



## Legislation Details (With Text)

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**Sponsors:** THE CHAIR

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**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
6/25/2002	0	COMMON COUNCIL	ASSIGNED TO		
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8/19/2002	1	CITY CLERK	PUBLISHED		
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020467  
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to revisions to the building code necessitated by changes in the state building code effective July 1, 2002.

68-01 am  
76-21-1 am  
76-21-2 am  
200-02 am  
200-03-3 am  
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200-08-15 am  
200-17.5-1 am  
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214-7-1-d am  
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239-1-1-b am  
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239-1-7-b-0 am  
239-1-7-b-7 am  
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239-6-2-a am  
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239-8 am  
239-9-1 am  
240-22-2 rc  
245-4-19 am  
251-1 am  
252-01 rp  
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253 rp  
254 rp  
255 rp  
256 rp  
257-01 rp  
258 rp  
259 rp  
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261 rp  
261-01 rp  
261-98-4 am  
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261-98-7-b am  
261-98-9 am  
261-98-10-a am  
261-101 am  
262 rn  
262 cr  
264-70-3-a am  
264-70-4 am  
265 cr  
266 rp

This ordinance makes various revisions to the code of ordinances necessitated by implementation of a new state of Wisconsin building code effective July 1, 2002. These revisions adopt the new state code as part of the city's building code and eliminate or correct references to the state building code which became unnecessary or incorrect when the new state code took effect.

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

Part 1. Section 68-01 of the code is amended to read:

**68-01. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. 97, Wis. Stats., chs. ATPC 75, 80 and HFS 196, Wis. Adm. Code, as amended, and where pertaining specifically to food operation premises, Comm 14 ~~[[and]] >>, << 16, [[51, 52, 54, 55 and 64]] >>and 61 to 65<<~~, Wis. Adm. Code, as amended, as part of this code.

Part 2. Section 76-21-1 and 2 of the code is amended to read:

**76-21. Dry Cleaning Establishments with Category IV Dry Cleaning Equipment. 1. DEFINITION.** In this section: "Category IV" means any machine which uses Class II, Class IIIA and Class IIIB solvents as defined in ~~[[ch. Comm 15, Wis. Adm. Code]] >>s. 1202 of the International Fire Code<<~~ , as amended.

**2. REQUIREMENTS.** Any person, firm or corporation operating Category IV dry cleaning equipment shall comply with and be subject to all applicable provisions and requirements of ~~[[s. 76-20-1 to 7 and 8-a to e, f, h and j to m, 9, 10-a and d and 11 to 14, as well as ch. Comm 15, Wis. Adm. Code]] >>ch. 12 of the International Fire Code<<~~ , as amended.

Part 3. Section 200-02 of the code is amended to read:

**200-02. Adoption of State Code.** The city of Milwaukee adopts ch. Comm ~~[[50]] >>61<<~~, Wis. Adm. Code, as amended, as part of this code.

Part 4. Section 200-03-3 of the code is amended to read:

**200-03. Scope.**

**3.** In any instance of conflicts between regulations of this code, the more stringent regulations shall govern except as regulated in s. Comm ~~[[50.02]] >>61.03(2)<<~~, Wis. Adm. Code, as amended.

Part 5. Section 200-06 of the code is amended to read:

**200-06. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[s. Comm 51.01]] >>ss. Comm 61.04, 61.05(1) and 62.0202<<~~, Wis. Adm. Code, as amended, as part of this code.

Part 6. Section 200-08-15 of the code is amended to read:

**200-08. Definitions.**

**15.** CAPACITY means the maximum number of persons which may be accommodated, housed or employed in a building as established by regulations in chs. 214, 222, 225, 236, 239, 240, ~~[[254]] >>257<<~~ to 262, and 264.

Part 7. Section 200-17.5-1 of the code is amended to read:

**200-17.5. State Building Code Variances.**

**1.** Pursuant to authority delegated to the city as agent of the state under s. 101.12, Wis. Stats., as amended, the commissioner of city development may evaluate, decide upon and administer petitions for variances to the rules of chs. Comm ~~[[50 to 64]] >>61 to 65<<~~, Wis. Adm. Code, as amended, and chs. Comm 75 to

79, Wis. Adm. Code, as amended, as they relate to buildings and structures in the city.

Part 8. Section 200-17.5-3 of the code is amended to read:

3. The commissioner shall exercise powers with respect to state building code variances pursuant to the process and procedures specified in ch. Comm 3, Wis. Adm. Code, as amended ~~[[, and s. Comm 50.25, Wis. Adm. Code, as amended]]~~.

Part 9. Section 200-19-2 of the code is amended to read:

#### **200-19. Penalties.**

2. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.0113, Wis. Stats., the department may issue citations pursuant to the citation procedure set forth in s. 50-25 to any person violating any provision of ss. 200-11-3, 200-11-4, 200-11-5-c, 200-11-5-d, 200-11-6-d, 200-20-2, 200-21.5, 200-22-5, 200-24, 200-42, ch. 207, ch. 214, ss. 218-9-6, 222-11-3, 222-13-1, 222-19-1, ch. 223, ss. 225-2-1, 225-3-4, 225-3-5-a, ch. 236, s. 244-3, s. 252-1, ~~[[ch. 262]]~~ >>ch. 261<< , ch. 275, ch. 290, ch. 295 or s. 308-81-9.

Part 10. Section 200-27-1 of the code is amended to read:

**200-27. Design and Supervisions.** 1. Every new building containing more than 50,000 square cubic feet total volume, or an addition to a building which by reason of such addition results in a building containing over 50,000 cubic feet total volume, or structural alteration to a building containing over 50,000 cubic feet total volume, shall be designed by an architect or engineer in accordance with this code and shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the plans and specifications of the designer. A written statement to this effect shall be filed by the architect or engineer with the commissioner of city development with the application for permit. No change from the original plans and specifications shall be made except with the knowledge and consent of the designer, and as approved ~~[[in s. Comm 50.10, Wis. Adm. Code]]~~ >>pursuant to s. Comm 61.31(4), Wis. Adm. Code<<.

Part 11. Section 200-42-2-a-0 of the code is amended to read:

#### **200-42. Certificate of Occupancy.**

2. WHEN ISSUED. a. In the case of a proposed use, as described in ~~[[chs. Comm 54 to 62]]~~ >>ch. Comm 62<<, Wis. Adm. Code, as amended, that is not within the same group of ~~[[occupancies or]]~~ uses as the prior ~~[[occupancy]]~~ >>use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use<< , or where otherwise requested, the commissioner of city development shall issue a certificate of occupancy:

Part 12. Section 200-42-2-b-0 of the code is amended to read:

b. Unless otherwise required by law, in the case of a proposed use, as described in ~~[[chs. Comm 54 to 62]]~~ >>ch. Comm 62<<, Wis. Adm. Code, as amended, that is within the same group of ~~[[occupancies or]]~~ uses as the prior ~~[[occupancy]]~~ >>use, or in the case of a proposed use that is not within the same group of uses

as the prior use and that is less hazardous, based on life and fire risk, than the prior use,<< the commissioner of city development shall issue a zoning certificate indicating conformance with the use requirements set forth in ch. 295 and:

Part 13. Section 200-46 of the code is amended to read:

**200-46. Changes in Occupancy or Use.** 1. No change in any occupancy or use as described in ~~[[chs. Comm 54 to 62]]~~ >>ch. Comm 62<<, Wis. Adm. Code, as amended, of an existing building, structure, premises or part thereof shall be permitted that is not consistent with a lawful occupancy or use permitted under a prior certificate of occupancy, or which is not based upon the requirements applicable to types of construction and zoning as regulated by this code.

2. No change from one group of occupancies to another group of occupancies ~~[[of use]]~~ as described in ~~[[chs. Comm 54 to 62]]~~ >>ch. Comm 62<<, Wis. Adm. Code, as amended, shall be permitted unless after inspection it is found that such building, structure, premises or part thereof conforms to the regulations of this code relating to the proposed new occupancy and use and required types of construction.

Part 14. Section 214-7-1-d of the code is amended to read:

**214-7. Fire Prevention.**

**1. RESPONSIBILITIES OF THE FIRE CHIEF.**

d. Other Duties. The chief shall be responsible for carrying out the requirements of s. Comm ~~[[14.03]]~~ >>14.47(4)<<, Wis. Adm. Code, >>as amended,<< and s. 214-31.

Part 15. Section 214-25-3 of the code is amended to read:

**214-25. Smoking Regulations.**

**3. ASSEMBLY HALLS.** It shall be unlawful to light a match or other flame-producing device, or to smoke, carry a lighter cigar, cigarette or pipe in any theater or assembly hall ~~[[of any building regulated under ch. 255]]~~ except in areas approved for such purpose by the commissioner, provided such areas are free from all combustible and flammable floor or wall coverings, decorations and furniture upholstered with flammable materials. It shall be the duty of the person in charge (operator, licensee, owner, principal, superintendent or manager) of any building or structure to post and maintain approved signs bearing the words "No Smoking" in locations designated by the commissioner. Such person shall be held responsible for the enforcement of the regulations of this subsection. Any person violating any of the regulations of this subsection shall be subject to the penalties provided in s. 200-19.

Part 16. Section 222-01 of the code is amended to read:

**222-01. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. Comm 16 and 18 ~~[[and ILHR 73]]~~, Wis. Adm. Code, as amended, as part of this code.

Part 17. Section 239-1-1-b of the code is amended to read:

**239-1. Detached Private Garages.**

**1. GENERAL REGULATIONS.**

b. Detached private garages on premises used entirely for residential purposes and located on premises occupied by no more than 2 families, may be of ~~[[wood frame unprotected (No. 8)]]~~ >>Type VB<< construction or better.

Part 18. Section 239-1-2-a-2 to 4 of the code is amended to read:

**2. LOCATION.**

a-2. When of Type ~~[[No. 8 unprotected wood frame]]~~ >>VB<< construction, not less than 10 feet from any residence building, except that such distances may be reduced to not less than 3 feet when the exterior walls of such garage adjacent to a residence building are protected with not less than one-hour, fire-resistant construction.

a-3. When of Type ~~[[No. 6]]~~ >>IIB<< unprotected noncombustible frame construction, not less than 6 feet from any residence building.

a-4. When of ~~[[Types No. 1, 2, 3, 4, 5 and 7]]~~ >>Type IA, IB, IIA, IIIA, IIIB, IV or VA<< construction, not less than 3 feet from any residence building.

Part 19. Section 239-1-2-b of the code is amended to read:

b. The regulations in par. a apply to private garages which are constructed as an ancillary use to one and two-family dwellings. ~~[[For garages constructed in conjunction with 3 or more families, see Table 51.03-A in s. Comm 51.03, Wis. Adm. Code.]]~~

Part 20. Section 239-1-5 of the code is amended to read:

**5. FOOTINGS AND FOUNDATIONS.** Footings and foundations as regulated in ~~[[ch. 253]]~~ >>chs. Comm 61 and 62, Wis. Adm. Code<< shall be provided for all private garages except that private garages of ~~[[Types No. 6, 7 and 8]]~~ >>Type IIB, VA or VB<< construction may be provided with foundation walls or piers of concrete or masonry not less than 2 feet below adjoining grade, or with an approved continuous floating foundation slab (mat) of concrete not less than 4 inches in thickness. Such walls, piers and exterior wall curbs shall be not less than 8 inches above the adjoining grade.

Part 21. Section 239-1-7-b-0 of the code is amended to read:

**7. CONSTRUCTION.**

b. Detached private garages of Type ~~[[No. 7 or 8]]~~ >>VA or VB<< construction shall be constructed as regulated in ~~[[ch. 253]]~~ >>chs. Comm 61 and 62, Wis. Adm. Code<< , with the following exceptions:

Part 22. Section 239-1-7-b-7 of the code is amended to read:

b-7. Horizontal bracing and collar beams may be 2 by 4 inches with a maximum spacing of 6 feet on centers. Private detached garages of Type ~~[[No. 6 unprotected and noncombustible frame]]~~ >>IIB<< construction shall have a structural frame of the conventional hot-rolled structural steel shapes or approved light gage steel and the exterior and interior walls and roof shall be made of metal or other approved noncombustible material. Metal when used for exterior or interior walls or the roof shall be of not less than No. 24 U.S. gage corrosion-resistant metal or steel which has been painted, galvanized, enameled or covered with other approved integral weatherproof covering or treatment.

Part 23. Section 239-3-2 and 3 of the code is amended to read:

### **239-3. Pigeon Lofts.**

2. In ~~[[residence, restricted office, residential and office,]]~~ >>residential,<< neighborhood shopping, local business and high density residential zoning districts, pigeon lofts shall not be permitted as detached or separate buildings, nor shall such lofts be attached to exterior walls or placed on the roof of any existing accessory building. Pigeon lofts in ~~[[residence use]]~~ >>these<< districts ~~[[shall]]~~ >>may only<< be constructed as an integral and inner part of ~~[[any]]~~ >>an<< accessory building used principally for storage, private garage and similar uses customarily incidental to a residential use. The area of the loft shall not exceed 1/3 of the area of the accessory building >>in<< which such loft is located. Accessory buildings accommodating pigeon lofts shall be limited in height as regulated in ~~[[s. 239-1-3]]~~ >>ch. 295<<.

3. In districts other than those enumerated in sub. 2 ~~[[used for residence purposes]]~~, pigeon lofts may be erected as detached or separate buildings or structures when in compliance with the >>accessory building<< area limitations of ~~[[s. 239-1-4]]~~ >>ch. 295<<. In such districts, pigeon lofts may also be attached to or placed on the roof of accessory buildings, provided the area of the loft shall not exceed 200 square feet.

Part 24. Section 239-6-2-a to c of the code is amended to read:

### **239-6. Coal and Material Bins (Hoppers); Trestles.**

2. CONSTRUCTION. a. Coal and material bins (hoppers) located more than 30 feet from adjoining lot lines or building or structures on the same premises, or along a railroad or water right-of-way, and not more than 30 feet in height, nor more than 15,000 square feet in area, may be constructed of wood planking and timbers of the dimension regulated for Type ~~[[No. 4]]~~ >>IV<< construction. Trestles located as regulated herein when not more than 30 feet in height may also be of such wood construction.

b. Coal bins (hoppers) not in compliance with par. a shall be of Type ~~[[No. 1]]~~ >>IA<< construction, except that such bins (hoppers) exceeding 15,000 square feet in area may be of such wood construction when divided into compartments ~~[[of]]~~ >>or<< sections by fire walls of not less than 4-hour fire-resistive construction so that no such compartment or section exceeds 15,000 square feet in area. For noncombustible materials such bins (hoppers) may be of Type ~~[[No. 6 unprotected]]~~ >>IIB<< construction.

c. Trestles not in compliance with par. a shall be of Type ~~[[No. 1, 2 or 6]]~~ >>

IA, IB or IIB<< approved construction.

Part 25. Section 239-8 of the code is amended to read:

**239-8. Automobile Parking Lot Shelters.** Shelter sheds, used in connection with automobile parking lots, and shelter offices used in connection with sale of automobiles or equipment, ~~[[shall be located as set forth in Table 51.03-A in s. Comm 51.03, Wis. Adm. Code, and]]~~ shall not exceed an area of 100 square feet and a height of 10 feet.

Part 26. Section 239-9-1 of the code is amended to read:

**239-9. Temporary Buildings and Structures.** 1. An approved temporary building or structure, counters, platforms and stands used in connection with the sale of flowers, plants and shrubs shall be located on premises at a distance of not less than 10 feet from adjacent buildings and structures of Type ~~[[No. 8]]~~ >>VB<< construction, not less than 5 feet from adjacent buildings and structures of other type of construction, and not less than 6 feet from street lot lines. Only one such building or structure with a roof shall be permitted on any one premises, and shall not exceed an area of 100 square feet and a height of 9 feet. Platforms, stands and sales counters erected on any premises shall not exceed an area of 200 square feet. Permits for such temporary buildings or structures for counters, platforms and stands shall be limited to 90 days.

Part 27. Section 240-22-2 of the code is repealed and recreated to read:

**240-22. Attics and Third Floor Spaces.**

2. THIRD FLOOR SPACES. For all buildings regulated by this chapter and constructed prior to June 1, 1980, all 3<sup>rd</sup> floor spaces used for other than storage and loft space shall meet the exiting requirements in ch. Comm 21, Wis. Adm. Code, as amended, except that one of the 2 required exits shall be a stair leading into the interior space of the 2<sup>nd</sup> floor, and the other exit shall be an interior stair discharging to grade.

Part 28. Section 245-4-19 of the code is amended to read:

**245-4. Permissible Projections and Encroachments.**

19. Exterior thin veneers when applied as regulated in ~~[[ch. 253, structural regulations]]~~ >>chs. Comm 61 and 62, Wis. Adm. Code<< , may encroach a maximum of 1-3/4 inches.

Part 29. Section 251-1 of the code is amended to read:

**251-1. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[ss. Comm 51.015 to 51.25 and]]~~ ch. Comm 70, Wis. Adm. Code, as amended, and ss. 145.01(1), (2), and (4), 145.15(4), 145.165, and 145.175, Wis. Stats., as amended, as part of this code.

Part 30. Section 252-01 of the code is repealed.

(Note: The provision being repealed reads as follows:

**252-01. Adoption of State Code.** Except as otherwise provided in this chapter,



the city of Milwaukee adopts ch. Comm 52, Wis. Adm. Code, as amended, as part of this code.)

Part 31. Section 252-72.5 of the code is created to read:

**252-72.5 Parking Garage Ingress and Egress. 1.** Motor vehicle ingress and egress to any building and structure occupied as a storage garage or open parking structure for the parking of more than 50 motor vehicles shall be as far as practicable from street intersections but not less than 75 feet in any case.

**2.** In all structures or buildings, when parking or storing is done by attendants or employees, an approved waiting space shall be provided within the building at the ingress thereto.

Part 32. Chapters 253 to 256 of the code are repealed.  
(Note: The provisions being repealed reads as follows:

**CHAPTER 253  
STRUCTURAL REGULATIONS**

**253-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 53, Wis. Adm. Code, as amended, as part of this code.

**CHAPTER 254  
FACTORIES, OFFICES, MERCANTILE AND STORAGE BUILDINGS**

**254-01. Adoption of State Code.** Except as otherwise provided in this code, the city of Milwaukee adopts ch. Comm 54, Wis. Adm. Code, as amended, as part of this code.

**CHAPTER 255  
THEATERS AND ASSEMBLY HALLS**

**255-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 55, Wis. Adm. Code, as amended, as part of this code.

**255-1. Fire Alarms.** In every building or structure having one or more auditoriums with total seating accommodations for more than 500 persons, a fire alarm system shall be installed pursuant to s. Comm 51.24, Wis. Adm. Code. The system shall include an actuating station located in the lobby, or any other location in proximity thereto or as approved by the department.

**255-34. Fire Extinguishers. 1.** Standard fire extinguishers of an appropriate type as specified in s. 214-15 shall be provided for all theaters and assembly halls as follows:

- a. Two on stage, if scenery is used.
- b. One on stage, if no scenery is used.
- c. One in motion picture booth, or in ticket office if there is no booth.
- d. One in dressing room section.

2. Extinguishers shall be properly exposed to view and always accessible.

## **CHAPTER 256 SCHOOLS**

**256-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 56, Wis. Adm. Code, as amended, as part of this code.)

Part 33. Section 257-01 of the code is repealed.  
(Note: The provision being repealed reads as follows:

**257-01. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. Comm 57, Wis. Adm. Code, as amended, as part of this code.)

Part 34. Chapters 258 to 261 of the code are repealed.  
(Note: The provisions being repealed read as follows:

## **CHAPTER 258 HEALTH CARE AND DETENTION FACILITIES**

**258-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 58, Wis. Adm. Code, as amended, as part of the code.

## **CHAPTER 259 VEHICULAR-HAZARDOUS OCCUPANCIES**

**259-01. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. Comm 59, Wis. Adm. Code, as amended, as part of this code.

**259-30. Vehicle Ingress and Egress. 1.** Motor vehicle ingress and egress to any building and structure occupied as a storage garage or open parking structure for the parking of more than 50 motor vehicles shall be as far as practicable from street intersections but not less than 75 feet in any case.

**2.** In all structures or buildings, when parking or storing is done by attendants or employees, an approved waiting space shall be provided within the building at the ingress thereto.

**259-31. Mini-garages. 1. DEFINITION.** In this section mini-garage means a compartmentalized storage building having one or more overhead doors serving each compartment. The compartments may be used for the storage of equipment having internal combustion engines.

**2. CLASS OF CONSTRUCTION.** Hazardous storage or vehicle storage mini-garages shall be of Type 6, metal frame unprotected construction or better as specified in s. Comm 54.01, Wis. Adm. Code. Type 8 wood frame unprotected construction may be used if the storage space is compartmentalized into areas of 500 square feet or less by one-hour rated walls and ceilings, including exterior walls. One-hour rated ceilings are not required providing the one-hour rated walls are extended up and make tight contact with the roof deck. The floor area of Type 8 mini-garages shall not exceed 10,000 square feet in area unless separated by a fire

division wall having a 4-hour, fire-resistive rating as specified in s. Comm 51.02, Wis. Adm. Code.

**4. NUMBER OF EXITS.** Except as follows, 2 exits shall be required from each storage compartment:

a. One exit is permitted from compartments having an area of 500 square feet or less if of Type 8 construction.

b. One exit is permitted from compartments having an area of 3,000 square feet or less if of Type 6 construction or better.

**5. TYPE OF EXIT.** Type of exits shall be standard exit doors as specified in ch. 251.

## **CHAPTER 260 CHILD DAY FACILITIES**

**260-01. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. Comm 60, Wis. Adm. Code, as amended, as part of this code.

**260-36. Smoke Detectors; Day Care Facilities.** **1. WHERE REQUIRED.** Day care facilities shall be provided with an approved smoke detector system in that portion of the building used for such occupancy. Where such occupancies have an existing fire alarm system, the smoke detectors shall be electronically interconnected with it.

**2. NUMBER AND LOCATION.** At least one detector shall be provided at the head of every open stair, at the door leading to every enclosed stair on each floor level, including the basement, within all public corridors and passageways and in each sleeping area.

**3. APPLICABILITY.** This section applies to all day care facilities in existence on or after the effective date of this section.

## **CHAPTER 261 COMMUNITY BASED RESIDENTIAL FACILITIES**

**261-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 61, Wis. Adm. Code, as amended, as part of this code.)

Part 35. Chapter 262 of the code is renumbered ch. 261.

Part 36. Section 261-01 of the code is repealed.  
(Note: The provision being repealed reads as follows:

**261-01. Adoption of State Code.** Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. Comm 62, Wis. Adm. Code, as amended, as part of thi code.)

Part 37. Section 261-98-4 and 5 of the code is amended to read:

**261-98. Beer Gardens.**

4. TENTS. Tents used in conjunction with beer gardens ~~[[must]]~~ >>shall<< meet the requirements of s. 261-42, and ~~[[ss. Comm 62.42 to 62.51]]~~ >>all applicable requirements of chs. Comm 61 and 62<<, Wis. Adm. Code, as amended.

5. HEATING EQUIPMENT. Any heating equipment located in or serving a tent shall meet the >>applicable<< requirements of ~~[[ss. Comm 64.20 to 64.23, Wis. Adm. Code, as amended, depending on the capacity of the tent]]~~ >>ch. Comm 64, Wis. Adm. Code, as amended<<.

Part 38. Section 261-98-7-b of the code is amended to read:

7. BEER GARDEN AREAS NOT CONTAINED WITHIN A TENT.

b. If a beer garden is enclosed and the fence or enclosure is in excess of 4 feet >>in height<<, the exit openings shall meet the >>applicable<< requirements of ~~[[ss. Comm 51.15, 54.06 and 55.10]]~~ >>chs. Comm 61 and 62<<, Wis. Adm. Code, as amended, except that lighted exit signs and exit directional sign are not required in beer gardens. Gates and exit doors shall be marked with a sign of 5-inch letters with the words "exit" or "emergency exit only."

Part 39. Section 261-98-9 of the code is amended to read:

9. FIRE EXTINGUISHERS. Portable fire extinguishers shall be provided as set forth in ~~[[s. Comm 62.50]]~~ >>chs. Comm 61 and 62<<, Wis. Adm. Code, as amended.

Part 40. Section 261-98-10-a of the code is amended to read:

10. TOILET AND SANITARY FACILITIES. a. Toilet rooms and sanitary facilities shall be provided for males and females in connection with all beer gardens ~~[[as set forth in ss. Comm 52.50 to 52.64 and 54.12, Wis. Adm. Code, as amended]]~~ . The number of toilets required shall be based upon >>the code requirements for<< taverns and restaurants rather than general assembly and, where special conditions exist, additional toilets may be required by the health department to provide for proper sanitation. Toilet rooms in the building on the licensed premises may be used to meet the minimum requirement for the beer garden if sufficient toilet rooms exist to meet the total number required from both areas. Beer gardens which have net areas of 250 square feet or less are not required to be provided with toilet facilities.

Part 41. Section 261-101 of the code is amended to read:

**261-101. Toilet Rooms.** Separate toilet rooms shall be provided for males and females in connection with all places of outdoor assembly ~~[[as required in ch. 255]]~~.

Part 42. Chapter 262 of the code is created to read:

**CHAPTER 262  
COMMERCIAL BUILDINGS  
AND STRUCTURES**

**262-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 62, Wis. Adm. Code, as amended, as part of this code.

Part 43. Section 264-70-3-a of the code is amended to read:

**264-70. Incinerators.**

**3. INCINERATOR CHIMNEYS.** a. Except as otherwise regulated herein, chimneys for incinerators shall be constructed as regulated in ~~[[s. Comm. 64.46]]~~ >>ch. Comm 64<<, Wis. Adm. Code, >>as amended,<< for low temperature chimneys. Chimneys for incinerators having a grate area of more than 9 square feet shall be provided with a lining of firebrick not less than 4-1/2 inches in thickness for the entire height of the chimney, except that such lining need not extend for a distance of more than 40 feet above the top of the combustion chamber.

Part 44. Section 264-70-4 of the code is amended to read:

**4. INCINERATOR REFUSE CHUTES.** Where a refuse chute is provided for an incinerator, the chute shall be constructed as regulated in ~~[[s. Comm. 64.46]]~~ >>ch. Comm 64<<, Wis. Adm. Code, >>as amended,<< for low temperature chimneys. Such chutes shall extend not less than 4 feet above the roof and shall be capped with an approved ventilating weather hood, designed so as not to act as a smoke flue. Each service opening into the chute shall be equipped with an approved self-closing hopper so constructed that the opening is closed off while the hopper is being charged, and that no part of the hopper will project into the chute. The area of each service opening shall not exceed 1/3 of the cross sectional area of the chute.

Part 45. Chapter 265 of the code is created to read:

**CHAPTER 265  
FUEL GAS APPLIANCES**

**265-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 65, Wis. Adm. Code, as amended, as part of this code.

Part 46. Chapter 266 of the code is repealed.  
(Note: The provision being repealed reads as follows:

**CHAPTER 266  
UNIFORM MULTIFAMILY DWELLINGS**

**266-01. Adoption of State Code.** The city of Milwaukee adopts ch. Comm 66, Wis. Adm. Code, as amended, as part of this code.)  
APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Department of City Development

02308-2

JDO

7/24/02