



Legislation Text

File #: 060491, Version: 0

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ORIGINAL

THE CHAIR

An ordinance relating to various building code provisions.

90-36-4-a am  
214-7-1-c-1 am  
222-11-2 rn  
222-11-2-b cr  
239-1-4 am  
239-1-5 am  
239-12 am  
240-22-1 am  
240-22-2 rn  
240-22-2-b cr  
240-23 rn  
240-23 cr  
252-1-1 am  
257-17-6 rc  
261-42-3-c cr

This ordinance makes various changes to building code provisions. The ordinance:

1. Requires that restaurants post official placards indicating the maximum permitted number of persons on the licensed premises.
2. Authorizes the commissioner of neighborhood services to conduct the annual fire inspections of residential buildings with 3 or more dwelling units rather than inspections of buildings with 3 or 4 dwelling units as is currently the case.
3. Establishes certain requirements for habitable basement rooms with respect to ceiling height, light and ventilation, means of exiting, waterproofing, etc.
4. Requires that tents erected solely for the private use by the owner or tenants on premises which are exclusively one- to 4-family residential uses be erected for a period not exceeding 150 days per calendar year and not be used for vehicle storage.

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

Part 1. Section 90-36-4-a of the code is amended to read:

**90-36. License Regulations.**

**4. POSTING OF OCCUPANCY CAPACITY FOR CERTAIN CLASS "B" LICENSED ESTABLISHMENTS.** a. Any establishment holding a Class "B" tavern or Class "B" fermented malt beverage license [~~-, excepting restaurants,]~~ shall securely post and maintain official placards issued by the department of city development indicating the maximum permitted number of persons on the licensed premises as established by the commissioner of neighborhood services. Under this paragraph, if an establishment is operated under both a Class "B" tavern or Class "B" fermented malt beverage license and a food dealer's license, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

Part 2. Section 214-7-1-c-1 of the code is amended to read:

**214-7. Fire Prevention.**

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

c. Fire Inspections, c-1. Pursuant to s. 101.14(2), Wis. Stats., the commissioner of neighborhood services, as building inspector of the city, is authorized to conduct the annual fire inspections of all non-residential properties required by that section. In addition, the commissioner is authorized to conduct annual fire inspections of residential buildings with 3 or ~~[[4]]~~ >>more<< dwelling units.

Part 3. Section 222-11-2 of the code is renumbered 222-11-2-a.

Part 4. Section 222-11-2-b of the code is created to read:

**222-11. Electrical Licenses.**

**2. LICENSE REQUIRED.** b. The supervising electrician of any company shall not hold the license for any other company at the same time. The supervising electrician shall on a regular basis operate and maintain the same hours of operation as the company.

Part 5. Section 239-1-4 and 5 of the code is amended to read:

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

**4. FOOTINGS AND FOUNDATIONS.** Footings and foundations as regulated in chs. Comm 61 and 62, Wis. Adm. Code ~~>>\_1<<~~ shall be provided for all private garages ~~>>\_1<<~~ except that private garages of 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]]~~ >>a continuous floating slab of reinforced concrete not less than 4 inches in thickness. Reinforcement shall be a minimum of number 10 (6X6) inch wire mesh or fiber reinforced concrete. The slab shall be provided with a thickened edge all around, 12 inches wide and 8 inches below the top of the slab. The thickened edge shall have 2 continuous #4 horizontal reinforcement bars placed in the lower third of the thickened edge. Exterior wall curbs shall not be less than 8 inches above the adjoining grade<<.

**5. FLOOR SURFACE.** The floor in all private detached garages shall be of ~~[[approved noncombustible material!]]~~ >>concrete construction<<. No openings or pits in the floor shall be permitted.

Part 6. Section 239-12 of the code is amended to read:

**239-12. Yards and Pool Decks.** A permit issued by the department of city development is required for ~~[[all decks that are not attached to a principal building and that are greater than 2 feet above grade, except that frost footings are optional for such decks~~ >>any deck that is attached to a principal building and for any deck that is freestanding and greater than 2 feet above grade. Frost footings are optional for freestanding decks. Decks shall also meet the requirements specified in s. 295-505-3-h <<.

Part 7. Section 240-22-1 of the code is amended to read:

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

**1. ATTICS.** For all buildings regulated by this chapter and constructed prior to June 1, 1980, an attic may not contain habitable space, bathrooms ~~[[or]]~~ >>\_1<< toilet rooms >>or other plumbing fixtures<<. In this subsection ~~>>\_1<<~~ "habitable space" means space for living, sleeping, eating or cooking.

Closets, hallway storage or utility space and similar areas are not considered habitable space. The installation of a bathroom, toilet room or use of habitable space in the attic shall result in the classification of that level of the building as a story.

Part 8. Section 240-22-2 of the code is renumbered 240-22-2-a.

Part 9. Section 240-22-2-b of the code is created to read:

**2. THIRD FLOOR SPACES.** b. Third floor space used for other than storage may not contain bathrooms, toilet rooms, other plumbing fixtures or space used for eating and cooking.

Part 10. Section 240-23 of the code is renumbered 240-25.

Part 11. Section 240-23 of the code is created to read:

**240-23. Basement Rooms.** In existing buildings, no habitable rooms, including sleeping rooms, shall be located and maintained in a basement when not in compliance with the following:

1. Ceiling height shall be in compliance with ch. Comm 21, Wis. Adm. Code, as amended.
2. Light and ventilation requirements shall be in compliance with ch. Comm 21, Wis. Adm. Code, as amended.
3. Two means of exiting shall be required and in compliance with ch. Comm 21, Wis. Adm. Code, as amended.
4. All walls and floors shall be damp proof and waterproof.
5. Such rooms shall be fit for human habitation as determined by the department.

Part 11. Section 252-1-1 of the code is amended to read:

**252-1. Population Placards for Certain Class “B” Licensed Establishments.**

1. **REQUIRED.** It shall be the duty of a holder of the certificate of occupancy or license, if any, of any building or structure or part thereof now used or hereafter to be used in conjunction with a Class “B” tavern or Class “B” fermented malt beverage license ~~[[excepting restaurants]]~~ to securely post and maintain in a conspicuous place near the main exit or exit access doorway from the room or space, placards indicating the approved maximum number of persons permitted in such occupancies as regulated in this code. All placards posted under this subsection shall be issued by the department of city development.

Part 12. Section 257-17-6 of the code is repealed and recreated to read:

**257-17. Basement Rooms.**

6. Such rooms shall be provided with 2 means of exiting. The exiting requirements shall comply with ch. Comm 62, Wis. Adm. Code, as amended.

Part 13. Section 261-42-3-c of the code is created to read:

**261-42. Tents.**

**3. OCCUPANCY USE OF TENTS.**

c. Tents erected solely for the private use by the owner or tenants on premises which are exclusively one- to 4-family residential uses shall be erected for a period not exceeding 150 days per calendar year and shall not be used for vehicle storage.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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

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

LRB06212-1

TWM/mbh

6/28/2006

clerical correction 9/26/506 - lme