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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-179**

AN ORDER to repeal chapters Comm 4 and 14, Comm 16.46 and chapters Comm 50 to 64 and Appendices A and B to 50 to 64, 69 and 73; to renumber chapter Comm 50 to 64 Appendix C and 65; to repeal and recreate chapter Comm 66; and to create chapter Comm 61 to 65 and Appendix A to 61 to 65, relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

Submitted by **DEPARTMENT OF COMMERCE**

12-14-00 RECEIVED BY LEGISLATIVE COUNCIL.  
01-11-01 REPORT SENT TO AGENCY.

RS:NZ;jal;flu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

## 1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES NO 

## 2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES NO 

## 3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES NO 4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES NO 

## 5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES NO 6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES NO 

## 7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

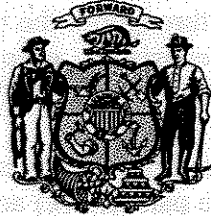
YES NO

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## CLEARINGHOUSE RULE 00-179

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### 2. Form, Style and Placement in Administrative Code

a. The treatment clauses in SECTIONS 1, 3, 4 and 5 should begin with the word "Chapters."

b. Section Comm 61.01 makes use of the phrase "this code." Use of phrases such as this one and acronyms such as "HVAC" are used throughout chs. Comm 61 to 65. It is appropriate to create a definitional section in ch. Comm 61 that defines terms that will be used throughout chs. Comm 61 to 65. Terms that are unique to a particular chapter may be defined in that chapter.

c. Section Comm 61.03 (1) should be rewritten to read: "Except as otherwise provided, this chapter does not apply to public buildings and places of employment existing prior to the effective date of this chapter . . . . [revisor inserts date]." Also, sub. (3) does not follow from s. 101.02 (1), Stats. That section of the statutes refers to rules and regulations, not to interpretations. Subsection (3) is unnecessary and should be deleted. In subs. (6) to (10), phrases such as "on or after the effective dates of the rules under this code" should be replaced by "on or after the effective date of this chapter . . . . [revisor inserts date]." Also, unless the phrase "this code" is defined, the phrase "the rules of this code" should be replaced by the phrase "this chapter." Further, all of the paragraphs should be in the past tense; for example, in sub. (6) (a), the word "are" should be replaced by the word "were." [The remaining applicability provisions in chs. Comm 62 to 65 should be reviewed for these concerns.]

d. In many cases, introductory material in the rule makes appropriate use of phrases such as "any of the following" or "all of the following" to clearly indicate to the reader the necessary conditions that must be met before a particular action may be taken. However, this drafting technique is not uniformly used throughout the rule. The use of introductory material should be reviewed to make the format consistent, even in cases where the intent of the rule drafter is relatively clear. For example, see s. Comm 61.03 (11) (intro.).

e. Section Comm 61.70 (2) (a) refers to various conditions in pars. (b) to (i). These paragraphs are incomplete sentences while pars. (j), (k) and (L) are written in complete sentence structure. The subsection could be restructured so that the first sentence of par. (a) becomes an introduction to pars. (b) to (h), which then should be renumbered to subds. 1. to 7.; the second sentence of par. (a) could become an introduction to par. (b) which is followed by subds. 1., 2. and 3.; and pars. (j), (k) and (L) then could be renumbered to par. (c), (d) and (e). Internal cross-references should be renumbered accordingly. [The entire rule should be reviewed for the use of this format. In other words, unless incomplete sentences follow grammatically from an introduction, subunits should be stated in complete sentence form.]

f. In s. Comm 62.0904 (2) (a), it appears that the word "regarding" should be replaced by the word "under."

g. In s. Comm 63.0003, the introduction should be renumbered as sub. (1) and the remaining subsections and internal cross-references should be renumbered accordingly. Also, the note is substantive and should be placed in the body of the rule.

h. In s. Comm 63.1005 (13), the definition of "daylit area" should be moved to s. Comm 63.1005 (10), and subs. (10) to (12) should be renumbered accordingly. Definitions should be arranged alphabetically.

i. In s. Comm 63.1005 (32), the definition of "gross exterior roof area" should be placed alphabetically in the list of definitions. Also, it appears that the use of the slashed alternative should be replaced by the word "or." Similarly, in sub. (49), the slashed alternative should be replaced by a comma.

j. Section Comm 63.1015 (intro.) should be renumbered as sub. (1) and the remaining subsections and internal cross-references should be renumbered accordingly. [Again, the entire rule should be reviewed for the appropriate use of introductory material.]

k. In s. Comm 63.1029 (1), the note is substantive and should be placed in the body of the rule.

l. In s. Comm 63.1042, the phrase "the scope of this part" is unnecessary and should be deleted.

m. In s. Comm 63.1050 (1) (c), the word "must" should be replaced by the word "shall."

n. It appears that s. Comm 64.0002 could be restructured in the following way: Subsection (1) could read: "Except as provided in subs. (2) and (3), the application of this

chapter is as specified in s. Comm 61.03.” Current sub. (1) (a) could be renumbered as sub. (2) and pars. (b), (c) and (d) could be combined into a new sub. (3). Current subs. (2) and (3) are redundant given the statement that s. Comm 61.03 will apply, unless as expressly stated otherwise.

o. In s. Comm 64.0202 (2) (c), the phrase “same meaning” should be replaced by the phrase “meaning given.”

p. In s. Comm 64.0401 (2) (b), subd. 2. does not grammatically lead into subpar. d. Also, in sub. (4) (a), the note is substantive and should be placed in the body of the rule.

q. In SECTION 8, the treatment clause should begin with the word “Chapters.”

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In s. Comm 61.01, the cross-reference should read: “subch. I of ch. 101, Stats.”

b. In s. Comm 61.03 (4) (b) 2., the reference to “par. (g)” is unclear since sub. (4) does not include a par. (g).

c. In s. Comm 61.03 (4) (b) 3., the note incorrectly quotes s. 101.975 (3), Stats. Subdivisions 3. and 4. refer to “subch. I” not to “ss. 101.01 to 101.25.” Further, in the second sentence of subd. 4., “. . . conform to this and . . .” should be replaced with “. . . conform to this subchapter and . . .”

d. In s. Comm 61.21 (2), the note should refer to “Section 101.01 (8),” not “Section 101.01 (1) (g).”

e. In s. Comm 61.36 (1) (a), should the reference to “par. (e)” be changed to “par. (f)”?

f. The note to s. Comm 61.36 (2) refers to s. 66.05 (1) (a), Stats. 1999 Wisconsin Act 150 recodified ch. 66, Stats. Consequently, all of the cross-references in the rule to ch. 66, Stats., provisions should be reviewed for use of correct citations.

g. In s. Comm 61.70 (5) (e) 9., “. . . under s. Comm 61.03 (3) . . .” should be changed to “. . . under s. Comm 61.03 (4) . . .”

h. In s. Comm 62.0400 (1), the notation “ch.” should be replaced by the notation “chs.”

i. In s. Comm 62.0904 (3), the cross-reference should read: “subch. V of ch. Comm 5.”

j. In s. Comm 62.0907 (2), in the third note, s. 101.01 (12), Stats., does not define “sleeping area.”

k. In s. Comm 63.1023 (2), is “Table 64.05” the correct cite?

l. In s. Comm 63.1042 (5), "... in ch. Comm 16" could be changed to "... s. Comm 16.12."

m. In s. Comm 63.1046, the cross-reference should read: "s. Comm 63.1047, 63.1048 or 63.1049."

n. In s. Comm 64.0403 (5) (d) 2., is "s. Comm 63.0403 (6) (e)" the correct cite?

o. In s. Comm 65.0001 (2), is "65.0602" the correct cite?

p. In s. Comm 65.004, the cross-reference should read: "subch. III of ch. Comm 61."

q. In s. Comm 65.0304 (2), in the note, "s. Comm 65.0201 (2) (a)" should be changed to "s. Comm 65.0201 (1)."

r. In s. Comm 65.0503 (2) (a), the notation "ss." should be replaced by the notation "s."

s. In s. Comm 61.01, the statutory cross-reference should read: "subch. I of ch. 101, Stats."

t. In s. Comm 66.0007 (2), in the note, the cite should be to "Section 101.01 (8)" instead of "Section 101.01 (1) (g)."

##### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the note to s. Comm 61.01, referencing s. 50.01 (1), Stats., the word "sib-lings" should be replaced with "siblings."

b. Section Comm 61.02 (3) (d) 1. should be rewritten to read: "A statement is filed with the register of deeds that describes the steps necessary for compliance with this code if the space is converted to a nonexempt use." In par. (e), the word "an" should be replaced by the word "a."

c. In s. Comm 61.03 (4) (b) 5. a., the second period after subpar. a. should be removed.

d. In s. Comm 61.03 (4) (b) 5., subpars. c. and d. do not need to be demonstrated. They should be incorporated into the introduction in subd. 5.

e. In s. Comm 61.03 (6) (b), the word "on" should be eliminated. [The entire rule should be reviewed for this concern.]

f. In s. Comm 61.03 (9) (d), when does this paragraph apply, as opposed to par. (c)?

g. Section Comm 61.03 (11) (c) is a very unusual provision. What standards is an official to use regarding safety requirements to be traded for other safety provisions that may be lacking?

h. In s. Comm 61.04 (1), should the references to s. Comm 61.60 and s. Comm 60.61 be changed to s. Comm 60.70 and s. Comm 60.71?

i. In s. Comm 61.30 (1) (b) 1., in the second note, “. . . or does not . . .” should be changed to “. . . nor does it . . .”

j. In s. Comm 61.30 (2), there should be a colon at the end of the introductory sentence.

k. In s. Comm 61.31 (4) (a) 1., both uses of “which” should be changed to “that,” and the comma after “modifications” should be eliminated.

l. In s. Comm 61.32 (2), the word “their” should be replaced by the word “its.”

m. In s. Comm 61.32 (3), does “starting construction” refer to construction beyond the foundation and footing?

n. In s. Comm 61.34 (1) (a) 2. and 3., “less” should be changed to “fewer.”

o. In s. Comm 61.36 (1) (e), the use of the phrase “two years” and the phrase “that year” is confusing.

p. In s. Comm 61.50 (1) (a), the word “to” in the last sentence, should be replaced by the word “with.”

q. In s. Comm 61.50 (1) (b) 1., “. . . to be supervised . . .” should be changed to “. . . supervision . . .” Subdivision 1. b. should be rewritten to read: “. . . does not cause the entire building to exceed a volume of 50,000 cubic feet.” In sub. (2), the hyphen should be deleted.

r. In s. Comm 61.51, it appears that subs. (2) to (5) should be combined in one provision since they all appear to treat manufactured buildings. Also, in sub. (4) (b), the hyphen should be deleted.

s. In s. Comm 61.60 (3) (d) 3. a., should “installation” be changed to “installation site”?

t. In s. Comm 61.60 (4) (e) 1., does the unacceptability of the third party refer to the third party providing tests and data under s. Comm 61.60 (1) (b) 2. and (2) (b) 2., or does it refer to any third party? Further, what does unacceptability mean? Does it mean a lack of qualifications? Also, in par. (e) 2., the hyphen should be deleted.

u. In s. Comm 61.61 (3), is the “referenced standard” the standard in the code? If so, why not say “the standard contained in this code”?

v. In s. Comm 61.61 (6), it appears that the second sentence should be in a separate subunit. Also, the hyphen should be deleted.

w. In s. Comm 61.70 (1), the phrase “relative to” should be replaced by the word “under.” In sub. (2) (L), the comma should be deleted.

x. In s. Comm 61.70 (5) (e) 6., does the provision mean that, regardless of whether a municipality or county has assumed responsibility for reviewing plans, the submitter may pick which governmental unit reviews its plans and specifications?

y. In s. Comm 62.0400 (2) (b) and (c), the comma should be deleted.

z. In s. Comm 62.0704, the comma after "buildings" should be deleted.

aa. In s. Comm 62.0904 (2) (a), the word "regarding" should be replaced by the word "under." In sub. (2), should "... with the required waterflow and pressure for a minimum of 10 minutes" be added to the end of the second sentence?

ab. In s. Comm 62.0909 (5), the comma in the second sentence should be deleted.

ac. In s. Comm 62.1104 (2), where the sentence reads "... unless the level contains ...," it is unclear what level the sentence is referring to. Further, it would be clearer if "... floors above ..." were changed to "... floors that are above ..." and "... levels that have ..." were changed to "... levels and that have ..."

ad. In s. Comm 62.1107 (2) (d) 2., the phrase that begins "... and a toilet facility ..." should be changed to "... and shall have a toilet facility."

ae. In s. Comm 62.1603 (1), a colon should be inserted after "1603.3."

af. In ss. Comm 62.1614 (1) (c) and (2), all uses of "which" should be changed to "that."

ag. In s. Comm 62.1802 (3), what is "the necessary investigation"? If it is only one that complies with the provisions of IBC sections 1802.4 to 1892.6, then the two sentences should be combined.

ah. In s. Comm 62.1916, what are "approved methods" and "approved rules"?

ai. In s. Comm 62.2900 (3) (d) 1., "within" should be inserted before "... 10 feet ...," "... 5 feet ...," and "... 25 feet ..."

aj. In s. Comm 63.0003 (2) (b), "... this chapter for ..." should be changed to "... this chapter's requirements for ..." In par. (c) 3. a., the notation "subd." should be replaced by the notation "subpar."

ak. In s. Comm 63.0004 (2) (a) 1., the second comma should be deleted.

al. In s. Comm 63.0201 (2), a more specific cross-reference should be given.

am. In s. Comm 63.0502 (1) (b), "EXCEPTIONS" should be changed to "Exceptions." Also, this provision is an incomplete sentence. In sub. (2), the comma after the phrase "such as" should be deleted.



- an. In s. Comm 63.0802 (2) (b), the subparagraph should be given a title.
- ao. In s. Comm 63.0901, what is the impact of the phrase “may be used for information”?
- ap. Section Comm 63.1005 (16) should be restructured to eliminate the use of the notations “1)” and “2).”
- aq. In s. Comm 63.1005 (21), “. . . of exterior . . .” should be changed to “. . . of an exterior . . .”
- ar. In s. Comm 63.1005 (27) and (33), “gross exterior wall area” is defined twice. In addition, the definition given in s. Comm 63.1019 (3) (c) does not exactly track either subs. (27) or (33).
- as. In s. Comm 63.1005 (35), “exceeds” should be changed to “exceeding,” and “. . . or is capable . . .” should be changed to “. . . or capable . . .”
- at. In s. Comm 63.1005 (59), “. . . through fenestration . . .” should be changed to “. . . through a fenestration . . .”
- au. In s. Comm 63.1005 (75), there should be a comma after “ratio” and after “decimal.”
- av. In s. Comm 63.1012 (1), “day light credits” should be defined.
- aw. In s. Comm 63.1015 (2), “window wall ratio” is defined differently than in s. Comm 63.1005 (80). Section Comm 63.1015 (2) adds the dependent clause “. . . considering all elevations of the building . . .” The definitions should either be the same, or the definitional sentence in s. Comm 63.1015 (2) should have an introductory clause that reads: “In this subsection, . . .”
- ax. In s. Comm 63.1018 (2) (a), “. . . from or laboratory . . .” should be “. . . from laboratory . . .”
- ay. In s. Comm 63.1020 (2), “. . . or data . . .” should be “. . . or by data . . .”
- az. In s. Comm 63.1020 (4), there should be a comma after “functions.”
- ba. In s. Comm 63.1021, it would be clearer if the sentence were to read: “When components, such as indoor or outdoor coils, from more than one manufacturer are used . . .”
- bb. In s. Comm 63.1022, “. . . and for controls . . .” should be “. . . and controls . . .”
- bc. In s. Comm 63.1026 (2) (a) 2., there should be commas after “gains” and “both.”
- bd. In s. Comm 63.1026 (2) (c), in the title, “cooing” should be changed to “cooling.”

be. In s. Comm 63.1031 (1) (b), in the first sentence, the comma after "cooling" should be deleted.

bf. Section Comm 63.1032 (1) (g) reads as if there are two separate requirements: not being a component of the equipment, and the input being included in the efficiency determination. Is this the intent?

bg. In s. Comm 63.1040 (2), ". . . exits, loading . . ." should be ". . . exits, and loading . . ."

bh. In s. Comm 63.1045 (3) (p), "provide" should be "provides."

bi. In s. Comm 63.1048, ". . . spaces, which accommodate . . ." should be ". . . spaces that accommodate . . ."

bj. In s. Comm 64.0202 (2) (b), should the defined term be "approval agency"?

bk. In s. Comm 64.0309 (3), there should be commas after "waived" and "chapter."

bl. In s. Comm 64.0313 (1) (b) 2. b., "horsepower" is one word.

bm. In s. Comm 64.0403 (4) (a) 1., "bathtub" is one word.

bn. In s. Comm 64.0403 (4) (a) 2., "closets" should be "closet."

bo. On the top of page 64-10 there is an incomplete sentence that has no numbering.

bp. In s. Comm 64.0604, it is unclear what "its" refers to. Is it the duct lining or the heater?

bq. In s. Comm 65.0305 (1) (a), there should be a space between "304.8," and "304.9."

br. In s. Comm 65.0501 (2), the word "is" should be replaced by the word "are."

bs. In s. Comm 66.002 (3) (intro.), it appears that the word "all" should be replaced by the word "any."

bt. In s. Comm 66.0003 (9) (d), when does par. (d), as opposed to par. (c), apply?

bu. In s. Comm 66.0003 (12), "employe" is now spelled "employee" as suggested by the Legislative Reference Bureau.

bv. In s. Comm 66.0012 (2) (e), there should be a period at the end of the title.

bw. Section Comm 66.0201 represents a problem noted previously in this report. This section buries an omnibus definitional provision in the middle of ch. Comm 66 attempting to incorporate definitions in other portions of chs. Comm 61 to 65. Again, a definitional provision applicable to chs. Comm 61 to 66 should be placed in ch. Comm 61.

bx. In s. Comm 66.0903, what does the phrase "where recognized by the applicable standard" mean?

by. In s. Comm 66.0907 (2), in the last sentence, "instruction" should be changed to "instructions."

bz. In s. Comm 66.1003 (12), in the third sentence, "additions" should be changed to "addition."

ca. In s. Comm 66.1903 (2), "... shall be provided with ..." should be changed to "... shall be provided either with ...," and "... means provided ..." should be changed to "... means ...."

cb. In s. Comm 66.2301 (12) (intro.), "... time of building permit application ..." should be changed to "... time of application for a building permit ...."

cc. In s. Comm 66.2301 (12) (d), "... between top of storage ..." should be changed to "... between the top of the storage ...."



JAN 16 2001

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Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

January 12, 2001

Senator Judy Robson  
Wisconsin State Senate  
Post Office Box 7882  
Madison, WI 53707-7882

Re: Clearinghouse Rule 00-179

Dear Senator Robson:

During the month of January, the Department of Commerce will hold public hearings on proposed administrative rules relating to the adoption of model construction and fire prevention codes for commercial buildings and structures and multifamily dwellings in Wisconsin.

Since 1997, the Department of Commerce, working with eight citizen advisory councils that include membership representing over 40 broad-based groups interested in building codes, has been evaluating the International Code Council (ICC) model codes. These advisory councils recommended Wisconsin proceed to public hearing on the following ICC codes as base documents for Wisconsin's codes related to commercial buildings: International Building Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, and International Fire Code.

Adopting the ICC model codes will improve the protection of public safety with adoption of the latest national and international standards. Furthermore, it will make the construction process more efficient and easier for designers, manufacturers and suppliers in Wisconsin to complete nationally and internationally.

Attached for your information is an overview of the rule package. More specific information can be obtained from the Commerce web page established for this issue:  
<http://www.commerce.state.wi.us/SB/SB-CommercialBuildingsModelCodeAdoption.html>.

If you have additional questions or are interested in a more detailed briefing, please contact Michael Corry, Administrator of the Division of Safety and Buildings, at 266-1816, or Chris Spooner, Legislative Liaison, at 266-0148. We are interested in addressing any concerns you or your constituents might have.

I look forward to working with you during the 2001 Legislative Session. Best wishes in the coming year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenda J. Blanchard', written in a cursive style.

Brenda J. Blanchard  
SECRETARY

## ANALYSIS OF PROPOSED RULES

### Statutory Authority and Statutes Interpreted

Statutory Authority: ss. 101.02 (1) and (15), 101.025, 101.027, 101.13, 101.132, 101.135, 101.14 (1) and (4), and 101.973 (1), Stats.

Statutes Interpreted: ss. 101.02 (1), (6), (7), (7m), and (15); 101.025; 101.027; 101.11; 101.12; 101.13; 101.132; 101.135; 101.14 (1), (4), and (4m); 101.73; and 101.973 (1), Stats.

### Overview

Under the statutes cited, the Department protects public health, safety, and welfare by promulgating fire prevention requirements and construction requirements for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings. These requirements are currently contained in chapters Comm 14, Comm 50 to 64, and Comm 66, respectively. These requirements began and evolved over the past ninety years.

Following enactment of the "Safe Place" statutes in Wisconsin in 1911, Wisconsin became the first state in this country to adopt a state building code. In the early 1920's, building inspectors in other states began forming what eventually became three regional model code groups, to develop and offer model codes for adoption at state and local levels. In developing its building codes over the past century, Wisconsin has traditionally relied on the model codes, on input from affected parties, and on various consensus standards produced by nationally recognized technical societies.

In the mid 1990's, the three model code groups joined together for the purpose of replacing their codes with a single set of jointly-developed model codes for building construction. Publication of this set was completed in 2000, by the International Code Council®.

Development and publication of the ICC codes has intensified the desire of several parties in the construction industry to replace Wisconsin's building construction codes with model codes that are used elsewhere in this country. Having the same building construction requirements would make it easier for designers, manufacturers, and suppliers who work in numerous states to provide products and services in Wisconsin and to comply with the various technical design requirements.

The ICC codes contain state-of-the art minimum requirements for the built environment, developed with input from experts across the nation. The suite of ICC codes have been developed to be an integrated set of requirements. Commonly, these requirements considerably expand upon the detail that is currently contained in Wisconsin's building construction codes.

Adoption of the ICC codes is a major initiative that will require extensive preparation of Department staff, partners, and customers. Adopting the ICC codes will enable national or regional organizations to conduct training courses in Wisconsin, rather than have Wisconsin provide its own training.

The ICC codes that are proposed for adoption in this rule package are as follows:

*International Building Code*<sup>®</sup>  
*International Energy Conservation Code*<sup>™</sup>  
*International Mechanical Code*<sup>®</sup>  
*International Fuel Gas Code*<sup>®</sup>  
*International Fire Code*<sup>®</sup>

This proposed adoption includes modifications to the ICC codes. These modifications were developed during the past three years through a comparative analysis with Wisconsin's current requirements, and in consultation with the following advisory councils. A listing of the members and the corresponding representation for these councils is included later in this analysis.

Commercial Building Code Council  
Multifamily Dwelling Code Council  
Fire Safety Code Council  
Means of Egress and Accessibility Code Council  
Elevator Code Council  
Structural Review Code Council  
Energy Conservation Code Council  
Heating, Ventilating, and Air Conditioning Code Council

This rule package proposes to adopt the above ICC codes and corresponding modifications in the following chapters of the Wisconsin Administrative Code:

- Comm 61 – Administration and Enforcement; which includes adoption of the IBC, IECC, IMC, and IFGC.
- Comm 62 – Buildings and Structures, which includes Wisconsin modifications of the IBC
- Comm 63 – Energy Conservation; which includes Wisconsin modifications of the IECC

Comm 64 – Heating, Ventilating and Air Conditioning; which includes Wisconsin modifications of the IMC

Comm 65 – Fuel Gas Appliances; which includes Wisconsin modifications of the IFGC

Comm 66 – Fire Prevention; which includes Wisconsin modifications of the IFC

This rule package includes a proposal to subsume the current Uniform Multifamily Dwelling Code, Comm 66, into the Commercial Building Code. This proposal is intended to discontinue repeating the administrative requirements of the Commercial Code in a Multifamily Code.

These chapters include affirmation that the Department will retain its authority to interpret all of the incorporated requirements, including those from the ICC codes, and to issue variances to those requirements.

### **Public Hearing Dates**

The public hearings will be held as follows:

#### **Date and Time:**

#### **Location:**

January 16, 2001  
Tuesday  
Commencing at 9:30 a.m.

Thompson Commerce Center, 3rd Floor, Room 3B  
201 West Washington Avenue  
Madison, Wisconsin

January 18, 2001  
Thursday  
Commencing at 10:00 a.m.

Turtleback Golf and Conference Center  
1985 18½ Street (On West Allen Street)  
Rice Lake, Wisconsin

January 23, 2001  
Tuesday  
Commencing at 10:00 a.m.

Green Bay State Office Building, Room 152A  
200 North Jefferson Street  
Green Bay, Wisconsin

January 25, 2001  
Thursday  
Commencing at 10:00 a.m.

Waukesha County Technical College, Room B0201  
800 West Main Street  
Pewaukee, Wisconsin

### **Council Members and Representation**

The composition of the councils advising the Department on this rule package are as follows:

**Commercial Building Code Council:** Warren Bauer, representing the American Institute of Architects – Wisconsin Society; Curt Hastings, representing the Associated General Contractors of Wisconsin; Tim Ihlenfeld, representing laborers and craftworkers in the

Wisconsin State AFL-CIO; Joe Jameson, representing building inspectors and the League of Wisconsin Municipalities; David Kakatsch, representing the City of Milwaukee and certified municipalities; David Keller, representing building owners and the Wisconsin Realtors Association; Terry Kennedy, representing the Wisconsin Society of Professional Engineers; Bill King, representing building owners and the Wisconsin Department of Administration; Dennis Krutz, representing insurance organizations; Ed Ruckriegel, representing the City of Madison Fire Department; Michael Shoys, representing building owners and Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin State Fire Chiefs' Association; and Fred Stier, representing the Associated Builders and Contractors of Wisconsin and the Wisconsin Builders Association.

Multifamily Dwelling Code Council: Charles Aldrian, representing architects, engineers, and designers; Beth Gonnering, representing building contractors and developers; Ed Gray, representing labor organizations for the building trades; Richard Paur, representing municipal inspectors in large counties; Phil Kalscheur, representing manufacturers and suppliers of cement products; Linda Keegan, representing the public; Harry Macco, representing building contractors and developers; Carl Mastaglio, representing the public and advocating fair housing; Bruce McMiller, representing building inspectors in small counties; Larry Plumer, representing the fire services; William Roehr, representing labor organizations for the building trades; Ed Ruckriegel, representing the fire services; C. Frederick Tolson, representing manufacturers and suppliers of gypsum products; and Kerry Vondross, representing manufacturers and suppliers of concrete block products.

Fire Safety Council: David L. Berenz, representing the Wisconsin State AFL-CIO; Dan Burazin, representing the Associated General Contractors of Greater Milwaukee, Inc.; Larry Burton, representing the Wisconsin Insurance Alliance; J. C. Carver, representing the City of Madison Fire Department; Gregg Cleveland, representing the Wisconsin State Fire Chiefs' Association; Steven Fritsche, representing the City of Milwaukee; Gerard J. Rabas, representing the Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin Fire Inspectors Association; Robert W. Stedman, representing the City of Waukesha Fire Department; and David M. Wheaton, representing the Wisconsin Building Inspectors Association.

Means of Egress and Accessibility Council: Larry Earll, representing the Wisconsin Department of Administration; Cleo Eliason, representing barrier-free accessibility and the Easter Seal Society of Wisconsin, Inc.; Steven Howard, representing the Wisconsin State Fire Chiefs' Association; Mary Lawson, representing the American Institute of Architects – Wisconsin Society; Larry Palank, representing general contractors and the Associated General Contractors of Greater Milwaukee, Inc.; Richard Pomo, representing barrier-free accessibility and the Wisconsin Council for the Blind; Ed Solner, representing architects and the American Institute of Architects – Wisconsin Society; Monica Sommerfeldt, representing the Wisconsin Builders Association; David M. Wheaton, representing inspectors and the Wisconsin Building Inspectors Association.



Elevator Council: Warren R. Bauer, representing the American Institute of Architects – Wisconsin Society; Ken Bavery, representing the Wisconsin State Fire Chiefs' Association; David Koch, representing elevator manufacturers/suppliers and the National Association of Elevator Contractors; Bruce Lammi, representing engineers and the Wisconsin Society of Professional Engineers; Steve Lex, representing the Wisconsin State AFL-CIO; Jeff Lund, representing lift manufacturers/suppliers and the Waupaca Elevator Company; William Page, representing lift manufacturers/suppliers and the Accessibility Equipment Manufacturers Association; David M. Rakowski, representing Northwestern Elevator Company, Inc.; John Zalewski, representing inspectors and the City of Milwaukee; Andrew M. Zielke, representing elevator manufacturers/suppliers and the National Elevator Industry, Inc.

Structural Review Council: Professor Steven Cramer, representing the University of Wisconsin – Madison Department of Civil and Environmental Engineering; Chuck Hanson, representing the American Society of Civil Engineers; Kirk Haverland, representing the Wisconsin Society of Professional Engineers; David Hyzer, representing the Wisconsin Society of the American Institute of Architects; Lynn Lauersdorf, representing building owners and the Wisconsin Department of Administration; Professor Michael Oliva, representing the University of Wisconsin – Madison Department of Civil and Environmental Engineering; Robert Schumacher, representing the American Society of Civil Engineers; Alan Wagner, representing the American Society of Civil Engineers; and Michael West, representing the American Society of Civil Engineers.

Energy Conservation Council: Ross DePaola, representing environmentalists and the Wisconsin Environmental Decade, Inc.; Thomas F. Flickinger, representing engineers and the Wisconsin Association of Consulting Engineers; Jay F. Jorgensen, representing standards organizations and the Wisconsin Chapter of ASHRAE; Timothy J. Kritter, representing builders and contractors and the Associated Builders & Contractors of Wisconsin, Ltd.; William F. McKee, representing contractors and the Associated General Contractors of Wisconsin; Dave J. Osborne, representing builders and the Wisconsin Builders Association; Gerald W. Schulz, representing electrical contractors and the Wisconsin Chapter of National Electrical Contractors Association Inc; Harry A. Sulzer, representing the League of Wisconsin Municipalities; Robert D. Wiedenhofer, representing HVAC contractors and the Sheet Metal and Air Conditioning Contractors Association of Wisconsin, Inc.

Heating, Ventilating, and Air Conditioning Council: Michael J. Broge, representing the Wisconsin Association of Consulting Engineers; Timothy J. Gasperetti, representing the Building Owners and Managers Association of Milwaukee; Michael Mamayek, representing the Plumbing and Mechanical Contractors of Southeast Wisconsin; Ken Pavlik, representing the Wisconsin Builders Association; Richard J. Pearson, representing the Wisconsin Chapter of ASHRAE; Robert Pertzborn, representing the

Wisconsin Association of Plumbing, Heating and Cooling Contractors, Inc.; David Stockland, representing the Associated Builders and Contractors of Wisconsin Ltd.; Harry A. Sulzer, representing the League of Wisconsin Municipalities; and Robert D. Wiedenhofer, representing the Sheet Metal and Air Conditioning Contractors Association of Wisconsin, Inc.

**ORDER OF THE  
DEPARTMENT OF COMMERCE  
CREATING RULES**

The Wisconsin Department of Commerce proposes an order to repeal Comm 4, Comm 14, Comm 16.46, Comm 50 to 64, Comm 50 to 64 Appendices A and B, Comm 69, and Comm 73; to renumber Comm 50 to 64 Appendix C and Comm 65; to create Comm 61 to 65 and Comm 61 to 65 Appendix A; and to repeal and recreate Comm 66, relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

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**ANALYSIS OF PROPOSED RULES**

**Statutory Authority and Statutes Interpreted**

Statutory Authority: ss. 101.02 (1) and (15), 101.025, 101.027, 101.13, 101.132, 101.135, 101.14 (1) and (4), and 101.973 (1), Stats.

Statutes Interpreted: ss. 101.02 (1), (6), (7), (7m), and (15); 101.025; 101.027; 101.11; 101.12; 101.13; 101.132; 101.135; 101.14 (1), (4), and (4m); 101.73; and 101.973 (1), Stats.

**Overview**

Under the statutes cited, the Department protects public health, safety, and welfare by promulgating fire prevention requirements and construction requirements for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings. These requirements are currently contained in chapters Comm 14, Comm 50 to 64, and Comm 66, respectively. These requirements began and evolved over the past ninety years.

Following enactment of the "Safe Place" statutes in Wisconsin in 1911, Wisconsin became the first state in this country to adopt a state building code. In the early 1920's, building inspectors in other states began forming what eventually became three regional model code groups, to develop and offer model codes for adoption at state and local levels. In developing its building codes over the past century, Wisconsin has traditionally relied on the model codes, on input from affected parties, and on various consensus standards produced by nationally recognized technical societies.

In the mid 1990's, the three model code groups joined together for the purpose of replacing their codes with a single set of jointly-developed model codes for building construction. Publication of this set was completed in 2000, by the International Code Council®.

Development and publication of the ICC codes has intensified the desire of several parties in the construction industry to replace Wisconsin's building construction codes with model codes that are used elsewhere in this country. Having the same building construction requirements would make it easier for designers, manufacturers, and suppliers who work in numerous states to provide products and services in Wisconsin and to comply with the various technical design requirements.

The ICC codes contain state-of-the art minimum requirements for the built environment, developed with input from experts across the nation. The suite of ICC codes has been developed to be an integrated set of requirements. Commonly, these requirements considerably expand upon the detail that is currently contained in Wisconsin's fire prevention and building construction codes.

Adoption of the ICC codes is a major initiative that will require extensive preparation of Department staff, partners, and customers. Adopting the ICC codes will enable national or regional organizations to conduct training courses in Wisconsin, rather than have Wisconsin provide its own training.

The ICC codes that are proposed for adoption in this rule package are as follows:

- International Building Code®*
- International Energy Conservation Code™*
- International Mechanical Code®*
- International Fuel Gas Code®*
- International Fire Code®*

These ICC codes can be purchased from the following organizations: Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page [www.bocai.org](http://www.bocai.org); International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page [www.icbo.org](http://www.icbo.org); and Southern Building Code Congress, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page [www.sbcci.org](http://www.sbcci.org).

This proposed adoption includes modifications to the ICC codes. These modifications were developed during the past three years through a comparative analysis with Wisconsin's current requirements, and in consultation with the following advisory councils. The proposed rules are supported by these councils. A listing of the members and the corresponding representation for the councils is included later in this analysis.

Commercial Building Code Council  
Multifamily Dwelling Code Council  
Fire Safety Code Council  
Means of Egress and Accessibility Code Council  
Elevator Code Council  
Structural Review Code Council  
Energy Conservation Code Council  
Heating, Ventilating, and Air Conditioning Code Council

This rule package proposes to adopt the above ICC codes and corresponding modifications in the following chapters of the Wisconsin Administrative Code:

- Comm 61 – Administration and Enforcement; which includes adoption of the IBC, IECC, IMC, and IFGC.
- Comm 62 – Buildings and Structures, which includes Wisconsin modifications of the IBC
- Comm 63 – Energy Conservation; which includes Wisconsin modifications of the IECC
- Comm 64 – Heating, Ventilating and Air Conditioning; which includes Wisconsin modifications of the IMC
- Comm 65 – Fuel Gas Appliances; which includes Wisconsin modifications of the IFGC
- Comm 66 – Fire Prevention; which includes Wisconsin modifications of the IFC

In the above Comm chapters that contain modifications to the ICC codes, each modification is preceded by one of the following seven generalized directive statements. The intended meanings of these seven directive statements are included here.

1. This is a department rule in addition to the requirements in IBC section XXXX:  
Means: All text in this section has been adopted without modification, but Wisconsin has some additional requirements.
2. This is a department alternative to the requirements in IBC section XXXX:  
Means: The new text provides flexibility and may be used in place of the IBC text.
3. Substitute the following wording for the requirements in IBC section XXXX:  
Means: New text is completely replacing existing text.
4. This is a department informational note to be used under IBC section XXXX:  
Means: The only addition to this IBC section is a note which may be a cross-reference or an example or which conveys a statutory requirement.

5. The requirements in IBC section XXXX are not included as part of this code.  
Means: The section has not been adopted; no text is replacing or substituting for this section.
6. This is a department exception to the requirements in IBC section XXXX:  
Means: An exception is being added to the section where none exists.
7. This is an additional department exception to the requirements in IBC section XXXX:  
Means: A numbered exception is being added where one or more exceptions already exist.

The references in the Comm chapters to individual IBC sections typically are to a particular paragraph or set of paragraphs within a referenced IBC section, and are not intended to affect any subsequent subdivisions of the specified section unless stated otherwise. For example, a directive to substitute certain language for IBC section 415.7.3 is not intended to mean that IBC sections 415.7.3.1 through 415.7.3.5 are also being changed.

In the Comm chapters that include modifications to the ICC codes, individual code sections generally are numbered to correspond with the section numbering in the ICC codes. For example, section Comm 62.0202 corresponds to IBC section 202, and Comm 62.3408 corresponds to IBC section 3408.

This rule package includes a proposal to subsume the current Uniform Multifamily Dwelling Code, Comm 66, into the Commercial Building Code. This proposal is intended to discontinue repeating the administrative requirements of the Commercial Code in a Multifamily Code.

These chapters include affirmation that the Department will retain its authority to interpret all of the incorporated requirements, including those from the ICC codes, and to issue variances to those requirements.

This rule package does not include rule changes for updating several other Comm code chapters that currently reference or relate to chapters Comm 51 to 64, such as Comm 2, 3, 5, 18, 34, 41, 45, 70, 75-79, 81-87, and 90. A separate, subsequent rule package with a simultaneous effective date is expected to contain this updating.

## **Council Members and Representation**

The members and representation of the councils advising the Department on this rule package are as follows:

Commercial Building Code Council: Warren Bauer, representing the American Institute of Architects – Wisconsin Society; Curt Hastings, representing the Associated General Contractors of Wisconsin; Tim Ihlenfeld, representing laborers and craftworkers in the Wisconsin State AFL-CIO; Joe Jameson, representing building inspectors and the League of Wisconsin Municipalities; David Kakatsch, representing the City of Milwaukee and certified municipalities; David Keller, representing building owners and the Wisconsin Realtors Association; Terry Kennedy, representing the Wisconsin Society of Professional Engineers; Bill King, representing building owners and the Wisconsin Department of Administration; Dennis Krutz, representing insurance organizations; Ed Ruckriegel, representing the City of Madison Fire Department; Michael Shoys, representing building owners and Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin State Fire Chiefs' Association; and Fred Stier, representing the Associated Builders and Contractors of Wisconsin and the Wisconsin Builders Association.

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## Chapter-by-Chapter Analysis

### *Chapter Comm 61*

The first chapter of the proposed revised Wisconsin Commercial Building Code will be numbered chapter Comm 61. This first chapter of the code will delineate the administrative and enforcement processes and procedures, currently found in chapter Comm 50, that the Department will utilize and people are to follow in designing and constructing buildings. The chapter covers such matters as the scope and application of the code, plan review, product review, inspection, appeals and Department authorization of plan review and inspection agents. In comparison to chapter Comm 50 the new chapter has been reorganized, but has been revised very little in substance. Although one subject of significant revision reflects the combining of the Commercial Building Code and the Multifamily Dwelling Code into one book. Provisions have been incorporated to address the uniform application of the code for multifamily dwellings as well as building permits for such structures. Most of the other revisions are intended as clarifications, with an emphasis towards the Department's statutory responsibilities and role. The chapter is laid out as follows:

#### Chapter Comm 61 – Administration and Enforcement

##### Subchapter I – Scope and Application

##### Subchapter II – Responsibilities, Appeals, Petitions and Penalties

##### Subchapter III – Plan Review

##### Subchapter IV – Multifamily Building Permits

##### Subchapter V – Supervision and Inspection

##### Subchapter VI – Product and Standard Review and Approval

##### Subchapter VII – First Class City and Certified Municipality Approvals

### *Chapter Comm 62*

Chapter Comm 62 is proposed to primarily contain the Wisconsin modifications of the 2000 *International Building Code*<sup>®</sup>, as adopted in chapter Comm 61.

The following listing is a summary of the concerns identified by the Department and the various advisory councils relating to the use and application of the IBC and recommendations for changes and additions to or omissions from the IBC.

1. Chapter 1 of the IBC, and numerous other sections of the IBC, contain extensive administrative and enforcement requirements that generally have been developed by municipal officials, for use by municipal officials in other states which do not have Wisconsin's emphasis on state-level enforcement and administration. Numerous modifications were developed by Division staff to orient these requirements to this emphasis, and to maintain other current administrative and enforcement procedures in Wisconsin, including those relating to regulation of existing or historic buildings. [See sections Comm 62.0100 (1); Comm 62.0202; Comm 62.0400 (1); Comm 62.0401; Comm 62.0402; Comm 62.0403 (2); Comm 62.0414; Comm 62.0415; Comm 62.0703; Comm 62.0712; Comm 62.0901 (1); Comm 62.0902; Comm 62.0903 (1), (4), and (5); Comm

62.0907 (1) and (3); Comm 62.0909; Comm 62.1407; Comm 62.1506; Comm 62.1603 (2); Comm 62.1604; Comm 62.1607; Comm 62.1612; Comm 62.1621; Comm 62.1802; Comm 62.1805; Comm 62.1809; Comm 62.1905; Comm 62.1914; Comm 62.1916; Comm 62.2101; Comm 62.2105; Comm 62.2108; Comm 62.2208; Comm 62.2303; Comm 62.2503; Comm 62.3102; Comm 62.3103; Comm 62.3104 (2); Comm 62.3109; Comm 62.3400 (1); and Comm 62.3406.]

2. Section 115 of the IBC contains detailed requirements for unsafe buildings and structures, and includes directives for how local building officials are to address these buildings and structures. Text is proposed that would apply these requirements to all public buildings and structures and places of employment, which exist before, on, or after the effective date of the proposed rules. [Comm 62.0100 (2)]
3. The proposal contains three modifications to the IBC for retaining Wisconsin's current electrical code, plumbing code, and private sewage code, rather than adopting the ICC codes for these three subjects. [Comm 62.0202 (1) (d), (i), and (j)]
4. Several sections of the Wisconsin Statutes contain building construction criteria that supercede or are in addition to various IBC requirements. Several modifications to the IBC are proposed for maintaining compliance with these statutory criteria, which include use and occupancy classifications [Comm 62.0310], recycling space [Comm 62.0400 (2)], employee restrooms [Comm 62.0400 (3)], sixty-foot high-rise fire sprinkler thresholds [Comm 62.0403 (1)], retroactive fire sprinkler requirements for University of Wisconsin dormitories [Comm 62.0403 (1)], firewall identification [Comm 62.0705], fire hose threads [Comm 62.0901 (2)], thresholds for fire sprinklers or two-hour fire resistance in multifamily dwellings [Comm 62.903 (2)], mandatory fire sprinklers for all newly constructed University of Wisconsin dormitories [Comm 62.0903 (3)], retroactive fire alarm and detection system requirements [Comm 62.0907 (2)], barrier-free accessibility [Comm 62.1101 (1), Comm 62.1107 (1) and (3), and Comm 62.1109], smoking area signage [Comm 62.1109 (2) Note], prohibition of pay toilets [Comm 62.2902 (7)] protection of adjoining property [Comm 62.3300 (2)], barrier-free accessibility for fair housing in existing structures [Comm 62.3400 (1) and Comm 62.3408], community-based residential facilities for 9-20 unrelated adults [Comm 62.3400 (2)], and statewide requirements for historic buildings [Comm 62.3406].
5. Proposed text would continue Wisconsin's current alternatives for isolating fuel-fired appliances in parking garages. [Comm 62.0406]
6. Several modifications to the IBC were developed to retain current flexibility for achieving minimum levels of fire safety, which include fire separation distance to a no-build easement [Comm 62.0702], fire-resistance clarification for connections between buildings [Comm 62.0704], alternatives for fire-resistive floor, ceiling, and roof construction [Comm 62.0719], fire resistance for cellulose insulation [Comm 62.0720], and manual wet fire sprinkler systems [Comm 62.0904].
7. Although text is proposed that replaces the IBC fire sprinkler thresholds in multifamily dwelling buildings with Wisconsin's statutory thresholds for these fire sprinklers or two-hour fire resistance, a related section of the IBC, 705.1, is not proposed to be changed for

these thresholds. Section 705.1 specifies that each portion of a building separated by one or more fire walls which comply with the section must be considered a separate building. Consequently, instead of using unpierced four-hour-rated fire walls to separate a large multifamily building into smaller buildings that individually are not required to have fire sprinklers or two-hour fire resistance, as Wisconsin currently allows, two-hour-rated fire walls with various protected openings could be used, for example, in wood-frame construction, in lieu of providing fire sprinklers in these multifamily buildings. Also, the IBC's building area and height limits would apply individually, but not cumulatively, to each portion that is separated in this fashion by these fire walls. [Comm 62.0903 (2)]

8. Chapter 10 of the IBC contains the means of egress requirements for all buildings, including specific occupancy requirements. The means of egress requirements in the IBC consist of three separate and distinct parts, which are the exit access, the exit, and the exit discharge. While the current Wisconsin Commercial Building Code uses these same terms, they have not been applied consistently, especially in the occupancy chapters. It is anticipated that the overall impact of the means of egress chapter will be very small for most public buildings and places of employment. A few minor modifications are proposed relating to determination of occupant load for outdoor areas, guard tower exiting, and safe dispersal areas for buildings located more than 100 feet to a public way. [Comm 62.1003, 62.1005, and 62.1006]
9. There are a number of IBC means of egress requirements that differ from the means of egress requirements currently applied to multifamily housing. This rule package maintains the IBC language without modification. The criteria that differ from the current Multifamily Dwelling Code requirements include the following:
  - The IBC requires all raised platforms greater than 30 inches above the floor to be protected with guardrails with a height of 42 inches (current requirement is 36 inches). This requirement applies to raised platform areas within the dwelling unit as well as those in the common-use areas of the building. [IBC 1003.2.12.1]
  - Open guards must have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to 34 inches above the floor. From a height of 34 inches to 42 inches above the floor, a sphere not more than 8 inches must not pass through the openings (current requirement is 6-inch sphere). [IBC 1003.2.12.2]
  - In the IBC, the stair tread must be at least 11 inches in depth and the riser height is limited to 7 inches (current requirements of 9 inches by 8 inches). These stairway tread and riser dimensions apply to stairways within the dwelling units and in all the common use areas. [IBC 1003.3.3.3]
  - The IBC does not recognize the use of a "rescue/jump" platform as a means of egress component for any occupancy, including dwelling units. However, the IBC does provide options for one exit under IBC 1005.2.2.

- The current Multifamily code requires at least 2 ways out of every sleeping room. One of the means of egress may be a window. The IBC, in addition to the means of egress required to be provided, also mandates that basements and sleeping rooms below the fourth story have at least one exterior emergency and rescue opening. [IBC 1009.1]
10. The IBC chapter 11 accessibility requirements are substantially equivalent to the federal Americans With Disabilities Act Accessibility Guidelines. Currently, the federal Access Board is rewriting the ADAAG standards to be consistent with the IBC format. Chapter Comm 69 currently uses the ADAAG standards as the base accessibility construction standards; therefore users of the code are familiar with the standards in the IBC, except for the new format. A number of minor changes are proposed to clarify the application of the code to certain occupancies, such as government-owned facilities, and to require parking signs to comply with Wisconsin Department of Transportation requirements. [Comm 62.1104]
  11. The accessibility requirements in the 2000 edition of the IBC relating to multifamily housing are not substantially equivalent to the federal fair housing law, so a number of changes are proposed to establish construction requirements that are substantially equivalent to the federal law as well as the state fair housing law. These changes include specifying that any building which is separated into smaller buildings by fire walls under the provisions of IBC section 705 must be considered one building when determining compliance with the fair housing criteria. [Comm 62.1101, Comm 62.1106, and Comm 62.1107]
  12. The current multifamily accessibility requirements require that at least one bathroom be designed for a higher level of accessibility, with all other bathrooms complying with the basic level of accessibility. This requirement is not part of the federal or state fair housing laws or the IBC accessibility requirements. This rule package proposes to discontinue this requirement and to instead use the IBC and ICC/ANSI A117.1 bathroom design requirements without modification. [IBC 1107.5.4 and ICC/ANSI A117.1 1003.11.3.1, 1003.11.3.2]
  13. Minor changes are proposed for clarifying the requirements for temperature control in interior environments and for drainage of interior courts. [Comm 62.1203 and Comm 62.1205]
  14. Based on Wisconsin's potential for extreme climate, and due to concern for the structural deterioration and associated health and welfare problems that can result from migration of moist, interior air into outside walls, air barrier requirements are proposed for exterior walls. [Comm 62.1403 and Comm 62.0202 (a)]
  15. Reference to the Urban Wildland Interface Code is deleted because adoption of that code is not included in this rule package. [Comm 62.1505]
  16. Several modifications to the IBC were developed by the Structural Review Council to clarify or simplify, but not weaken, the structural requirements, particularly for smaller

buildings. These modifications include posting of live loads [Comm 62.1603 (1)], ground snow load alternatives [Comm 62.1608 (1)], an alternative snow exposure factor [Comm 62.1608 (2)], a wind load alternative [Comm 62.1609], a soil lateral load alternative [Comm 62.1610], clarification of earthquake loads [Comm 62.1614], alternative earthquake loads [Comm 62.1615], refinement of allowable pile and pier loads [Comm 62.1807 (3)], an alternative pile and pier load test [Comm 62.1807 (4)], a driven-pile alternative [Comm 62.1808], clarification of cast stone masonry [Comm 62.2103].

17. Proposed text excludes the IBC requirements for structural tests and special inspections, except for joist hangers and roof tiles, due to belief that these requirements are substantially met by continuing Wisconsin's current construction oversight by registered professionals. [Comm 62.1700 (and Comm 61.50)]
18. Three modifications developed by the Structural Review Council would improve inadequacies in the IBC. These modifications address piles and piers in subsiding areas [Comm 62.1807 (1), (2), and (5)], empirical design of masonry [Comm 62.2109], and moisture barriers for nondurable wood bearing on exterior masonry or concrete [Comm 62.2304].
19. Several modifications provide alternative or minor additional plumbing requirements. These modifications address privacy and access to toilet rooms [Comm 62.1209], waiver of toilet rooms for unattended gasoline stations [Comm 62.1209 (2) (b)], maintenance of toilet rooms [Comm 62.2900 (1) and (2)], permanent and portable outdoor toilets [Comm 62.2900 (3)], enclosure of toilet fixtures [Comm 62.2900 (4)], substitution of urinals for water closets [Comm 62.2902 (1) (a)], cross-references to plumbing fixture requirements by other agencies [Comm 62.2902 (1) (b) and (5)], lavatories for toilet rooms [Comm 62.2902 (3)], signage for toilet rooms [Comm 62.2902 (4)], remote toilet rooms for small retail stores [Comm 62.2902 (4)], and direct access to toilet rooms for customers in stores [Comm 62.2902 (6)].
20. Three modifications are proposed for continuing Wisconsin's current practice of not applying or enforcing requirements for the design or installation of conveyors and personnel or material hoists. [Comm 62.3001]
21. Proposed text requires that where ventilation openings are provided in hoistway walls, the openings must have guards securely fastened to the hoistway, to prevent creation of a shear point for maintenance and elevator inspectors. [Comm 62.3004 (1)]
22. Floor drains, sumps, and sump pumps are permitted by the IBC in a hoistway shaft if they are directly connected to the storm or clear water drain system. Proposed text clarifies that a connection to a sanitary system is prohibited and that plumbing systems not used in connection with the operation of the elevator may not be located in the elevator equipment rooms. [Comm 62.3004 (2) and Comm 62.3006 (2)]
23. Proposed text clarifies that where elevator machine rooms serve pressurized elevator hoistways and are not directly connected to the hoistway, the machine rooms are not required to be pressurized. [Comm 62.3006 (1)]

24. Proposed text clarifies that buildings connected by pedestrian access structures are considered separate structures. [Comm 62.3104]
25. Proposed text would continue Wisconsin's current practice of not regulating encroachments into a public right-of-way. [Comm 62.3200]
26. Proposed text would continue Wisconsin's current practice of not regulating safeguards during private-sector construction, except for maintaining egress, preventing water accumulation, and protecting adjoining property. [Comm 62.3300]
27. Three National Fire Protection Association standards that are adopted in the IBC are proposed to be replaced with more recent versions which are currently adopted in Wisconsin. [Comm 62.3500]
28. Proposed text would continue Wisconsin's current practice of not regulating employee qualifications, boards of appeals, agricultural buildings, fire districts, supplemental barrier-free accessibility, rodent proofing, flood-resistant construction, signs, and patio covers. [Comm 62.3600]

### **Chapter Comm 63**

The *International Energy Conservation Code™* contains energy conservation requirements relating to the design of building envelopes for adequate thermal resistance and low air leakage, and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment, which will enable the effective use of energy in new and altered building construction. The IECC is divided into chapters that apply to low-rise residential buildings ( $\leq 3$  stories in height), and to commercial buildings, which includes high-rise residential buildings (4 stories or more in height), and non-residential buildings of any height.

The IECC is applied based on the occupancy classification of the building (residential or commercial) and how compliance with the energy conservation requirements will be demonstrated. The intent is that any of the options chosen will provide the same levels of energy conservation. The following is how the IECC is to be applied:

- Chapter 4, 5 or 6 of the IECC may be used for low-rise residential buildings.
- Chapter 7 or 8 of the IECC may be used for high-rise residential buildings and all commercial buildings.

IECC chapter 7 requires commercial buildings to comply with ASHRAE/EIS, Energy Code for Commercial and High-rise Residential Buildings. The existing chapter Comm 63 is basically the ASHRAE 90.1 Standard with various modifications and additions to improve energy conservation, and application and code enforcement. Therefore, the existing chapter Comm 63 with the improvements is substantially equivalent to chapter 7 of the IECC. It is proposed to maintain the existing Comm 63 requirements and locate them in subchapter III of the new proposed chapter Comm 63. Commercial buildings may be designed for compliance with the

energy conservation requirements in chapter Comm 63, subchapter III as one option, or with the requirements in IECC chapter 8 as the other option. It is also the intent of these rule changes to ensure that either option chosen will result in equivalent energy conservation.

The following listing is a summary of the major concerns identified by the Department and the Energy Conservation Specialty Council relating to the use and application of the IECC and recommendations for changes and additions to or omissions from the IECC.

1. In general, the IECC requirements are substantially equivalent to the energy conservation requirements specified in the existing chapter Comm 63 for commercial buildings. However, the IECC has more stringent energy conservation requirements for low-rise residential buildings, especially the building envelope requirements. To evaluate how the IECC requirements would impact the design of residential buildings, the Department performed a survey of current construction plans for residential buildings located throughout the state to see if the buildings complied with the stricter IECC requirements. The results showed that 90% of the new construction plans surveyed already met the stricter building envelope requirements and most designers and owners would not be affected adversely by using the IECC requirements. These changes are viewed as useful and beneficial to the owners of residential buildings.
2. Approved vapor retarders are required on all frame walls, floor and ceilings, instead of permitting the option to ventilate these areas. This change is necessary for both infiltration and condensation control in Wisconsin's severe climate. [See sections Comm 63.0502, Comm 63.0802 (2), and Comm 63.1011 (4)]
3. Floors over outdoor air are required to have the same U-values as floors over unheated spaces. The minimum levels of insulation in the IECC are not cost effective for the owner. All other insulation levels were determined to be cost effective using a life-cycle cost economics analysis. A review of residential plans received by the Department indicated that 90% of new construction already meets the IECC thermal envelope requirements. [Comm 63.0502]
4. The heating load calculations are to be determined in accordance with the requirements in s. Comm 63.1023. Both Comm 63.1023 and IECC section 503.3.1 follow the ASHRAE Handbook of Fundamentals; however, Comm 63.1023 includes specific parameters for areas such as indoor and outdoor design conditions, envelope conditions and lighting loads not included in the ASHRAE Handbook. Comm 63.1023 provides better direction to the users in the application of the code. [Comm 63.0503 and Comm 63.1023]
5. Interior design temperatures are to be maintained as specified in chapter Comm 64, Heating, Ventilating and Air Conditioning Code. [Comm 63.0003 (3)]
6. Adjustments for local exterior design conditions are to be determined through local weather resources, including computer programs for equipment sizing. [Comm 63.0302 (1)]
7. Pipe insulation for both commercial and residential buildings is to be provided in accordance with ASHRAE 90.1, Table 403.2.9.1. The new table for pipe insulation will be

- applied in all the options available for showing compliance with the energy conservation requirements. Table 63.1029 translates the inches of insulation required into R-values. This reduces the need for all parties involved from performing cumbersome calculations. [Comm Table 63.1029]
8. Supply ducts located in the plenum and within the building envelope are to be insulated to R-4 in addition to the requirements for unconditioned areas and outdoor areas. Moisture damage to building materials may occur from condensation from uninsulated ducts within a plenum. There is little, if any, additional cost to go from uninsulated sheet metal material to an R-4 insulated duct material. [Comm 63.0503 (2) (b) and Comm 63.0803 (2) (e)]
  9. The IECC requires ducts in unconditioned areas to be insulated to R-5; however, the typically available R-5 ductwrap is only R-4.6 after it is installed in accordance with the manufacturer's instructions. This discrepancy has caused problems in the application and enforcement of the code. It is proposed to require ducts in these areas to be insulated to R-4. This requirement will be applicable in all options used to show compliance with the energy conservation requirements. [Comm 63.0503 (2) (b) and Comm 63.0803 (2) (e)]
  10. Recessed lighting installed in the building envelope must be sealed to reduce infiltration. [Comm 63.1011 (3), Comm 63.0602 (2), and Comm 63.0802 (4)]
  11. Automatic dampers are required on all outdoor air intakes. The IECC allows gravity or automatic dampers to be used. Experience indicates that gravity dampers are opened by wind subjecting occupants to drafts and results in higher energy costs to owners. [Comm 63.0503 (2) (c) and Comm 63.0803 (2) (d) and (3) (b)]
  12. Light power budgets and controls requirements are to comply with Comm 63, subchapter III, Part 5, even if the IECC chapter 8 option is chosen. The lighting requirements in Comm 63 are in an improved format and provide for the most efficient use of lighting for energy conservation. [Comm 63.0504 (4) and Comm 63.0805]
  13. Owners of commercial buildings are given options for showing compliance with the energy conservation code. One option is to show compliance with ASHRAE 90.1. Since chapter Comm 63, subchapter III is essentially ASHRAE 90.1 with various amendments for improving energy conservation, application and enforcement, it is proposed to substitute language for IECC chapter 7 to require compliance with Comm 63. [Comm 63.0701]
  14. A modification was made to Table 63.1049 relating to interior lighting power allowances for merchandising display lighting. It is proposed to allow the smaller of the actual wattage of the lighting equipment for displays or a  $0.8 \text{ W/ft}^2$  times the floor area of the display area to be added to the interior lighting power. [Table 63.1049, Part b]
  15. In commercial buildings, each fan system is required to have economizer controls that comply with s. Comm 63.1031. The IECC does not provide for the most efficient use of that equipment and the owner would be missing opportunities to save energy and money. This requirement for the use of economizers will not be applied to low-rise residential buildings. [Comm 63.0803 (2) (c) and Comm 63.0803 (3) (b) and (d)]



16. Currently, under chapter Comm 63 off-hour or set-back HVAC controls are required in both residential and commercial buildings. However, in the IECC off-hour controls are required only in commercial facilities. Since it was the goal the Department to stay as close as possible to the IECC requirements and limit Wisconsin based requirements, it was decided not to apply the off-hour controls to residential buildings.
17. The IECC energy conserving requirements for residential pool water heaters will not be applied. They are inconsistent with requirements for commercial facilities, the on-off switch requirements are covered by other codes; the pool cover requirement is too vague to enforce and the need for a time switch to allow for lower time-of-day utility rates should be based on consumer economics. [Comm 63.0504 (3)]

(A more detailed comparison of the current and proposed requirements for chapter Comm 63 is available at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us). or can be obtained from Roberta Ward at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us) or at 608/266-8741 and 608/264-8777, TTY.)

### **Chapter Comm 64**

This rule revision, which repeals and recreates chapter Comm 64, relating to heating, ventilating and air conditioning, includes adoption of the 2000 *International Mechanical Code*<sup>®</sup>, with various omissions, additions or substitutions.

The following listing is a summary of the major concerns identified by the Department and the HVAC Specialty Council relating to the use and application of the IMC and recommendations for changes and additions to or omissions from the IMC.

1. The proposal is to continue to have the designer or installer provide the owner or operator with written instructions on the operation and maintenance of the equipment. The IMC is silent on this issue and experience proves that properly maintained equipment is less costly to operate and increases the life of the equipment. [See section Comm 64.0102]
2. The IMC requires that all appliances be listed and labeled unless approved as a modification; the proposal is to retain the current provisions for approval of unlisted equipment. [Comm 64.0301]
3. The proposal is to maintain the equipment testing and balancing provisions of the current code to assure proper operation of equipment. [Comm 64.0304 (1)]
4. The proposal is to keep indoor design temperatures below 68°F for some occupancies as currently allowed. Current provisions allow spot heating, and waiving of heating requirements for seasonal occupancies. Such allowances are in recognition high costs of operation during the Wisconsin heating season. [Comm 64.0309]
5. The proposal is to recognize that natural ventilation of some occupancies in Wisconsin may be ineffective and may thus compromise indoor air quality. Under the IMC, natural ventilation is allowed as an option in all spaces, except for: smoking lounges, toilet rooms,

multifamily parking structures and public locker rooms. Current requirements for mechanical ventilation in many more occupancies are proposed to be maintained. [Comm 64.0401 (1)]

6. The proposal maintains current requirements for required building exhaust ventilating systems to operate continuously when people are in the building. An option is also proposed to allow rooms with 2 or fewer toilet fixtures to be exhausted only when such rooms are occupied. The exhaust fan could then be interconnected with the light switch. [Comm 64.0401 (2)]
7. The proposal also is to continue allowing current exceptions for reducing clearances for intake and exhaust openings that have been found to not compromise indoor air quality, but can reduce installation costs. [Comm 64.0401 (4)]
8. This proposal is to allow an option to use an engineered system that will produce the same indoor air quality as following the outdoor air ventilation rates as prescribed in the code. [Comm 64.0403 (2)]
9. A revised IMC Table 403.3 is proposed which includes the following: requires the same outdoor air requirements for similar occupancies; makes additional entries for common occupancies from the current Table Comm 64.05; reduces outside air to 7.5 cfm/person in most occupancies as under the current code; requires the use of AIA Guidelines for Hospitals and Nursing Home Occupancies; and garage ventilation is reduced from 1.5 cfm/sf to 0.5 cfm/sf of exhaust. [Table 64.0403]
10. Some occupancy requirements are proposed to be maintained from the current code: natural ventilation may be used in smaller toilet rooms or janitor closets; and pool ventilation may be reduced with humidity control. [Comm 64.0403]
11. The proposal does not adopt IMC 403.3.2 that requires the amount of outside air to be based on a complex set of room by room calculations. It is replaced with current provisions that allow the amount of outside air to be based on the total number of occupants served by the system, rather than separate calculations for each room. The minimum air change rate is also retained. This is necessary when the outside air is based on the total number of occupants served by the system. The proposal provides for the movement of 'cleaner' air from areas of low occupancy to those of high occupancy. The air movement also increases filter effectiveness. For VAV systems, a minimum movement is needed. [Comm 64.0403 (6)]
12. Wisconsin experienced failure in automatic sensing devices installed in place of continuous exhaust in parking garages. The proposal includes additional provisions including the requirement to operate exhaust for at least five hours per day to assure effective exhaust results. [Comm 64.0404]
13. The proposal is to delete the requirement for an exhaust system where contamination may be simply "irritating." The current code provision does not require a system to accommodate those individuals who may have high sensitivity to contaminants. Where

contamination is injurious to health or safety, an exhaust system must be installed. [Comm 64.0502]

14. The IMC has additional, more detailed requirements for commercial kitchen exhaust than the current chapter Comm 64. The proposal is to provide a performance requirement for alternatives to welded seams and joints which will provide more flexibility in installation and lower costs. [Comm 64.0500, Comm 64.0506, and Comm 64.0507]
15. Another proposal relating to commercial kitchen exhaust is to require commercial kitchen fans for use in grease-laden air to be so listed. [Comm 64.0506]
16. The proposal is to allow the reduction in the clearances between heaters and duct lining when the lining is so listed. [Comm 64.0604]
17. The proposal adds a requirement for some healthcare facilities to comply with AIA (American Institute of Architects) guidelines for filtration. [Comm 64.0605]
18. The definition of 'unusually tight construction' has been modified for chs. Comm 64 and 65 to reflect current Wisconsin building construction standards. In referencing this modification, the requirement for outside air for combustion has also been modified to allow greater use of inside air for combustion purposes (with restrictions). [Comm 64.0702]
19. The IMC prohibits the use of unvented, permanently installed liquid- and solid-fueled equipment. As under the current code, both installed and portable unvented equipment is prohibited under the proposal. [Comm 64.0801]
20. The proposal is to make the chapter internally consistent and consistent with the International Fuel Gas Code (IFGC), chapter Comm 65 for the following situations: location of combustion air openings, setback between intakes and exhausts and contaminant sources. [Comm 64.0710 and Comm 64.0918]
21. The proposal substitutes chapter Comm 41 for IMC boiler and hydronic piping requirements. Only minor revisions are proposed for the IMC requirements for water heaters used in space heating systems. The IMC, unlike the current chapter Comm 64, does not limit the use of such water heaters to 100,000 Btu/hour input. [Comm 64.1001 and Comm 64.1201]
22. The proposal substitutes chapter Comm 45 for IMC refrigeration requirements. [Comm 64.1101]
23. The proposal does not include IMC fuel oil requirements; these requirements are contained in chapter Comm 10. [Comm 64.1301]
24. The IBC requirements for fire resistive construction such as equipment enclosure, fire rated resistive damper placement, and air movement in rated corridors, may impact HVAC system design and installation.

25. In addition to the AIA Standard R673, standards, either newer than that adopted in the IMC or not adopted in the IMC, are adopted; they are: NFPA 13-1999, Installation of Sprinkler Systems; and NFPA 54-1999, National Fuel Gas Code.

(A more detailed comparison of the 2000 IMC and IFGC, the current chapter Comm 64, and this proposal is available at <http://www.commerce.state.wi.us/SB/SB-RuleChanges.html> or can be obtained from Roberta Ward at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us) or at telephone 608/266-8741 and 608/264-8777, TTY.)

### **Chapter Comm 65**

This rule revision, which creates chapter Comm 65, relating to Fuel Gas Appliances, includes adoption of the 2000 *International Fuel Gas Code*<sup>®</sup>, with various omissions, additions or substitutions.

The following listing is a summary of the major concerns identified by the Department and the HVAC Specialty Council relating to the use and application of the IFGC and recommendations for changes and additions to or omissions from the IFGC.

1. Like the *International Mechanical Code*<sup>®</sup>, the IFGC requires that all appliances be listed and labeled unless approved as a modification. The proposal is to retain current code provisions which outline the Wisconsin process and the information and testing needed for this review. The IFGC is silent on what rule applies when the manufacturer's instructions may be in conflict with rule provisions. The proposal is to duplicate the provision in chapter Comm 64 and provide consistency for all fuel types. The IFGC is also silent on the clearances, guarding, appliance marking, and piping supports; the proposal is to duplicate the provisions proposed in chapter Comm 64. As in chapter Comm 64, a requirement for written instructions on operation and maintenance is proposed. [See sections Comm 65.0301 and 65.0304]
2. Current Wisconsin provisions prohibit the use of unvented space heaters because of the tight construction of Wisconsin buildings; this prohibition is proposed for both chapters Comm 64 and 65. [Comm 65.0303 (2) and 65.0620]
3. As in chapter Comm 64, the proposal is to retain current provisions that recognize Wisconsin's severe climate in that heat exchangers and burners must be made of corrosion resistant material. [Comm 65.0303 (1)]
4. As in chapter Comm 64, the equipment testing and balancing provisions are proposed such that these two chapters will be consistent for all fuel types. [Comm 65.0305]
5. The proposal is to continue some current Wisconsin provisions for use of indoor air for combustion in "tight" construction, consistent with provisions for other fuel types under chapter Comm 64. [Comm 65.0304]

6. The 2000 IFGC does not include the various provisions previously contained in 1998 IMC with regard to combustion air; the proposal is to maintain these requirements and be consistent for all fuel types. [Comm 65.0304]
7. The IFGC is also silent on various requirements for safe installation of combustion air ducts and outside air intake openings. The proposal is to duplicate these provisions from chapter Comm 64. [Comm 65.0304 and Comm 65.0620]
8. The proposal is to be consistent with chapter Comm 64 and not require platforms for fan only installations. [Comm 65.0306]
9. The current requirements for gas piping (using the NFPA 54 standard) are proposed to be retained. [Comm 65.0400]
10. The proposal is to not allow the installation of a number of unvented appliances as under the current code. Products of combustion in buildings may cause concern for safety and health and structural damage. [Comm 65.0501]
11. The proposal is to be consistent for all fuel types in termination of venting system and setback distances between outside air intakes and containment sources. [Comm 65.0503]
12. The proposal is also consistent for all fuel types for requirements for suspended duct furnaces. [Comm 65.0609]
13. Also, the American Institute of Architects (AIA), R673-1996-97, (Guidelines for Construction and Equipment of Hospital and Medical Facilities) as is used by DHFS is adopted in this chapter.

(A more detailed comparison of the 2000 IMC and IFGC, the current chapter Comm 64, and this proposal is available at <http://www.commerce.state.wi.us/SB/SB-RuleChanges.html> or can be obtained from Roberta Ward at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us) or at telephone 608/266-8741 and 608/264-8777, TTY.)

## Chapter Comm 66

The Department has the responsibility to supervise every public building and place of employment, including the fire safety aspects, in order to protect the life, health, safety and welfare of every employee, frequenter, tenant and firefighter. The changes contained in this proposal, including adoption of the *International Fire Code*<sup>®</sup> (IFC), are intended to update code requirements and adopted national standards relating to building construction, building equipment, commodity storage and isolation, fire prevention, fire detection, and fire suppression as one part of that responsibility.

The IFC is divided into the following 45 chapters that cover fire safety hazards in the areas of general fire safety requirements, hazardous structures, hazardous operations and hazardous materials:

1. Administration	24. Tents & Other Membrane Structures
2. Definitions	25. Tire Rebuilding & Tire Storage
3. General Precautions Against Fire	26. Welding & Other Hot Work
4. Emergency Planning & Preparedness	27. Hazardous Mat'ls-General Provisions
5. Fire Service Features	28. Aerosols
6. Building Services & Systems	29. Combustible Fibers
7. Fire-Resistance-Rated Construction	30. Compressed Gases
8. Interior Finish, Decorative Mat'l & Furnishings	31. Corrosive Materials
9. Fire Protection Systems	32. Cryogenic Fluids
10. Means of Egress	33. Explosives & Fireworks
11. Aviation Facilities	34. Flammable & Combustible Liquids
12. Dry Cleaning	35. Flammable Gases
13. Combustible Dust-Producing Operations	36. Flammable Solids
14. Fire Safety During Construction & Demolition	37. Highly Toxic & Toxic Materials
15. Flammable Finishes	38. Liquefied Petroleum Gases
16. Fruit & Crop Ripening	39. Organic Peroxides
17. Fumigation & Thermal Insecticidal Fogging	40. Oxidizers
18. Semiconductor Fabrication Facilities	41. Pyrophoric Materials
19. Lumber Yards & Woodworking Facilities	42. Pyroxylin (Cellulose Nitrate) Plastics
20. Manufacture of Organic Coatings	43. Unstable (Reactive) Materials
21. Industrial Ovens	44. Water-Reactive Solids & Liquids
22. Service Stations & Repair Garages	45. Referenced Standards
23. High-Piled Combustible Storage	

The IFC includes topics that are currently covered under several other Wisconsin administrative code chapters. Adoption of the IFC will facilitate the process of updating these requirements in unison on a regular basis. The IFC is designed to work together with the *International Building Code*, the *International Mechanical Code*, the *International Energy Efficiency Code*, and the *International Fuel Gas Code*.

In this proposal, 8 chapters of the IFC are omitted. These 8 IFC chapters are: IFC 11 - Aviation Facilities, IFC 12 - Dry Cleaning, IFC 22 - Service Stations and Repair Garages, IFC

30 - Compressed Gases, IFC 33 - Explosives and Fireworks, IFC 34 - Flammable and Combustible Liquids, IFC 35 - Flammable Gases, and IFC 38 - Liquid Petroleum Gases. These 8 chapters cover topics that are currently covered by other rules administered by Commerce. The department is planning to update the topics covered by these 8 IFC chapters, with the effective date coordinated with the rest of this proposal.

Chapter 45 of the IFC incorporates many national standards by reference into the code. These include 88 standards produced by the National Fire Protection Association, many of which are already familiar to users of Wisconsin's codes.

In general, the IFC requirements are at least equivalent and in most cases, more detailed than the fire safety requirements contained in the current editions of the corresponding Wisconsin Administrative Code chapters.

Adoption of the IFC will expand the scope and application of fire safety regulations in Wisconsin. There are many fire hazards addressed in the IFC that have not been covered in Comm 14, the Fire Prevention Code, in the past. The IFC provides guidance for the building owner and the fire code official to ensure that fire hazards are identified and appropriate fire prevention procedures, and fire protection features, are provided based upon the specific hazard. The IFC is structured to manage the risks associated with fire and explosions within buildings, structures and upon the premises. The application of the IFC as proposed in the rules will provide for safe operations and processes in both new and existing properties.

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*File reference: IBC/Analysis*

SECTION 1. Comm 4 and 14 are repealed.

SECTION 2. Comm 16.46 is repealed.

SECTION 3. Comm 50 to 64 and Appendices A and B are repealed.

SECTION 4. Comm 65 is renumbered Comm 68

SECTION 5. Comm 61 to 65 and Appendix A are created to read:

**Chapter Comm 61  
Administration and Enforcement**

**Subchapter I  
Scope and Application**

**Comm 61.01 Purpose of code.** Pursuant to various statutory provisions under ch. 101, subch. I, Stats., the purpose of this code is to protect the health, safety and welfare of the public and employes by establishing minimum standards for the design, construction, maintenance and inspection of public buildings, including multifamily dwellings, and places of employment.

**Note:** Under s. 101.01 (11), Stats., "place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

Under s. 50.01 (1), Stats., "adult family home" means one of the following:

(a) A private residence to which all of the following apply:

1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults



if all of the adults are sib-lings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4.

2. The private residence was licensed under s. 48.62 as a foster home or treatment foster home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

(b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. "Adult family home" does not include a place that is specified in sub. (1g) (a) to (d), (f) or (g).

Under s. 50.01 (1g), Stats., "community-based residential facility" means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident. "Community-based residential facility" does not include any of the following:

(a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.

(b) A facility or private home that provides care, treatment and services only for victims of domestic abuse, as defined in s. 46.95 (1) (a), and their children.

(c) A shelter facility as defined under s. 16.352 (1) (d).

(d) A place that provides lodging for individuals and in which all of the following conditions are met:

1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.

2. No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employe any of the following:

a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.  
b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.

(e) An adult family home.

(f) A residential care apartment complex.

(g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.

**Comm 61.02 Scope. (1)** Except as provided in subs. (2) and (3), this code applies to all public buildings and places of employment.

(2) This code does not apply to buildings or situations described under s. 101.05, Stats.

**Note:** Section 101.05, Stats., reads: **101.05 Exempt buildings and projects. (1)** No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

(2) A bed and breakfast establishment, as defined under s. 254.61 (1), is not subject to building codes adopted by the department under this subchapter.

(3) No standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

(4) No standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter applies to a rural school building if all of the following are satisfied:

(a) The school building consists of one classroom.

(b) The school building is used as a school that is operated by and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.

(c) The teachings and beliefs of the bona fide religious denomination that operates the school prohibit the use of certain products, devices or designs that are necessary to comply with a standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter.

Under s. 254.16 (1) Stats., "bed and breakfast establishment" means any place of lodging that:

- (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (c) Is the owner's personal residence;
- (d) Is occupied by the owner at the time of rental;
- (e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and
- (f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that this limit does not apply to any of the following:
  1. A structural addition, including a renovation, made to a structure after May 11, 1990, within the dimensions of the original structure.
  2. A structural addition, made to a structure that was originally constructed at least 50 years before an initial or renewal application for a permit under s. 254.64 (1) (b) is made and for which no use other than as a bed and breakfast establishment is proposed. The structural addition under this subdivision shall comply with the rules under s. 101.63 (1) and (1m).

(3) This code does not apply to all of the following types of buildings, structures or situations:

(a) A temporary building or structure used exclusively for construction purposes, not exceeding 2 stories in height, and not used as living quarters.

(b) A building or structure located on Indian reservation land held in trust by the United States.

(c) Buildings and portions of buildings which are exempted by federal statutes or treaties.

(d) Portions of buildings leased to the federal government provided all of the following conditions are met:

1. A statement is filed with the register of deeds and describing the need for compliance to this code in the event the space is converted to a nonexempt use.

2. The statement filed with the register of deeds is recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located.

3. The owner of the building submits a copy of the recorded document to the department or its authorized representative.

(e) That portion of or space within an one- or 2-family dwelling in which a home occupation is located.

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(3) (4) In this section, "home occupation" means any business, profession, trade or employment conducted in a person's dwelling unit, that may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any one of the following:

- (a) Explosives, fireworks or repair of motor vehicles.
- (b) More than 25% of the habitable floor area of the dwelling unit.

**Comm 61.03 APPLICATION. (1) RETROACTIVITY.** A rule of this code does not apply retroactively to public buildings and places of employment existing prior to the effective date of the rule unless specifically stated in the administrative rule.

**(2) CONFLICTS. (a)** Where rules of the department specify conflicting requirements, types of materials or methods of construction, the most restrictive rule shall govern.

**(b)** Where there is a conflict between a rule that prescribes a general requirement and a rule that prescribes a specific or more detailed requirement, the specific or more detailed requirement shall govern.

**(3) DEPARTMENT AUTHORITY.** Pursuant to s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards.

**Note:** Section 101.02 (1), Stats., reads as follows: "The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings."

**(4) LOCAL ORDINANCES. (a) 1.** Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for public buildings and places of employment, provided the standards do not conflict with this code.

2. Nothing in this code affects the authority of a municipality to enact and enforce standards relative to land use, zoning or other similar regulations under ss. 59.69, 60.61, 60.62, 61.35 and 62.23 (7), Stats.

**(b) 1.** Pursuant to s. 101.02 (7m), Stats., a city, village, town or county may not enact and enforce additional or more restrictive standards for multifamily dwellings, except as provided under 101.975, Stats., and that do not conflict with this code.

2. Under subch. VI of ch. 101, Stats., only a municipality with a preexisting stricter sprinkler ordinance as specified under par. (g) may enact an ordinance requiring the automatic fire sprinkler system protection or 2-hour fire resistance specified in s. 101.14 (4m) (d) and (e), Stats. Under s. 101.14 (4m) (am), Stats., no municipality may enact an ordinance specifying thresholds for sprinkler protection or fire resistance that differ from s. Comm 62.903 or s.

101.14 (4m) (d) and (e), Stats. Specifying the thresholds in s. 101.14 (4m) (d) and (e) does not enable a municipality to depart from any other criteria or procedure in this code.

**Note:** See Appendix A for a tabular listing of the thresholds in s. 101.14 (4m) (d) and (e), Stats., and for a listing of the municipalities that the department believes have a preexisting stricter sprinkler ordinance.

3. This code does not affect municipal requirements contained in a "preexisting stricter sprinkler ordinance," as provided in s. 101.975 (3), Stats.

**Note:** Section 101.975 (3), Stats., reads: In this subsection, "preexisting stricter sprinkler ordinance" means an ordinance that fulfills all of the following requirements:

1. The ordinance requires an automatic sprinkler system in multifamily dwellings containing 20 or less attached dwelling units.
2. The ordinance was in effect on January 1, 1992, and remains in effect on May 1, 1992.
3. The ordinance does not conform to this subchapter and s. 101.02 (7m) or is contrary to an order of the department under ss. 101.01 to 101.25. *Subch. I*
4. The ordinance is more stringent than the corresponding provision of this subchapter or s. 101.02 or the contrary provision of an order of the department under ss. 101.01 to 101.25. *Subchapter*

If a political subdivision has a preexisting stricter sprinkler ordinance, that ordinance remains in effect, except that the political subdivision may amend the ordinance to conform to this and s. 101.02 (7m) and to be not contrary to an order of the department under ss. 101.01 to 101.25. *Subchapter*

<sup>3</sup> 4. a. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance pertaining to multifamily dwellings not in conformance with this code. The department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

<sup>4</sup> 5. The department may grant a municipal variance only where all of the following are demonstrated:

a. The municipality demonstrates that the variance is necessary to protect the health, safety, and welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

b. The municipality demonstrates that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

c. Prior to making a determination, the department shall solicit within the municipality and consider the statements of any interested persons as to whether the variance should be granted.

d. This section shall be strictly construed in accordance with the goal of promoting statewide uniformity.

*These do not need to be included in the code*

(5) ALTERNATIVES. Nothing in this code is intended to prohibit or discourage the design and utilization of new building materials or components provided written approval from the department is obtained first.

(6) NEW BUILDINGS AND STRUCTURES. Buildings, structures and additions to buildings, structures and components, to be constructed or erected on or after the effective dates of the rules under this code shall be designed, constructed and maintained in accordance with the rules of this code as these rules exist on one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the building, structure or addition are approved by the department or authorized representative.

(b) The date on the local building permit was issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date construction or erection is initiated, where pars. (a) or (b) do not apply.

(7) ALTERATIONS. Those portions, elements, systems or components of existing buildings and structures to be altered or modified on or after the effective dates of the rules under this code and where the alteration or the modification affects a building element or component relating to subject matters regulated by this code, shall be designed, constructed and maintained in accordance with the applicable rules of this code as the rules exist on one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the alteration or modification are approved by the department or authorized representative.

(b) The date the local building permit was issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date construction or erection is initiated, where pars. (a) or (b) do not apply.

(8) REPLACEMENTS. Those building systems or components of existing buildings and structures to be replaced on or after the effective dates of the rules under this code and where the replacement involves a building element or component relating to subject matters regulated by this code shall conform and be maintained in accordance with the applicable rules of this code as these rules exist on either one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the replacement are approved by the department or authorized representative.

(b) The date on the local building permit was issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date construction or erection is initiated, where pars. (a) or (b) do not apply.

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**(9) REPAIRS.** Those portions, elements, systems or components of existing buildings and structures repaired on or after the effective dates of the rules under this code shall conform and be maintained in accordance with the standards of this code as these standards exist on one of the following:

(a) The date plans for the that portion, element, system or component was approved by the department or authorized representative.

(b) The date on the local building permit was issued for that portion, element, system or component, if plan submission and approval was not required.

(c) The date construction or erection is initiated, where pars. (a) or (b) do not apply.

(d) The date repair is initiated.

*When doc approved + (a) (b) + (c)*

**(10) CHANGE OF OCCUPANCY OR USE.** Those existing buildings and structures or spaces within existing buildings and structures for which the classification of the occupancy or use is to be changed under IBC ch. 3, to other than a temporary use approved under sub. (11), shall conform and be maintained in accordance with the rules of this code as these rules exist on one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the change in occupancy or use are approved by the department or authorized representative.

(b) The date on the local building permit was issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date construction or erection is initiated, where pars. (a) or (b) do not apply.

**(11) TEMPORARY USE.** A municipal fire or building code official may allow a building to be used temporarily in a manner that differs from the approved use for the building, or may approve a temporary building to be used by the public, subject to the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

(b) Except as provided in par. (c), buildings considered for temporary use shall conform to the structural strength, fire safety, means of egress, light, ventilation, and sanitary requirements of this code as necessary to ensure the public safety, health and general welfare.

(c) The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.

(d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building.

**(12) EXISTING BUILDINGS AND STRUCTURES.** Unless otherwise specifically stated in this code, existing buildings and structures and elements, systems or components of existing buildings and structures shall be maintained to conform with the applicable rules of the building code relative to the effective dates of the rules.

**Note:** The department and other state agencies may have other rules that may affect the design, construction, and maintenance of public buildings and places of employment, including chs. Comm 5, Licenses, Certifications, and Registrations; Comm 7, Explosive Materials; Comm 9, Manufacture of Fireworks; Comm 10, Flammable and Combustible Liquids; Comm 15, Cleaning and Dyeing; Comm 16, Electrical; Comm 18, Elevators; Comm 40, Gas Systems; Comm 41, Boilers and Pressure Vessels; Comm 43, Anhydrous Ammonia; Comm 45, Mechanical Refrigeration; Comm 66, Fire Prevention; Comm 70, Historic Buildings; and Comm 75 to 79, Existing Buildings.

**Comm 61.04 Definitions.** In this chapter:

(1) "Authorized representative" means any certified municipality or county as specified in s. Comm 61.60, and any appointed agent as specified in s. Comm 61.61.

(2) "Department" means the department of commerce.

(3) "This code" means chs. Comm 61 to 65, which is the Wisconsin Commercial Building Code.

**Comm 61.05 Adoption of the International Codes.** (1) IBC. The *International Building Code*® – 2000, subject to the modifications specified in this chapter and ch. Comm 62 is hereby incorporated by reference into this code.

(2) IECC. The *International Energy Conservation Code*® – 2000, subject to the modifications specified in ch. Comm 63 is hereby incorporated by reference into this code.

(3) IMC. The *International Mechanical Code*® – 2000, subject to the modifications specified in ch. Comm 64 is hereby incorporated by reference into this code.

(4) IFGC. The *International Fuel Gas Code*® – 2000, subject to the modifications specified in ch. Comm 65 is hereby incorporated by reference into this code.

**Note:** A copy of the *International Energy Conservation Code*®, *International Energy Conservation Code*®, *International Mechanical Code*®, and *International Fuel Gas Code*® is on file in the offices of the department, the secretary of state, and the revisor of statutes. Copies of the International Codes may be purchased from the following organizations:

Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page [www.bocai.org](http://www.bocai.org).

International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page [www.icbo.org](http://www.icbo.org).

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