CHAPTER 236
HAZARDOUS OCCUPANCIES

TABLE

236-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. SPS 310, 340 and 343, Wis. Adm. Code, as amended, as part of this code.

236-11. Spray Coating. 1. SCOPE AND PURPOSE. a. Scope. These rules shall govern the use and control of all spray coating apparatus, in every place of employment; provided, however, that they shall not prohibit any farmer, horticulturist, fruit grower or other person engaged in farming or fruit or vegetable growing from using spray coating apparatus for the purpose of spraying trees, shrubs and vines with chemicals to protect the same from disease; or prohibit any dairyman, creamery owner or operator or other person from using any spray coating apparatus to spray any building or part thereof with solutions composed of water and chemicals of recognized value in keeping said building in a sanitary condition.

b. Existing Booths. These rules are not applicable to existing installations except where adequate protection to the health and safety of the operator or helper requires alterations. All such alterations shall show reasonably close adherence to the provisions of these rules.

c. Plans, Booth Installations. Plans and specifications in duplicate shall be submitted to the commissioner of city development for approval before installing any spray booth.

2. DEFINITIONS. a. Apparatus, Spray Coating. Any and all devices used in the application of finishing materials by a method employing air pressure.

b. Approved. Of such design and arrangement as to meet the approval of the commissioner.

c. Booths: Cabinet, Canopy, Room and Tunnel. c-1. Cabinet booth. An enclosure open on one side only and equipped with independent exhaust system.

c-2. Canopy Booth. An overhead dome enclosure open on all sides at the bottom and equipped with an independent exhaust system.

c-3. Room Booth. A room or enclosure equipped with independent exhaust system.

c-4. Tunnel Booth. An enclosure with both ends open, equipped with independent exhaust system.

d. Breathing Zone. The immediate area around the mouth and nose of the operator while in a working position.

e. Contaminated Airway. A contaminated airway in connection with any type of spray booth is any duct, chamber or space containing vapors or fumes of a deleterious, flammable or explosive character, or of other harmful nature, generated by spray coating operations.

f. Discharge Orifice. An opening through which ventilating air is discharged from a booth.

g. Discharge Pipe. An extension of the discharge orifice to convey spray-laden or contaminated air to the outside atmosphere.

h. Distributor Plates. Solid or perforated noncombustible plates placed in a booth to deflect and distribute air currents.

i. Exhaust System. All equipment connected with the removal of ventilating air from the spray zone.

j. Incombustible Material. Material which cannot be burned.

k. Installations, Existing and New.

k-1. Existing installations. Installations in existence and use prior to the effective date of this code.

k-2. New installations. Installations completed, or the contracts for which are let after the effective date of these rules.

L. Lamps, Extension, Portable, Explosion-proof and Vapor-proof.

L-1. Extension lamp. Lamp or extension cord not fixed, nor self-supporting, and not equipped with standard.

L-2. Portable, explosion-proof lamp. A portable explosion-proof lamp is a lamp not fixed, but with self-supporting, properly weighted stand, capable of being readily moved and having the lighting unit so designed and constructed that its use to provide artificial illumination at different points within any type of spray booth will not ignite any fumes, vapors or residues formed in the process of coating objects with a spray gun.

L-3. Vapor-proof or vapor-tight lamp. A lamp that is so enclosed that vapor will not enter the enclosure.

m. Orifice Outlet. See Discharge orifice.

n. Place of Employment. For purposes of administering this code, a place of employment is any place where spray coating is being carried on for profit.

o. Pressure, Atomizing and Paint.

o-1. Atomizing pressure. Pressure of the air used to atomize or break up the paint or other coating material.

o-2. Paint pressure. Pressure in a closed tank bearing on the paint or other coating material to raise it to the spray gun level.

p. Pressure Regulator. An instrument or device for regulating or controlling air pressure.

q. Pressure Tank. A tank in which air pressure is used to develop pressure on paint or other coating material.

r. Respirators, Air Line and Chemical Cartridge. r-1. Air line respirator. A device consisting of a hood or head and face covering to which fresh air is fed, creating a slight outward pressure excluding fumes and mist, thus permitting breathing of uncontaminated air.

r-2. Chemical cartridge respirator. A respirator which is equipped with a chemical cartridge which mechanically removes solid particles and chemically removes vapors from air being breathed.

s. Settling Chamber. A space located in the exhaust air stream for the purpose of collecting solids in spray mist.

t. Spray Gun. A mechanical device employing air pressure for the application of paints, varnishes, lacquers and similar finishing materials.

u. Vacuum Type Feed Cup. (Sometimes erroneously referred to as a siphon type.) A type of materials container in which the liquid is drawn into the atomizing air stream by a partial vacuum created by the flow of air over the paint chamber outlet opening.

v. Ventilating System. See Exhaust system.

3. SPRAY COATING OF BUILDINGS, STRUCTURES, AND OUTDOOR SPRAYING.

a. Scope. The requirements of this section shall apply to all spray coating operations on buildings, ships and structures of any kind or nature, and to all outdoor spray coating operations, but these requirements need not apply to spray coating operations in approved booths.

b. Equipment. b-1. Type of Equipment. Any type of equipment may be used, except the vacuum type of more than one quart capacity.

Note: The vacuum type of spray coating apparatus is sometimes erroneously referred to as siphon type, suction type and ejector type.

b-2. Character of Equipment. All spraying equipment shall be complete in all details essential to effective operating and prevention of excessive mist.

c. Operation. c-1. Nozzle Distance from Surface. During operation the nozzle of the spray gun shall not at any time be more than 13 inches from the surface being spray coated.

c-2. Scaffolding. When necessary, scaffolding or other approved support shall be used so that the maximum allowable distance between the gun nozzle and surface being spray coated will not be exceeded.

c-3. Maximum Allowable Paint Pressure. The paint pressure shall at no time exceed that necessary to produce a free flow of paint at the nozzle when the gun is operated independent of atomizing pressure.

Note a. Testimony of spray gun manufacturers and observations have shown that excessive paint pressure over that actually necessary to produce this result requires a correspondingly higher atomizing pressure, resulting in excessive mist.

Note b. Exterior painting-wind advantage. During exterior spray coating, the operator shall at all times take advantage of draft and wind conditions, spraying with the air current whenever possible.

Note c. Interior painting-natural ventilation. During interior spray coating of walls or structural members of a building the operator should at all times produce and maintain all ventilation possible by opening doors and windows, spraying with the air current whenever possible.

c-4. Operation at Different Levels. At no time shall 2 or more operators working at elevations differing more than 8 feet use paint from the same supply tank unless spray guns are equipped with paint pressure regulators.

Note: If this maximum allowable difference in working elevations were exceeded, the operators working at the lower levels would be subjected to excessive mist.

c-5. Exclusion of Others. None other than the paint sprayers and their helpers shall be permitted within a zone where a mist or deposit is apparent, unless such a person is protected the same as operators and helpers.

c-6. Contamination of Adjacent Areas. Proper precautionary measures shall be taken to prevent contamination of the atmosphere in adjacent occupied areas.

4. SPRAY COATING OPERATIONS INSIDE OF BUILDING. a. Scope. The requirements of this section shall apply to all spray coating of walls, structural members and fixtures of a building or other structure.

b. Booths Required. Spray coating of objects with paint, varnish, lacquer, siliceous materials or other materials which may endanger the health of a person exposed thereto, or which would create a fire or explosion hazard, shall be carried on only in suitable booths provided and maintained for such purposes. Whenever practicable, a cabinet booth shall be used. A tunnel booth, canopy booth or a room booth may be used only with the written permission of the commissioner.

Exception No. 1: Large objects such as heavy machinery, large castings and structural members not adaptable to booth spraying may be sprayed without booth protection provided that in such cases the requirements in sub. 3 are complied with and provided further, that the room in which such spraying is done is cleaned periodically as often as is necessary to prevent accumulation of residue, but in no case shall more than 48 hours of actual spraying operations be permitted without thoroughly cleaning the room.

Exception No. 2: In any garage or other place where a spray gun is used intermittently to apply hazardous coating materials to spots on motor vehicles or other objects, such intermittent spraying operations may be carried on without booth protection only when the following regulations are observed.

First. No more than one spray gun may be used at a time.

Second. In each 8-hour day or shift, the total time of actual spraying operations shall not exceed 30 minutes.

Third. No individual spraying job shall be greater in area than 10 square feet.

Fourth. During spraying operations the operator and every other person exposed to the contaminated area shall wear an approved respirator and be otherwise protected as specified in sub. 3-c.

Fifth. Where spraying operations are carried on, the room, including floor, walls and ceiling as well as fixtures and equipment, shall be cleaned at intervals as often as necessary to prevent accumulation of residue in quantities to create a fire or explosion hazard, but in no case shall more than a total of 48 hours of actual spraying be done without this thorough cleaning.

Sixth. A reasonably accurate record shall be made of each separate spraying job done each calendar day. This record shall include the name of spray gun operator; time of actual spraying operations; name of article or object spray coated and name of owner; approximate area in square feet of the spot or object spray coated, and in case of a motor vehicle, the license number. These records shall be kept on file and open during reasonable hours for examination by the commissioner.

Note: Failure to keep such records and to show them to the commissioner would constitute wilful violation of lawful orders of the code and subject the violator to prosecution.

c. Booth Construction. c-1. Cabinet Booths. c-1-a. Type of Construction. The floor, walls and roof of every cabinet booth shall be constructed of incombustible material in such a manner as to facilitate effective maintenance and control of required ventilation. If constructed of steel, except where ceramics only are sprayed, every such booth shall be kept thoroughly painted on the inside to minimize fire hazards from possible sparks.

c-1-b. Combustible Floor Covered. If the building floor on which any cabinet booth is installed is of combustible material, the floor within the booth and for a distance of 4 feet in front of the booth shall be covered with incombustible material, preferably zinc or other nonsparking metal.

Exception: Small booths set on benches composed of or covered under such booths with incombustible material, and booths in which only ceramics are sprayed.

c-1-c. Deflector Curtain. Every cabinet booth over 4 feet wide, measured along the floor at the front of the booth, shall be constructed with fixed incombustible deflector curtain along the upper outer edge of the booth, not less than 2-1/2 inches nor more than 5 inches.

c-1-d. Inside Smooth. The inside of each cabinet booth shall be of reasonably smooth construction.

Note 1. In building a booth of steel in a manner to make it incombustible, metal studs and sheathing must be used. No wood is permitted in any portion of the walls, floors, ceiling or equipment of a new booth.

Note 2. If the floor of the building is of combustible material, the floor of the booth and an adequate distance in front of the booth (usually 4 feet), will need to be protected by a covering of metal or an insert of reinforced concrete 1-1/2 inches or more in thickness. It is advisable to consult the insurance carrier in any case so that accredited construction may be selected.

c-2. Room Booths; Constructed of Incombustible Material. Every new booth installation of a new building, including walls, floor and ceiling, shall be constructed of incombustible material and shall be separated from other portions of the building by means of fire-resistive partitions. Every window and every door in the walls of a new room booth shall be of fire-resistive construction.

Note: Before constructing a spray booth in a building, it is advisable to consult the commissioner so that the violation of general and fire protection requirements may be avoided. For example, the spray coating of automobiles is not permitted in a building having wood floors or wood walls, unless such building has been occupied for the housing, repairing or painting of automobiles continuously since September, 1918.

c-3. Tunnel Booths. Every tunnel booth shall be constructed of incombustible material and shall be reasonably smooth on the inside. The ventilation of each tunnel booth shall be arranged so as to adequately protect persons within or in the immediate vicinity from the spray and fumes.

c-4. Canopy Booths. Each canopy booth must be constructed of incombustible material; shall be reasonably smooth on the inside; and the ventilation shall be arranged so as to adequately protect persons under the canopy and in the immediate vicinity.

d. Equipment. d-1. Electrical Equipment. All electrical equipment in connection with spray coating operations shall be installed, operated and maintained in accordance with all the requirements of ch. SPS 316, Wis. Adm. Code, complying to such locations.

d-2. Sprinklers or Fire Suppression Systems Required. Every spray booth shall be equipped with one or more sprinklers or fire suppression systems installed in accordance with applicable NFPA requirements.

d-3. Fire Extinguishers. Every spray booth, except where ceramics only are sprayed, shall be adequately equipped with fire extinguishers of suitable type for the nature of hazard and materials involved.

d-4. Discharge Orifices. d-4-a. Free Passage of Contaminated Air. Discharge orifices shall be provided for all spray booths and shall be of such size and arrangement in each case as to permit spray-laden or contaminated air to freely pass from the booth.

d-4-b. Uniform Distribution of Air Movement. Every booth of any type shall be tapered to the discharge orifice or be equipped with approved removable distribution plates or other approved means of securing reasonably uniform distribution of air motion through the booth, especially in the breathing zone.

Note 1. The purpose of the tapering of a booth to the discharge orifice or of equipping a booth with distribution plates is to distribute the air flow throughout the spray booth and thus protect the operator at all points in the booth.

Note 2. Where a booth is tapered toward the orifice, the angle of tapering should be not less than 45^{o} with the plane of the front of the booth. This arrangement is preferable where dust-producing coating material, such as

lacquer, is sprayed. In such cases, the spray or mist should be removed from the booth through exhaust as quickly as possible.

d-4-c. Gathering of Sticky Materials. Where the spray material is such that air-borne solids are of a sticky nature, distribution plates and settling chamber shall be provided and be so arranged as to assure deposits of as much as practicable of this material.

Note 1. Distribution of plates of the filter type will aid in the deposit of spray material before it reaches the fan and exhaust duct. The water wash type of booth is very satisfactory for this purpose.

Note 2. Distribution plates should be placed in a plane parallel to the rear wall and distant therefrom not less than 1/4 the minimum cross section dimension of the booth. The openings through the distribution plates should be spread over the cross sectional area and should be arranged in a manner to meet the approval of the commissioner.

d-5. Ventilation System Required. Every spray booth shall be suitably equipped and operated with an exhaust or ventilation system which shall protect operators, helpers and other persons in the vicinity from deposit or inhalation of the materials discharged from the spray apparatus, but the movement of air through the booth shall in no case be less than 100 lineal feet per minute in the breathing zone. Every such system shall be of such type and arrangement that efficiency of operation will be maintained independent of weather conditions.

Note 1. Observations show that booth construction and arrangement, as well as the nature of the work done, have great influence on the amount of air necessary to effect the required protection.

Note 2. From the standpoint of maintenance and fire protection, the indirect type of exhaust unit seems preferable.

d-5-a. Fans. Each fan shall be of an effective type, capacity and performance in place so as to insure the required protection under all operating conditions, and every such fan located in a contaminated airway shall be constructed of such metals or combination of metals as to prevent sparking in practical ion, except that this latter equipment will not be required where ceramics only are sprayed. Every fan shall be substantially mounted to maintain ample clearance in use, even though the rotating parts become considerably out of balance due to deposits of paint or other cause. Fan bearings shall be of the ring-oiling or other equally effective type and should be located outside of the contaminated airways, but in any case shall be arranged to be oiled from the outside.

d-5-b. Discharge Pipes. Every discharge pipe and duct conveying spray-laden or contaminated air from a booth to the outside atmosphere or to an air cleansing device, shall be as short, direct and free from resistance to air flow as practicable, based on maximum air flow at low velocities; shall be provided with means of easy access or removal for cleaning, and shall be arranged to minimize fire hazards. Each discharge pipe shall deliver to outside atmosphere above the roof of the building or to other means or device approved for the purpose. The termination of such discharge pipe delivering to outside atmosphere shall be protected by a hood of the inverted cone type or other approved device from the detrimental effects of weather and hazards due to sparks from any source and shall be arranged so as to not constitute a nuisance or fire hazard in the neighborhood. Every discharge pipe passing through a combustible wall, ceiling or roof shall be encased with incombustible material at least 4 inches thick, or with a double safety thimble made of 2 concentric rings of sheet metal, with at least one inch open air space between them and the outer ring, covered with at least 1/4 inch asbestos. There shall be no connection between the discharge or exhaust outlets of separate spray booths.

d-6. Pressure Tanks and Other Containers. d-6-a. Construction and Approval. Every pressure tank supplying a spray nozzle shall be constructed and equipped as to meet the approval of the commissioner, and each tank of more than 2 gallons capacity shall be designed so that the bottom of the shell will not be subjected to wear when moved about on the floor.

Note: Approval by the Underwriters' Laboratories, Inc. will be accepted by the department of neighborhood services.

d-6-b. Gravity Tanks, Closed Type. Other containers supplying spray nozzles shall be of a closed type or approved with metal covers kept in place. Those not resting on the floor shall be supported on metal brackets or be suspended by wire cables.

d-6-c. Capacity of Gravity Tanks Limited. No gravity tank of more than 10 gallons capacity shall be used to supply a spray nozzle.

d-6-d. Clamping Devices for Shipping Drums Used as Pressure Tanks. Where the original shipping drum is used to supply a spray nozzle by the pressure system, the drum shall be clamped in a suitable device to prevent the drum from bursting.

d-6-e. Protective Clothing Required. The entire person, except face and neck of the spray operator and his helper, shall be protected by suitable clothing and equipment during spraying operations.

Exception: Where ceramics only are applied.

e. Air Supply. e-1. Quality. Uncontaminated, tempered air shall be furnished and maintained within the breathing zone of each operator of every spray booth.

e-2. Quantity. The air supplied to each room containing or constituting any spray booth shall be admitted by natural or mechanical means and the volume shall be at least equal to that removed from such an enclosure by the booth exhaust fan or other ventilation system.

Note 1. Where a cabinet booth is located in a building or room where the volume of properly tempered air exhausted through the booth is only a small portion of that available, and the withdrawal of this tempered air is such that it does not appreciably affect the air conditions or distribution in other working areas, it is not necessary to provide air supply for the booth exhaust other than through the general ventilating system. Often, however, means must be provided for supplying tempered air to replace that exhausted through the booth. This can be accomplished by natural or mechanical means. In any case, the air from the source of supply, ordinarily outside the building, is caused to pass through or in contact with heating units.

Note 2. The air supply for the spray booth should be delivered at a point, or points, as far from the booth as other operations in the building will permit.

Note 3. The air required to supply the exhaust or ventilating system in any room booth should be properly tempered, clean air from an outside source supplied directly to the room.

Note 4. In any case, the arrangements for the exhaust and supply of air should be such as not to produce an excessive draft or vacuum in any area outside of the booth.

e-3. Direction of Air Flow in Booths. The direction of air flow in any booth shall be from the operators and helpers toward the objects or work being spray coated and thence to the discharge orifice of the booth.

f. Maintenance. f-1. Cleanliness.

f-1-a. Booths Periodically Cleaned. Every booth in which spray coating is done shall be cleaned thoroughly at reasonably frequent intervals, but in no case shall a booth be used for more than 48 hours of spraying operation without cleaning.

Exception: Parts and equipment located in the air stream beyond the water curtain of any approved water wash booth.

Note 1. Each fan shall be cleaned at regular intervals because deposits of spraying materials seriously reduce the efficiency of the fan and constitute a fire hazard except when spraying ceramics. Likewise, air passages, chambers and ducts should be cleaned regularly for the same reasons.

Note 2. Distribution plates and similar removable parts should be cleaned in an isolated or protected location to reduce the fire hazard.

Note 3. Only nonsparking tools should be used for cleaning or making repairs.

f-1-b. Spray Rooms Periodically Cleaned. Each room where a spray booth is located shall be thoroughly cleaned at least once every year where spray coating is done regularly, or at least once every 2 years where spray coating is done intermittently.

f-2. Storage of Materials.

f-2-a. Volatile Liquids. The main supply of solvents, paints, lacquers and other volatile materials shall be stored in a location remote from the spraying process, preferably in an outside oil house or an especially constructed room. Each container for such material to be used in the vicinity of the booth shall be tightly covered when not in use.

f-2-b. Booths Not Store Rooms. No material or equipment shall be stored in any spray booth.

Note: Isolated mixing rooms and pipe line circulation systems are recommended in every case where the spraying operations are extensively continuous.

236-21. Flammable and Combustible Liquids. In addition to the regulations set forth in ch. SPS 310, Wis. Adm. Code, above ground flammable liquid storage facilities shall comply with the following:

1. FOAM EXTINGUISHING MATERIAL. a. All new and existing above ground tanks for the storage of Class I, II or III liquids in excess of 8,000 gallons shall be provided with a supply of aqueous film, foam-producing material suitable for use in the fire department's equipment, listed in Underwriters' Laboratories or Factory Mutual, in the quantity as follows:

ABOVE GROUND STORAGE CAPACITY	QUANTITY OF 3% AQUEOUS FOAM SOLUTION
8,001 to 50,000 gallons	55 gallons
50,001 to 150,000 gallons	110 gallons
150,000 to 500,000 gallons	215 gallons
Over 500,000 gallons	430 gallons

b. The place and manner of storage of such material shall be as directed by the commissioner after obtaining approval from the fire chief, with particular consideration being given to accessibility for fire fighting purposes and susceptibility of the solution to freezing conditions. The commissioner may prorate the amount of foam-producing liquid based upon the total storage capacity in an area which has been set aside or designated for the sole purpose of the erection of storage tanks.

c. Any and all material supplied for purposes of this subsection shall be compatible to the current equipment in use by the fire department.

2. RELINING OF UNDERGROUND STORAGE TANKS. The relining of steel, underground tanks used for the storage of flammable and combustible liquids shall be permitted, provided s. SPS 310.530, Wis. Adm. Code, are complied with and flex connectors are placed at the top of the tank and between the tank and the vent pipe.

[Pages 308 to 312 are blank]

236-31. Fireworks. 1. DEFINITIONS. In this section:

a. "Fireworks" means any devise or contrivance commonly used or sold as fireworks containing nitrates, chlorates, oxylates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound containing any of the same or other explosives.

b. "Pyrotechnics" means any display of fireworks or chemicals for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation.

1.5. STORAGE AND WHOLESALING. a. Any resident, wholesaler, dealer or jobber firm may sell fireworks at wholesale, provided they are shipped or delivered directly outside the limits of the city and that a permit for such sale has been obtained from the commissioner.

b. Every wholesaler, dealer or jobber keeping or exposing for sale within the city fireworks of any description shall immediately notify the commissioner of the receipt of such stock of fireworks, the removal of such stock of fireworks from one location to another, and the location where the stock of such fireworks is stored.

c. Fire extinguishers approved by the commissioner shall be provided where fireworks are stored or handled. Smoking shall not be permitted where fireworks are stored or handled.

d. No fireworks shall be stored in any building used for dwelling purposes, or in any building situated within 50 feet of a building used for dwelling purposes or places of public assemblage.

2. PYROTECHNIC DISPLAYS, BLANK CARTRIDGES, FLARES PERMITTED. This section does not prohibit:

a. The use of fireworks for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals under permit granted by the department, provided that no fireworks shall be discharged after 11:00 p.m. or before 8:00 a.m. in the city, except as provided in par. e.

b. The use or sale of blank cartridges for circus and theatrical purposes, or for signal purposes in athletic contests or sports events, or for the use by militia, police or military organizations.

c. The use or sale of flares for railway signal and motor vehicle emergency warning purposes.

d. The use of pyrotechnics inside of buildings for theatrical performances provided such displays are limited to explosive devices or chemical illumination devices fired by electric match and approved for use inside of buildings by the department.

e. The use of fireworks for pyrotechnic displays held in conjunction with events at Miller Park, under permit granted by the department, provided that no fireworks shall be discharged:

e-1. After midnight on any Friday, Saturday, holiday or day preceding a holiday.

e-2. After 11 p.m. on any day not specified in subd. 1.

3. APPLICATIONS FOR PERMITS FOR PYROTECHNIC DISPLAYS. Application by organizations sponsoring pyrotechnic displays shall be submitted at least 15 days in advance of the date set for the display and shall contain the following:

a. The address and exact location of the proposed pyrotechnic display.

b. The date and time of display.

c. The name of the organization sponsoring the display and the name of the person responsible for arrangements.

d. The name of the organization and the names of the person in charge of firing the pyrotechnics and the person responsible for recovery of unfired pyrotechnics.

e. The number and kinds of pyrotechnics which will be fired.

f. The location where the pyrotechnic material will be stored prior to the display.

g. A diagram of the area where the display will take place showing the firing area, distances to the audience, buildings, roadways and public pathways, and special conditions.

h. The fee prescribed in s. 200-33.

4. ISSUANCE AND DENIAL OF PERMITS. The following requirements shall be complied with before a permit for a pyrotechnic display is issued:

a. The applicant shall furnish a certificate of insurance issued by a company licensed to do business in the state of Wisconsin, by an agent whose license is on file in the city attorney's office. The certificate of insurance shall be for an amount as approved by the city attorney and shall name the city one of the insured.

b. Upon receipt of the application and site plan, the department may make an investigation of the site of the proposed display to determine compliance with this section.

c. No permit may be granted for any display of fireworks where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush.

d. Failure to provide all information requested 2 weeks prior to the display, including the certificate of insurance, failure to pay the required fee or a determination by the city that the proposed display would subject the public to undue hazards shall be sufficient cause for the commissioner to deny the permit.

5. CONDUCT OF DISPLAY. All fireworks displays shall be conducted so as to provide maximum safety for the public and shall meet the following requirements:

a. Spectators at a display of fireworks shall be restrained behind barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these barriers during the preparation, unloading or firing of fireworks.

b. No aerial fireworks or ground fireworks are to be fired from a point less than 200 feet from the nearest spectator, permanent building, public highway or thoroughfare, railroad or other means of travel, or less than 50 feet from the nearest above ground communication or power line, tree or other overhead obstructions.

c. Fireworks displays not in conformance with pars. a and b may be approved by the commissioner if proper safeguards are provided to protect life and property.

d. All fireworks that fire a projectile over land shall be so set up that the projectile will go into the air as nearly as possible in a vertical position.

e. Any fireworks that remain unfired after a display shall immediately be disposed of or removed in a safe manner. Upon the conclusion of any display, the operator shall make a complete and thorough search for any unfired fireworks which have failed to fire or function and shall dispose of them in a safe manner.

6. FIREWORKS CONTRACTORS.

a. Fireworks contractors shall comply with the following safety regulations:

a. Post "No Smoking" signs at the fireworks storage area and launching site.

b. Locate the launching site as shown in the site plan submitted to the department.

c. Provide appropriate safe storage of fireworks at the launching site using plastic, wood or cardboard boxes with lids.

d. Provide first aid firefighting equipment such as fire extinguishers or a water hose at the fireworks storage area and the launching site.

e. Provide and secure fencing and barriers to keep the public out of the launching and storage areas.

f. When racks are used to hold mortar tubes, they shall be securely supported.

g. Mortar tubes shall be in safe operating condition.

h. Mortar tubes shall be horizontally and vertically restrained to prevent movement during firing. The side of the mortar tube the loader will be working on shall be sandbagged to protect the loader.

i. Magazine operators shall use flash lights when selecting shells.

j. All shells shall be sorted and stored by size one hour prior to the start of the display. The proper diameter shell shall be loaded into the appropriate-sized mortar tubes.

k. The contractor or person responsible for the fireworks display shall provide the department with the names of the persons assigned to the fireworks display at each site.

L. All personnel assigned to fireworks displays shall wear identification badges.

m. Unused fireworks shall be removed from the launching area in an approved container and in a safe manner immediately after the fireworks display.

7. AUTHORITY TO TERMINATE OR DELAY DISPLAY. The department may order a display to be delayed or terminated if any requirement of this section is being violated or if the display is causing a hazard to life or property. If the department takes action under this section, a fireworks permit may not be issued to the contractor during the following 15 months.

7.5. EXEMPTION. This section shall not apply to employees and agents of Milwaukee county while they are on property owned by Milwaukee county under the control of General Mitchell International Airport or Timmerman Field.

8. PENALTY. Any person violating this section shall upon conviction forfeit not less than $250 nor more than $1000, and upon default thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture and costs are paid.

236-41. Hazardous Substance Spills.

1. DEFINITIONS. In this section:

a. "Discharge" includes, but is not limited to, any spilling, leaching, pumping, pouring, emitting, emptying, escaping, releasing, disposing, injecting or dumping of a hazardous substance.

b. "Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizes or explosives.

c. "Storage" means containment in such a manner as not to constitute disposal.

d. "Transport" means the movement from the point of generation of any intermediate site, and finally to the point of ultimate storage or disposal.

e. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to render it nonhazardous, safer to transport, amenable for recovery or storage, or reduced in volume.

2. DISCHARGES PROHIBITED. No person shall discharge or cause to be discharged any hazardous substance upon any public street, alley or property, surface waters, subsurface waters or aquifer into the air, or upon any private property except those areas specifically licensed for waste disposal or landfill activities.

3. CONTAINMENT, CLEANUP AND RESTORATION. a. If a hazardous substance is discharged, the person responsible for the discharge shall immediately notify the fire, health and neighborhood services departments, the Milwaukee metropolitan sewerage district, Milwaukee county division of emergency government and the state of Wisconsin department of natural resources and begin immediate actions to contain, clean up and remove the offending substance, in a manner approved by the regulating agencies, to an approved repository and restore the site to its original condition to the extent practicable.

b. If the person responsible for a discharge fails to comply with par. a, and the discharge presents an immediate risk to the public health, safety or environment, the fire, health or neighborhood services departments, their agents or contractors may either clean up the discharge and require reimbursement for actual and necessary expenses incurred for materials, supplies and equipment to the city by the person violating this section or issue orders to the violator for the clean up of the discharge.

c. If the discharge of a hazardous substance is upon privately-owned property, upon written order to the owner, the owner shall begin immediate action to contain, clean up and remove the offending substance in a manner approved by the regulating agencies. If the discharge presents an immediate risk to the public health, safety or environment, the fire, health or neighborhood services department or their agents or contractors may contain, clean up and remove the discharge and the cost of the containment, clean up and removal as a charge against the real estate, which shall be a lien upon the real estate and assessed and collected as a special charge, or in the alternative proceed against the property owner for the cost of containment, clean-up or removal.

4. ACCESS. When a prohibited discharge has occurred or is reasonably thought to have occurred, access to the site, upon notice to the owner or occupant whether on public or private land, shall be granted to fire, health and neighborhood services department personnel for the purpose of evaluating the extent of the discharge, monitoring the containment of the discharge, and monitoring the cleanup and restoration of the site. Notice to the owner or occupant is not required if the delay will result in imminent risk to public health or safety or the environment.

5. EXEMPTIONS. a. The following are exempted from the reporting and penalty provisions of this section:

a-1. Any person holding a valid permit for a water pollution discharge elimination system with respect to substances discharged within the limits authorized by the permit.

a-2. Any person discharging in conformity with a permit or program approved under ch. 283, Wis. Stats.

a-3. Any person applying a registered pesticide according to the label instructions.

b. In addition, law enforcement officers or members of the fire, health or neighborhood services departments using hazardous substances in carrying out their responsibility to protect the public health, safety or welfare are exempted from the penalty provisions of this section, but shall report any discharge of a hazardous substance which occurs within the performance of their duty.

6. PENALTY. Any person who violates this section shall be subject to a forfeiture of not more than $2,000. Upon default or refusal to pay such forfeiture, the person shall be imprisoned in the house of correction of Milwaukee County for not more than 60 days for each offense.

7. SPECIAL PURPOSE ACCOUNT. All forfeiture payments derived from violations of this section shall be placed in a special purpose account to offset purchases of equipment and supplies used by the neighborhood services, fire and health departments in the cleanup or containment of hazardous substance spills.

236-51. Hazardous Substance Identification System. All fixed installation storage facilities containing hazardous materials as defined in s. 236-41-1-b shall comply with the provisions of NFPA No. 704, Standard for Hazard Identification System.

LEGISLATIVE HISTORY
CHAPTER 236

Abbreviations:
am = amended ra = renumbered and amended rn = renumbered
cr = created rc = repealed and recreated rp = repealed

Section	Action	File	Passed	Effective
236-01	cr	891008	10/10/89	10/28/89
236-01	rn from 36-01	85-1396	12/20/85	1/1/86
236-01	am	85-1396	12/20/85	1/1/86
236-01	am	902099	7/16/91	8/2/91
236-01	am	961523	2/11/97	2/28/97
236-01	am	990863	10/19/99	11/5/99
236-01	am	101424	4/12/2011	4/29/2011
236-01	am	111233	1/18/2012	2/4/2012
236-02	rn from 236-01	891008	10/10/89	10/28/89
236-02	rp	931044	11/9/93	11/30/93
236-1	rn from 36-1	85-1396	12/20/85	1/1/86
236-1	am	85-1396	12/20/85	1/1/86
236-1	rp	931044	11/9/93	11/30/93
236-2	rn from 36-2	85-1396	12/20/85	1/1/86
236-2	rp	931044	11/9/93	11/30/93
236-11	rn from 236-27	931044	11/9/93	11/30/93
236-11-1-c	am	980963	12/18/98	1/1/99
236-11-2-b	am	980963	12/18/98	1/1/99
236-11-4-b	am	980963	12/18/98	1/1/99
236-11-4-d-1	am	111233	1/18/2012	2/4/2012
236-11-4-d-2	am	931044	11/9/93	11/30/93
236-11-4-d-4-c (note 2)	am	980963	12/18/98	1/1/99
236-11-4-d-6-a	am	980963	12/18/98	1/1/99
236-21	rn from 236-29	931044	11/9/93	11/30/93
236-21-0	am	990863	10/19/99	11/5/99
236-21-0	am	111233	1/18/2012	2/4/2012
236-21-1-a	am	960906	10/15/96	11/1/96
236-21-2	am	990863	10/19/99	11/5/99
236-21-2	am	021185	12/20/2002	1/11/2003
236-21-2	am	081724	5/5/2009	5/22/2009
236-21-2	am	121706	4/9/2013	4/26/2013
236-25	rn from 36-25	85-1396	12/20/85	1/1/86
236-25	am	85-1396	12/20/85	1/1/86
236-25	rp	931044	11/9/93	11/30/93
236-26	rn from 36-26	85-1396	12/20/85	1/1/86
236-26	am	85-1396	12/20/85	1/1/86
236-26	rp	931044	11/9/93	11/30/93
236-26-5	am	902099	7/16/91	8/2/91
236-27	rn from 36-27	85-1396	12/20/85	1/1/86
236-27	am	85-1396	12/20/85	1/1/86
236-27	rn to 236-11	931044	11/9/93	11/30/93
236-28	rn from 36-28	85-1396	12/20/85	1/1/86
236-28	rp	931044	11/9/93	11/30/93
236-29	rn from 36-29	85-1396	12/20/85	1/1/86
236-29	am	85-1396	12/20/85	1/1/86
236-29	rc	891008	10/10/89	10/28/89
236-29	rn to 236-21	931044	11/9/93	11/30/93
236-29-0	am	902099	7/16/91	8/2/91

236-29-2	rc	920384	7/7/92	7/24/92
236-30	rn from 36-30	85-1396	12/20/85	1/1/86
236-30	am	85-1396	12/20/85	1/1/86
236-30	rp	920384	7/7/92	7/24/92
236-30-2-a-1	am	871340	10/27/87	1/1/88
236-31	rn from 36-31	85-1396	12/20/85	1/1/86
236-31	am	85-1396	12/20/85	1/1/86
236-31	rp	931044	11/9/93	11/30/93
236-31	rn from 236-34	931044	11/9/93	11/30/93
236-31-1.5-a	am	931044	11/9/93	11/30/93
236-31-2-e-0	am	010687	9/25/2001	10/12/2001
236-31-4	am	902099	7/16/91	8/2/91
236-31-7.5	cr	141325	12/16/2014	
236-31-8	am	030168	6/3/2003	6/20/2003
236-32	rn from 36-32	85-1396	12/20/85	1/1/86
236-32	rp	931044	11/9/93	11/30/93
236-34	rn from 36-34	85-1396	12/20/85	1/1/86
236-34	am	85-1396	12/20/85	1/1/86
236-34	rc	872430	3/29/88	4/16/88
236-34	rn to 236-31	931044	11/9/93	11/30/93
236-34-1	cr	882603	4/25/89	5/13/89
236-34-1.5	rn from 236-34-1	882603	4/25/89	5/13/89
236-34-2-a	am	882603	4/25/89	5/13/89
236-34-2-a	am	910527	6/25/91	7/13/91
236-34-2-d	cr	882603	4/25/89	5/13/89
236-34-2-e	cr	910527	6/25/91	7/13/91
236-34-4	rc	882603	4/25/89	5/13/89
236-34-5	rc	882603	4/25/89	5/13/89
236-34-6	cr	882603	4/25/89	5/13/89
236-34-7	cr	882603	4/25/89	5/13/89
236-34-8	rn from 236-34-6	882603	4/25/89	5/13/89
236-35	rn from 36-35	85-1396	12/20/85	1/1/86
236-35	rp	931044	11/9/93	11/30/93
236-36	rn from 36-36	85-1396	12/20/85	1/1/86
236-36	rp	931044	11/9/93	11/30/93
236-37	cr	85-1396	12/20/85	1/1/86
236-37	rp	931044	11/9/93	11/30/93
236-38	cr	86-408	7/29/86	8/16/86
236-38	rn to 236-41	931044	11/9/93	11/30/93
236-38-3	am	911057	10/15/91	11/1/91
236-38-3-c	am	921114	11/20/92	12/11/92
236-39	cr	872471	12/20/88	1/13/89
236-39	ra to 236-51	931044	11/9/93	11/30/93
236-41	rn from 236-38	931044	11/9/93	11/30/93
236-41-3	am	980963	12/18/98	1/1/99
236-41-3-c	am	040043	6/15/2004	7/2/2004
236-41-4	am	980963	12/18/98	1/1/99
236-41-5-b	am	980963	12/18/98	1/1/99
236-41-7	am	931044	11/9/93	11/30/93
236-41-7	am	980963	12/18/98	1/1/99
236-51	ra from 236-39	931044	11/9/93	11/30/93

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