or other regulations.
- Any level 3 (extensive renovations where the work area exceeds 50% of the building's total area) alterations, additions or change of use to higher hazard would trigger building code compliance to current building code.
- Per current Milwaukee Property Database (MPROP) 160K properties registered. DNS database records identified roughly 600 multifamily properties built prior to 1974.
- Several U.S. cities mandate sprinkler system retrofits in existing buildings, particularly high-rises. These include cities like New York, Los Angeles, Chicago, Houston, Philadelphia, San Antonio, and San Diego, Atlanta, Denver, Phoenix, and San Francisco. The specific regulations vary, with some mandating sprinklers in all high-rise commercial and residential buildings, while others may focus on commercial buildings or older buildings. The City of Milwaukee building codes governing sprinklers is

determined by the State of Wisconsin, which currently adopts the International Code Council's 2015 codes. Retrofit sprinklers in Milwaukee would involve a State legislative path.

- Questions regarding legislative or code changes should be deferred to Wisconsin State Legislature and Department of Safety and Professional Services bodies.
- As part of our continuous effort to improve staff knowledge and expand their skill sets, earlier this year, DNS scheduled Fire Code and Fire Inspection training for our team members responsible for the plan review, permitting, and inspection of commercial and multifamily buildings. The first two sessions were held in late April. The third session covering High Hazard buildings started yesterday and runs through today. The training sessions cover the full range of experience, from beginner to advanced. Providing this range of training is essential to further develop and expand the knowledge of our entire team.
- Other DNS Life Safety Inspections Continuous Efforts involves
 - Expand HomeSafe educational programs related to Fire Safety:
 - Optimizing Fire Inspections processes
 - Provide the Common Council members each with a comprehensive packet outlining fire safety and sprinkler information.
 - Develop LSI for Multifamily Non-Conforming Sprinklers Buildings:
 - Increase to two inspections a year
 - Require a sample of units to inspect
 - Property Management Yearly Fire Drills Logs
 - Property Management Tenant Meetings Logs:
 - Cooking Equipment
 - Heating Equipment
 - Electrical and Lighting
 - Smoking Material, Non- Smoking Policies
 - Addressing excessive accumulation and clutter