

(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 or spaces considered for temporary use shall conform to the 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 or space.

(12) EXISTING BUILDINGS AND STRUCTURES. Unless otherwise specifically stated in this code, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed.

Note: The department and other state agencies may have other rules that may affect the design, construction, maintenance and use 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 14, Fire Prevention; 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 70, Historic Buildings; and Comm 75 to 79, Existing Buildings.

Comm 61.04 Definitions. In this code:

(1) "Authorized representative" means any certified municipality or county as specified in s. Comm 61.70, and any appointed agent as specified in s. Comm 61.71.

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

(3) "HVAC" means heating, ventilating, and air conditioning.

(4) "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.

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(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 Building 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.

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

Southern Building Code Congress International, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page [ww.sbcci.org](http://www.sbcci.org).

Comm 61.06 International Fire Code. (1) All requirements in the International Fire Code, as referenced in the International Building Code, that specify submittal and approval of construction documents or acceptance tests and records, are applicable only at a local level, where required by a local code official.

(2) All requirements in the International Fire Code, as referenced in the International Building Code, that specify obtaining a permit, are applicable only at a local level, where required by a local ordinance.

(3) All requirements in the International Fire Code, as referenced in the International Building Code, that address use and operation of public buildings and places of employment do not apply.

(4) All requirements in the International Fire Code, as referenced in the International Building Code, that address inspection, testing and maintenance of fire safety features which are within the scope and application of ch. Comm 14 do not apply.

Comm 61.07 Fees. Fees for petitions for variance, product approvals, notice registrations, plan examination and approvals, and for inspections of buildings, and structures shall be submitted as specified in ch. Comm 2. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.

Subchapter II – Responsibilities, Appeals, Petitions and Penalties

Comm 61.20 Responsibilities. (1) OWNER. Compliance with this code does not relieve the owner of a public building or place of employment from compliance with the administrative rules established by other state jurisdictions.

Note: Pursuant to s. 101.11 (2) (a), Stats., no employer or owner, or other person shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.

(2) DESIGN. (a) Pursuant to ch. 443, Stats., a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under ss. 443.14 and 443.15, Stats.

(b) Pursuant to ch. 443, Stats., a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system, or a plumbing system, for a public building, structure or place of employment shall be designed by an architect, engineer or a designer of engineering systems, except as provided under ss. 443.14 and 443.15, Stats.

Note: Sections 443.14 and 443.15 read:

443.14 Exempt persons. The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) An employee of a person holding a certificate of registration in this state who is engaged in the practice of architecture or professional engineering and an employee of a person temporarily exempted from registration, if the practice does not include responsible charge of architecture or professional engineering practice.

(2) Officers and employees of the federal government while engaged within this state in the practice of architecture, landscape architecture or professional engineering for the federal government.

(3) A public service company and its regular employees acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(4) Any person who practices architecture or professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural or professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect or professional engineer who is registered under this chapter in responsible charge of the company's or corporation's architectural or professional engineering work in this state.

(5) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which

are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

(7) This chapter does not require manufacturers or their material or equipment suppliers to register under this chapter in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

(8) The following persons doing surveying work are exempt from the provisions of this chapter:

(a) An employee of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employee shall not be in responsible charge of land surveying.

(b) Officers and employees of the federal government while engaged in land surveying for the federal government.

(c) Employees of this state while engaged in land surveying for the state.

(d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.

(9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A well driller, as defined in s. 280.01 (7), who is engaged in well drilling, as defined in s. 280.01 (8).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

443.15 Exempt buildings. (1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection with single-family dwellings, including, but not limited to, barns and private garages.

(b) Apartment buildings used exclusively as the residence of not more than 2 families.

(c) Buildings used exclusively for agricultural purposes.

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

(3) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

Comm 61.21 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing.

Note: Section 101.01 (8), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of alders, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

Section 101.02 (7) (c) reads: "Upon receipt of such petition the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect."

(3) CONTESTED CASE HEARING. In addition to any other right provided by law, any interested person may file a written request for a contested case hearing, as specified in s. 227.42, Stats.

(4) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

Comm 61.22 Petition for variance. The department shall consider and may grant a variance to a provision of this code in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Comm 61.23 Penalties. Penalties for violations shall be assessed in accordance with ss. 101.02 (12) and (13) (a), and 101.978, Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.978, Stats., reads, "Any person who violates this subchapter or any rules promulgated under this subchapter shall forfeit not less than \$25 nor more than \$500 for each offense. Each day of continued violation constitutes a separate offense."

Subchapter III - Plan Review

Comm 61.30 Plan review and approval. (1) TYPES OF BUILDINGS. (a) Except as provided in par. (b), the construction of, the alteration of or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by department or its authorized representative in accordance with s. Comm 61.31.

(b) 1. Plans for the types of public buildings and places of employment and components thereof delineated in Table 61.30-1 do not need to be submitted and approved by the department or authorized representative.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not waive the obligation for these type of projects to conform to the standards of this code.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not prohibit a municipality from requiring the submission, review and approval of plans by the municipality nor does it supercede the necessity of obtaining local building permits prior to the commencement of the project.

**Table 61.30-1
Buildings Exempt from Plan Review**

Building Type or Occupancy	Building Description
Assembly Group A-2	Containing less than 25,000 cubic feet in volume
Business Group B	
Factory Group F	
Mercantile Group M	
Storage Group S	
Utility and Miscellaneous Group U	

2. Plans for the types of public buildings and places of employment and components thereof delineated in Table 61.30-2 do not need to be submitted and approved by the department or authorized representative provided all of the following conditions are met:

a. The building or the component thereof is designed by a registered individual under ch. 443, Stats.

b. The project is supervised by an individual in accordance with s. Comm 61.50.

3. a. Where the exemption in subd. 2. is elected, a notice shall be filed with the department or its authorized representative prior to commencement of the project, that identifies the building location, the name and address of the building owner, and the name and Wisconsin registration number for the designer and supervising professional.

b. Where the exemption in subd. 2. is elected, the architect, engineer, designer, or owner shall keep at the building site one set of construction documents for the project. The construction documents shall be open to inspection by the department, its authorized representative or the municipality.

**Table 61.30-2
Buildings Exempt from Plan Review**

Building Type or Occupancy	Building Description
Assembly Group A-2	Containing 25,000 to less than 50,000 cubic feet in volume
Business Group B	
Factory Group F	
Mercantile Group M	
Storage Group S	
Utility and Miscellaneous Group U	
Assembly Group A-1, A-3, A-4, A-5	Containing less than 25,000 cubic feet in volume
Educational Group E	
High Hazard Group H	
Residential Group R	

(2) TYPES OF STRUCTURES. Plans for all of the following types of structures shall be submitted and approved by the department or authorized representative prior to commencement of the project:

(a) Assembly seating facilities to be located within a public building or place of employment.

(b) Assembly seating facilities more than 5 rows in height and not located within a public building or place of employment.

(3) TYPES OF BUILDING COMPONENTS. If the construction of, the alteration of or the addition to a public building or a place of employment involves a type of building component or system delineated in Table 61.30-3, the plans under sub. (1) (a) shall include, or separate plans for the component or system, shall be submitted and approved by the department or authorized representative prior to installation of the component.

**Table 61.30-3
Building Components and Systems**

Building Component or System	Building Type or Occupancy
Pre-manufactured and Pre-engineered Structural Components	All Public Buildings or Places of Employment
Heating, Ventilating and Air Conditioning System	All Public Buildings or Places of Employment
Fire Protection System	All Public Building or Places of Employment
Fire Protection System	Educational Group E
Fire Protection System	Institutional Group I-1, I-3
Fire Protection System	Residential Group R-1

Comm 61.31 Plans. (1) **SIGNING AND SEALING.** (a) Except as provided in par. (b), construction documents submitted to the department or its authorized representative for review shall be prepared, signed and sealed in accordance with ch. 443, Stats., and s. A-E 2.02.

(b) Sprinkler construction documents that are required by s. Comm 61.34 (1) to be at an installation site shall comply with one of the following:

1. Be signed and sealed in accordance with s. A-E 2.02 by an architect, engineer or fire protection systems designer who is registered by the department of regulation and licensing.

2. Be signed, including license number, and dated by an automatic fire sprinkler contractor who is responsible for the installation of the sprinklers and who is licensed by the department of commerce.

Note: Pursuant to s. A-E 2.02 (4) and (5) read:

“A-E 2.02 (4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional geological, professional engineering, design or land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

“(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder.”

(2) **CONTENTS AND INFORMATION.** (a) 1. Construction documents submitted to the department or its authorized representative for review shall be dimensioned and drawn to scale.

2. The scale used for the construction documents shall be indicated on the documents.

(b) 1. Except as provided in subd. 2., at least 4 sets of construction documents shall be submitted to the department or authorized representative for review.

2. At least one set of construction specifications shall be submitted to the department or authorized representative for review.

(c) All construction documents submitted to the department or authorized representative for review shall be permanent copies of the original documents and the copies shall be bound into sets in a manner that enables the documents to be reviewed without removing the binding.

(d) Construction documents submitted to the department or its authorized representative for review shall be of sufficient clarity, character and detail to show how the proposed design will conform to this code.

(e) 1. Construction documents shall be accompanied by sufficient calculations or information to substantiate that the documents conform to this code.

2. When requested by the department or its authorized representative, additional data pertaining to the design, construction, materials and equipment shall be submitted to the department or the authorized representative to substantiate conformance to this code.

(3) APPLICATION FOR APPROVAL. A plan approval application form shall be included with the construction documents and information submitted to the department for examination and approval. Pursuant to s. Comm 2.07 (3), the department shall review and make a determination on an application for plan review within 15 business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Note: Also refer to the Safety and Buildings Division's *Plan Submittal Kit* (SBD-8927-P) for forms and other helpful information on how to successfully submit plans for approval.

(b) *Denial of approval.* If, upon examination, the department determines that the construction documents or application for approval do not substantially conform to this code, the application for conditional approval will be denied, in writing.

(a) *Conditional approval.* If, upon examination, the department determines that the construction documents and the application for approval substantially conform to this code, a conditional approval, in writing, will be granted and the plans will be stamped conditionally approved. All conditions stated in the conditional approval shall be complied with before or during construction.

Note: The plan examination and approval by the department does not constitute an approval to proceed with construction prior to obtaining any permits or approvals that are required by a local unit of government.

(4) REVISIONS TO APPROVED PLANS. (a) 1. All proposed revisions and modifications which involve rules under this code and which are made to construction documents that have previously been granted approval by the department or its authorized representative, shall be submitted for review to the office that granted the approval.

2. All revisions and modifications to the plans shall be approved in writing by the department or its authorized representative prior to the work involved in the revision or modification being carried out.

(b) A revision or modification to a plan, drawing or specification shall be signed and sealed in accordance with s. Comm 61.31 (1).

Comm 61.32 Permission to start construction. (1) A building owner may request and the department or its authorized representative may grant permission to start construction for the footings and foundations upon submission of construction documents under s. Comm 61.31.

(2) A building owner who has been granted permission to start construction of the footings and foundations may proceed at the owner's own risk without assurance that a conditional approval for the building will be granted.

(3) The department shall review and make a determination on an application for permission to start construction of the footings and foundations within 3 business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.

Comm 61.33 Evidence of plan approval. Where plan approval is required by this code, one set of plans bearing the stamp of conditional approval and a copy of the specifications shall be kept at the building site. The plans and specifications shall be open to inspection by the department or its authorized representative.

Comm 61.34 Sprinkler documents. (1) PLANS. (a) 1. Except as provided in subd. 2. or when fire protection systems are required to be submitted under s. Comm 61.30, where automatic fire sprinkler systems are to be installed or altered, sprinkler construction documents shall be present at the job site and made available, upon request, to the department, its authorized representative or local governmental agency exercising jurisdiction.

2. a. When a project involves the alteration or addition of 20 or fewer sprinkler heads to an existing automatic fire sprinkler system, sprinkler construction documents shall not be required to be present at the job site or made available, unless required by local ordinance.

b. When sprinkler plans and specifications are not provided for a project involving the alteration or addition of 20 or fewer sprinkler heads to an existing automatic fire sprinkler system, the automatic fire sprinkler contractor responsible for the work shall provide a written description of the type and scope of the work. The description shall be included with the

material and test certificate, if required. The description shall be made available, upon request, to the department, its authorized representative or local governmental agency exercising jurisdiction.

(b) Where automatic fire sprinkler plans are required by local ordinance to be reviewed and approved by a local governmental agency, the sprinkler plans at the installation site shall bear evidence of that approval.

(2) CONTRACTOR'S MATERIAL AND TEST CERTIFICATES. (a) Where automatic fire sprinkler systems have been installed or altered, completed contractor's material and test certificates shall be made available, upon request, to the department, its authorized representative or local governmental agency exercising jurisdiction.

(b) A sprinkler material and test certificate shall provide at least the information as enumerated in appropriate NFPA standard, NFPA 13 or NFPA 13R.

Comm 61.35 Revocation of approval. The department may revoke any approval, issued under this code, for any false statements or misrepresentation of facts on which the approval was based.

Comm 61.36 Expiration of plan approval and extension of plan approval. (1) EXPIRATION OF PLAN APPROVAL. (a) *Building shell.* Except as provided in par. (f), plan approval by the department or its authorized representative for new buildings and building additions shall expire 2 years after the approval date indicated on the approved building plans if the building shell is not closed in within those 2 years.

(b) *Occupancy.* Except as provided in sub. (2), plan approval by the department or its authorized representative for new buildings and building additions shall expire 3 years after the approval date indicated on the approved building plans if the building is not ready for occupancy within those 3 years.

(c) *Alterations.* Except as provided in sub. (2), plan approval by the department or its authorized representative for interior building alterations shall expire one year after the approval date indicated on the approved building plans if the alteration work is not completed within that year.

(d) *HVAC construction only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for heating, ventilating, or air conditioning construction that does not include any associated building construction shall expire one year after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within that year.

(e) *Fire protection systems only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for a fire protection system that does not include any associated building construction shall expire 2 years after the approval date indicated on

the approved plans if the building or building area affected by the plans is not ready for occupancy within those 2 years.

(f) *Mausoleums.* Plan approval by the department or its authorized representative for mausoleums within the scope of s. 440.92 (2) (e), Stats., shall expire 3 years after the date indicated on the approved building plans of the building shell if not closed within those 3 years.

(2) **EXTENSION OF PLAN APPROVAL.** Upon request and payment of the fee specified in ch. Comm 2, the expiration dates in sub. (1) (b) to (f) shall be extended for one 1-year period provided the request is submitted prior to expiration of the original approval.

Note: According to s. 66.0413, Stats., the local governmental body or building inspector may order the razing of buildings or portions thereof, where there has been a cessation of normal construction for more than 2 years.

Comm 61.37 Department limitation. A conditional approval of a plan by the department may not be construed as an assumption of any responsibility on the part of the department for the design or construction of the project.

Comm 61.38 Construction documents for fire apparatus access. Where required by a fire department, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

Subchapter IV – Multifamily Building Permits

Comm 61.40 Wisconsin uniform multifamily building permit. (1) GENERAL. A building owner or authorized agent shall obtain a Wisconsin uniform multifamily building permit from the municipality administering and enforcing this code before any on-site construction of a multifamily dwelling is commenced, including excavation for a building, except where a permit to start construction has been issued under s. Comm 61.32

(2) SANITARY PERMIT. Pursuant to s. 66.036, Stats., if the proposed construction requires connection to a private onsite wastewater treatment system, a Wisconsin uniform multifamily building permit may not be issued unless conformance with s. Comm 83.25 (2) has first been determined.

(3) APPLICATION FOR A WISCONSIN UNIFORM MULTIFAMILY BUILDING PERMIT. Application for a Wisconsin uniform multifamily building permit shall be on a form obtained from the department or on a form obtained from the municipality administering and enforcing this code. Forms provided by the municipality shall include all the information prescribed by the department. No application may be accepted that does not contain all the information requested on the form.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Note: Section 101.973 (5) requires the department to collect and publish data secured from multifamily building permits.

Note: Any municipality exercising jurisdiction may require reasonable supplementary information not contained on the Wisconsin multifamily building permit application.

(4) FILING OF A WISCONSIN UNIFORM MULTIFAMILY BUILDING PERMIT APPLICATION. A Wisconsin uniform multifamily building permit application shall be filed with a municipality administering and enforcing this code under ss. Comm 61.60 or 61.61 or with a representative that the municipality has authorized to receive the application.

(5) PERMIT FEES. The municipality shall by ordinance determine fees to cover expenses for issuance of the Wisconsin uniform multifamily building permit. Fees shall be submitted to the municipality when a Wisconsin uniform multifamily building permit application is filed there.

(6) ISSUANCE OF PERMITS. A Wisconsin uniform multifamily building permit shall be issued if the department and municipal requirements for filing and fees are satisfied and the plans have been conditionally approved. The municipality may require a building permit card to be posted in a conspicuous place at the dwelling site. The permit shall expire 2 years after issuance if the dwelling exterior has not been completed, unless the permit has been extended by the municipality or the department for a period of up to 2 years. A municipality issuing the

permit shall either send a copy of the application to the department or tally and transfer the data to the department in either written or electronic-based format.

(7) ACTION TO APPROVE OR DENY. Action to approve or deny a uniform multifamily building permit application shall be completed within 15 business days of receipt of all forms, fees, plans, and documents required to process the application. Denied applications shall include a written statement specifying the reasons for denial.

(8) SUSPENSION OR REVOCATION OF PERMIT. The department or the municipality administering and enforcing this chapter may suspend or revoke any Wisconsin uniform multifamily building permit if it appears that the permit or plan approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order issued under s. Comm 61.51, or where the inspector is denied access to the premises. No construction may take place on a multifamily dwelling after suspension or revocation of a permit.

Subchapter V — Supervision and Inspections

Comm 61.50 Supervision. (1) GENERAL. (a) Except as provided in par. (b), the proposed construction of a project within the scope of this code shall be supervised by a Wisconsin registered architect or engineer, except that a Wisconsin registered designer may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with a nonconformance with the code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.

(b) 1. Except as provided in s. Comm 61.30 (1) (b) 2. b., a project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one of the following conditions:

a. The building does not exceed 50,000 cubic feet in volume.

b. An addition to an existing building does not cause the entire building to exceed a volume of 50,000 cubic feet.

2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.

(2) DUTIES. Supervision of construction is a professional service, as distinguished from superintending of construction by a contractor, and means the performance, or the supervision thereof, of reasonable on-the-site observations to determine that the construction is in substantial compliance with the approved plans and specifications.

(3) NAME OF SUPERVISING ARCHITECT, ENGINEER OR DESIGNER. Prior to the start of construction, the owner of the building or structure shall designate in writing to the authority that issued plan approval the name and Wisconsin registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

(4) COMPLIANCE STATEMENT. Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the department.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Comm 61.51 Inspections. (1) ON-SITE. On-site inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and this code.

Note: See Appendix for further explanatory material.

(2) IN-PLANT. (a) General. Manufacturers of manufactured buildings shall contract with the department or an independent inspection agency to conduct in-plant inspections to assure that the manufactured buildings are in compliance with the plans approved by the department. All inspections shall be performed by a certified commercial building inspector.

(b) Wisconsin insignia for manufactured buildings. Pursuant to s. 101.75, Stats., a Wisconsin insignia shall be installed on a manufactured dwelling unit approved by the department and inspected at the manufacturing plant. Each Wisconsin insignia shall be assigned and affixed to a specific manufactured multifamily dwelling, in the manner approved by the department, before the dwelling is shipped from the manufacturing plant. The serial number shall be located on the manufacturer's data plate.

(c) Manufacturer's responsibilities. 1. 'Insignia records.' The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias indicating the number of Wisconsin insignias which have been affixed to manufactured buildings, building components, or groups of components; which Wisconsin insignias have been applied to which manufactured building or building component; and the disposition of any damaged or rejected Wisconsin insignias. The records shall be maintained by the manufacturer or by the independent inspection agency for at least 10 years. A copy of the records shall be sent to the department upon request.

2. 'Lost or damaged insignia.' a. If Wisconsin insignias become lost or damaged, the department shall be notified immediately in writing by the manufacturer or dealer.

b. If a Wisconsin insignia becomes damaged, the insignia shall be returned to the department with the fee specified in ch. Comm 2 to obtain a new insignia.

(d) Insignia suspension and revocation. 1. The department may suspend or revoke its approval if it determines that the standards for the construction or manufacture and installation of a manufactured building do not meet this code, or if such standards are not being enforced as required by this chapter.

2. Upon suspension or revocation of the approval, no further insignias may be attached to any manufactured building or type of manufactured building with respect to which the approval was suspended or revoked.

3. Upon suspension or revocation of the approval, all insignias allocated to the manufacturer shall be returned to the department no later than 30 days from the effective date of the suspension or revocation.

(e) *Public mausoleum.* Within 30 days after receiving written notice from a cemetery authority that the construction or conversion of a public mausoleum has been completed, the department or authorized representative shall inspect the public mausoleum and provide written notification of violations. Except as provided in s. 157.12 (2) (b), Stats., public mausoleum spaces may not be sold prior to approval by the department or its authorized representative.

Note: Sale of public mausoleum spaces is permitted prior to departmental approval in accordance with the requirements of the department of regulation and licensing.

Subchapter VI — Product and Standard Review and Approval

Comm 61.60 Building product approvals. (1) VOLUNTARY APPROVAL. (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment, and products that meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this code.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

(3) EXPERIMENTAL APPROVAL. (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this code.

(b) The department may require the submission of any information deemed necessary for review.

(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department in accordance with s. Comm 61.31.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the project shall be attached to the submitted plans and approved plans.

b. The letter shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. If a supervising professional is not required for the project by s. Comm 61.50, a person responsible for construction of the project shall be designated in writing by the owner.

5. The supervising professional or person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person approved by the department, at time intervals as specified by the department, but not less than once a year. An inspection report shall be written.

2. The department may assess a fee for each inspection.

(f) Five years and six months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

(g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, the determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party that provided any information on which the approval was based, or as a result of material, equipment or product failure.

2. The department may reexamine an approved material, equipment or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with this code or the intent of this code due to a change in the code or department interpretation of the code.

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. Comm 2.

(5) **UNGRADED OR USED PRODUCTS.** (a) 1. Except as provided in subd. 2, ungraded or used building products may be used or reused as long as the materials possess the essential properties necessary to achieve the level of performance required by this code for the intended use.

2. Ungraded or used products may not be utilized, if specifically prohibited under a specific referenced standard.

(b) The department or the municipality enforcing this code may require tests in accordance with subs. (1) or (2). Approval for use of ungraded or used materials may be issued under this section or may be issued for a specific project under s. Comm 61.31.

Comm 61.61 Alternate standards. (1) Alternate standards that are equivalent to or more stringent than the standards referenced in this code may be used in lieu of the referenced standards when approved by the department or if written approval is issued by the department in accordance with sub. (2).

(2) (a). Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

(b) The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees and documents required to complete the review.

(3) Determination of approval shall be based on an analysis of the alternate standard and the standard referenced in this code, prepared by a qualified independent third party or the organization that published the standard contained in this code.

(4) The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(5) If the department determines that the alternate standard is not equivalent to or more stringent than the referenced standard, the request for approval shall be denied in writing.

(6) The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based.

(7) The department may reexamine an approved alternate standard and issue a revised approval at any time.

**Subchapter VII — First Class City and Certified Municipality
Approvals**

Comm 61.70 Certified municipalities and counties. (1) GENERAL. This section establishes the manner under which cities, villages, towns and counties may examine building plans and inspect buildings under s. 101.12 (3) (a), (am), (b) and (g), Stats.

(2) CONDITIONS OF PARTICIPATION. (a) Before assuming the responsibilities of examining building plans and providing inspection services, cities, villages, towns and counties shall comply with all of the following:

1. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.

2. Adopt by ordinance or regulation the responsibilities of plan examination and building inspection.

3. Adopt by ordinance or regulation this code in its entirety.

4. Submit to the department a certified copy of all ordinances or regulations assuming the plan examination and building inspection responsibilities and adopting this code.

5. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.

6. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.

7. Receive from the department certification to perform plan examination and building inspection.

(b) While certified, a municipality or county shall comply with all of the following:

1. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.

2. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.

3. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

(c) Second class cities intending to perform the expanded plan examination and inspection specified in sub. (5) (b) shall comply with pars. (a) 1. to 7. and (b) 3., sub. (7) (b), and all of the following:

1. Employ at least one person who complies with all of the following:

a. Is registered under ch. 443, Stats., as an architect or professional engineer.

b. Is a certified commercial building inspector.

c. Performs or directly supervises the plan examinations specified in sub. (5) (b).

2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

(d) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (a) 1. to 7. and (b) 3., except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

2. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures that exceed the limits specified in sub. (5) (c), a municipality or county shall comply with subd. 1. and all of the following:

a. Obtain authorization for these inspections from the department.

b. Use an inspection process that is based on the inspection process used by the department.

c. Retain inspection records in a manner that is accessible to the department.

d. Forward to the department any information requested by the department relative to the inspection of buildings.

3. A municipality or county may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.

(e) The department may revoke the certification or delegation of authority for any municipality or county where the plan examiners or inspectors do not meet the standards specified by the department or where other requirements of this section are not met.

Note: For any certified municipality or county, the department may review the competency of plan examiners on a regular basis, and review the correspondence and inspection reports, to determine if uniformity in code application decisions is being maintained, and to determine if the standards specified by the department are being met. Regular meetings and correspondence may be maintained between a certified municipality or county and the department in order to discuss and resolve any problems.

(3) JURISDICTION. (a) *Departmental.* 1. Nothing in this section shall prevent the department from conducting its own investigations or inspections or issuing orders relative to the administration and enforcement of this code.

2. The department shall administer and enforce this code in any municipality or county which has not assumed the responsibilities for plan examination and building inspection under sub. (2).

(b) *County.* 1. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions shall apply to all municipalities within that county which have not assumed those functions pursuant to sub. (2).

2. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions may not prevent or prohibit any municipality within that county from assuming those functions pursuant to sub. (2) at any time.

(4) CERTIFICATION OF INSPECTORS. Inspectors employed by certified municipalities and counties to administer and enforce this code under sub. (2) shall be certified by the department in accordance with ch. Comm 5 as certified commercial building inspectors.

(5) PLAN EXAMINATION. (a) *First class cities.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a first class city shall be submitted to that city, if that city has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2).

(b) *Second class cities performing expanded plan examination.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings and structures in accordance with sub. (2) (c). Second class cities performing these examinations are not subject to the plan examination limits specified in par. (c).

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed-agent process in s. Comm 61.71.

(c) *Other municipalities and counties.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a municipality or county that is not included in pars. (a) and (b) shall be submitted to either the department or to that municipality or county if the municipality or county has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2) and if the plans are for any of the following

1. A new building or structure containing less than 50,000 cubic feet of total volume.

2. a. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.

b. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

3. An alteration of a space involving less than 100,000 cubic feet of total volume.

(d) *Project waiver.* 1. A certified municipality or county may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.

2. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality or county, in which case plans and specifications shall be submitted to the certified municipality or county for review and approval.

(e) *Plan submission procedures.* 1. a. A building permit application shall be included with the plan submitted to the municipality or county having jurisdiction for examination.

b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. Comm 61.61 shall include the department's plan approval application form specified in s. Comm 61.31, unless a municipally supplied form is submitted that includes the owner's, designer's and supervising professional's statements and signatures which are required on the department's form.

2. At least 2 sets of complete building plans and one copy of specifications shall be submitted to the municipality or county having jurisdiction for examination.

3. a. Building plans submitted to a municipality or county for examination shall include the information specified in subd. 3. b. and s. Comm 61.31.

b. Plans that are submitted to a municipality under par. (c) by use of the volumes specified in pars. (c) 1. to 3. shall include calculations showing the total volume.

4. After plans and specifications for a project have been submitted to a municipality or county under this section, or to a department office, any subsequent submittal for the purpose of complying with this code shall be submitted to that same office, except as provided in subds. 6. to 9.

5. Except as provided in subds. 6. to 9., plans and specifications for all components of a project, including but not limited to trusses, precast concrete, laminated wood, or heating, ventilating and air conditioning, shall be submitted to the same office.

6. For an individual building in a multiple-building complex, the submitter may choose whether to submit plans and specifications to a municipality or county having jurisdiction for examination, or to any of the department's offices, even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to petitions, application forms, preliminaries, staff notes and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality or county, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.

7. For multiple-tenant or -owner buildings, including but not limited to shopping centers or office buildings, the plans and specifications for the initial tenant or owner in each space, and the alteration plans and specifications for changing a previously approved space may be submitted either to the municipality or county or to a department office; provided the requirements in s. Comm 61.31 (2) (d) are met.

8. Decisions as to whether plans and specifications for building additions may be submitted to offices other than where the previous approvals occurred shall be handled between the municipality or county, department and submitter on a case-by-case basis. These submittals shall comply with s. Comm 61.31 (2) (e).

9. Departmental review of plans and specifications under this subsection does not satisfy any need for municipal review of these plans and specifications for conformance with local requirements adopted under s. Comm 61.03 (4) that are in addition to or more stringent than chs. Comm 61 to 65, 70, and 75 to 79.

(f) *Plan approval.* 1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to this code or other ordinances and regulations, an approval shall be issued in accordance with all of the following:

a. The plans shall be stamped "CONDITIONALLY APPROVED", signed and dated by a certified commercial building inspector.

b. One set of the conditionally approved plans, and all calculations and correspondence shall be retained in their original form or as readable microfilm- or electronic-based copies for at least 4 years by the municipality or county, and all other approved plans shall be returned to the submitter or their representative.

c. A notice of conditional approval shall be provided, in writing, to the submitter and the building owner stating all conditions of approval. A copy of the notice shall be provided to the department of health and family services for health care facilities, and to the department of corrections for jails and places of detention.

2. All non-code-complying and other conditions stated in the conditional approval notice shall be corrected or met before or during construction, and before occupancy of the building.

(g) *Denial of plan approval.* If the municipality or county determines that the plans submitted do not substantially conform to this code or other legal ordinances and regulations, a denial for plan approval shall be issued in accordance with all of the following:

1. The plans shall be stamped "NOT APPROVED," signed and dated by a certified commercial building inspector.

2. One set of the not-approved plans shall be retained by the municipality or county and all other plans shall be returned to the submitter or their representative.

3. A notice of the not-approved plans shall be provided in writing, to the submitter and the building owner stating the reasons for the denial.

(h) *Liability.* A conditional approval of a plan by a municipality or county may not be construed as an assumption of any responsibility on the part of the municipality, the certified commercial building inspector or the department for the design or construction of the building.

(6) **INSPECTION.** Inspections shall be conducted by a municipality or county to ascertain whether or not the construction or installation for buildings and structures conforms to the conditionally approved plans, the notice of conditional approval and this code, in accordance with all of following:

(a) All inspections, for the purpose of administration and enforcement of this code, shall be performed by a certified commercial building inspector.

(b) A written report of each inspection shall be prepared. The report shall include the name of the certified commercial building inspector.

(c) A copy of each inspection report shall be furnished to the owner and plan submitter.

(d) A copy of each inspection report shall be permanently maintained in the municipal files or county files.

(e) The inspection report shall indicate all items of non-compliance noted during the inspection.

(f) If non-complying items are not corrected, orders to correct shall be issued in accordance with local ordinances.

Note: Certified municipalities are authorized to perform the inspections specified in s. Comm 61.51.

(7) FEES. (a) Municipalities and counties having jurisdiction of plan examination and building inspection may set by ordinance the fees for plan examination and building inspection services.

(b) A second class city that is certified to perform the expanded plan examination specified in sub. (5) (b) shall submit to the department the fees specified in s. Comm 2.31 (1) (g).

Note: A list of the municipalities and counties providing plan examination and building inspection under this section is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Comm 61.71 Appointed agents. (1) GENERAL. This section establishes the manner under which a city, village, town or county may examine building plans and inspect buildings as an appointed agent for the department relative to s. 101.02 (5) (b), Stats.

(2) CONDITIONS OF PARTICIPATION. (a) Before assuming any of the department's plan examination or building inspection responsibilities that are not listed in s. Comm 61.70 (5), the applicant shall comply with all of the following:

1. Submit a written request to the department, at least 30 days prior to the date upon which the applicant desires to assume agent responsibilities for plan examination or building inspection.

2. Include in the request a description of the desired responsibilities, such as plan examination for buildings that are not within the applicant's jurisdiction, or plan examination for building additions or alterations that are beyond the limits specified in s. Comm 61.70 (5) (c).

3. Include in the request a description of the qualifications the applicant has for assuming the desired responsibilities.

4. Receive from the department a written statement prescribing the responsibilities that are to be assumed.

(b) While appointed, an agent shall comply with all of the following:

1. Apply the corresponding requirements in s. Comm 61.70 (5) (d) to (h) and (6).

2. Submit to the department the fees specified in s. Comm 2.31 (1) (h).

3. Provide a monthly report to the department of all projects completed under this section, in an electronic-based format prescribed by the department.

4. Notify the department, in writing, at least 30 days prior to the date upon which the appointed agent intends to relinquish the responsibilities assumed under this section.

(3) REVOCATION. The department may revoke the appointment of an agent where the plan examiners or inspectors of the agent do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: A list of appointed agents providing plan examination and building inspection under this section is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

File reference: IBC/Comm 61C 1r

CHAPTER Comm 62
BUILDINGS AND STRUCTURES

Comm 62.0001 Standards. The design, construction, and maintenance of public buildings and places of employment shall comply with s. Comm 61.05, except as provided in this chapter and chs. Comm 63 to 65.

Comm 62.0100 Administration. (1) GENERAL. Except for the requirements in IBC sections 102.4 and 115, the requirements in IBC chapter 1 are not included as part of this code.

Note: The sections in this chapter are generally numbered to correspond with the section numbering in the IBC; e.g., s. Comm 62.0202 corresponds to IBC section 202, and s. Comm 62.3408 corresponds to IBC section 3408.

Note: As used throughout this code, “not included as part of this code” is intended to convey that the referenced requirements are not incorporated herein, and therefore cannot be enforced through this code. However, local ordinances may include the referenced requirements, as specified in s. Comm 61.03.

(2) UNSAFE STRUCTURES AND EQUIPEMENT. This is a department rule in addition to the requirements in IBC section 115: The requirements in IBC section 115 apply to all public buildings and structures and places of employment, that exist before, on, or after the effective date of this code.

Comm 62.0202 Definitions. (1) ADDITIONS. These are department definitions in addition to the definitions in IBC section 202:

(a) “Air barrier” means a material or combination of materials collectively having a maximum air leakage rate of 0.06 cfm/ft.² at 0.30 in. H₂O, when tested in accordance with ASTM E 783, installed to resist air leakage into the exterior envelope.

(b) “Historic building” means a “qualified historic building” as defined in s. Comm 70.17 (15).

Note: Section Comm 70.17 (15) reads as follows: “ ‘Qualified historic building’ means a building which is:

“(a) Listed on, or nominated by the state historical society for listing on, the national register of historic places in Wisconsin;

“(b) Included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin, and has been determined by the state historical society to contribute to the historic significance of the district;

“(c) Listed on a certified municipal register of historic property; or

“(d) Included in a district which is listed on a certified municipal register of historic property, and has been determined by the municipality to contribute to the historic significance of the district.”

(c) "IBC and International Building Code" mean the 2000 edition of the *International Building Code*[®], as adopted and modified in this code.

(d) "ICC Electrical Code" means ch. Comm 16.

(e) "IECC and International Energy Conservation Code" mean the 2000 edition of the *International Energy Conservation Code*[®], as adopted and modified in this code.

(f) "IFC and International Fire Code" mean the 2000 edition of the *International Fire Code*[®].

(g) "IFGC and International Fuel Gas Code" mean the 2000 edition of the *International Fuel Gas Code*[®], as adopted and modified in this code.

(h) "IMC and International Mechanical Code" mean the 2000 edition of the *International Mechanical Code*[®], as adopted and modified in this code.

(i) "IPC and International Plumbing Code" mean chs. Comm 81 to 87.

(j) "IPSC and International Private Sewage Code" mean chs. Comm 81 to 87.

(k) "Multifamily dwelling" has the meaning given in s.101.971 (2), Stats.

Note: Section 101.971 (2), Stats., reads as follows: " 'Multifamily dwelling' means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. 'Multifamily dwelling' does not include a facility licensed under ch. 50."

(2) SUBSTITUTIONS. Substitute the following definitions for the corresponding definitions listed in IBC section 202:

(a) "Approved" means acceptable to the department.

(b) "Dwelling unit" has the meaning given in s. 101.61 (1), Stats.

Note: Section 101.61 (1), Stats., reads in part: " 'Dwelling unit' means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others."

Comm 62.0310 Use and occupancy classification. This is a department informational note to be used under IBC section 310.2:

Note: See s. Comm 61.01 Notes for statutory definitions of adult family home and community-based residential facility. See s. Comm 62.0202 for definitions of dwelling unit and multifamily dwelling.

Comm 62.0400 Special detailed requirements based on use and occupancy. These are department rules in addition to the requirements in IBC chapter 4:

(1) FIREWORKS, BLACK POWDER AND EXPLOSIVE MATERIALS. Fireworks, black powder and explosive materials shall be stored and isolated in accordance with chs. Comm 7 and Comm 14.

(2) RECYCLING SPACE. An owner of a building shall provide a separate room or designated space within or adjacent to the building for the separation, temporary storage and collection of recyclable materials that are likely to be generated by the building occupants, under any of the following conditions:

(a) The construction of a new building.

(b) An increase in the existing area of a building that increases the gross floor area of the structure by 50 percent or more.

(c) An alteration of 50 percent or more of the existing area of a building that is 10,000 square feet or more in area.

Note: See Appendix B for guidelines for recommended designated areas.

Note: The collection and temporary storage of recyclable materials that are flammable or combustible is regulated by ch. Comm 14. Storage of liquids that are flammable or combustible is regulated by ch. Comm 10. Owners of buildings where these materials are stored should consult those chapters for isolation, removal and storage standards.

(3) LUNCHROOMS. A space for eating lunches shall be provided in all places of employment where there is exposure to injurious dusts, toxic material and industrial poisons. Such space shall be physically separate from any location where there is exposure to toxic materials. Toilet rooms shall not be permitted to serve as lunchrooms.

Comm 62.0401 Chapter Comm 10 compliance. This is a department informational note to be used under IBC section 401.1:

Note: See ch. Comm 10 for additional requirements for motor vehicle service stations and for storage, handling, processing and transporting of flammable and combustible liquids.

Comm 62.0402 Lease plan. The requirements in IBC section 402.3 are not included as part of this code.

Comm 62.0403 High-rise buildings. (1) AUTOMATIC SPRINKLERS FOR HIGH-RISE AND DORMITORY BUILDINGS. These are department informational notes to be used under IBC section 403.2:

Note: Under s. 101.14 (4) (b) 1, Stats., an automatic sprinkler system must be installed throughout every building that is more than 60 feet in height, except this requirement does not apply to open parking structures.

Note: Under s. 101.14 (4) (b) 3, Stats., an automatic sprinkler system must be installed by January 1, 2006, on each floor of all University of Wisconsin System residence halls and dormitories which are over 60 feet tall and for which initial construction was begun prior to April 26, 2000.

(2) **FUEL SUPPLY FOR STANDBY POWER.** Substitute the following wording for the exception in IBC section 403.10.1.1: Where the system is supplied with pipeline natural gas.

Comm 62.0406 Special hazards in parking garages. Substitute the following wording for the requirements and exception in IBC section 406.2.8:

(1) Except as provided in subs. (2) and (3), fuel-fired appliances shall be located in a room that is separated from the parking garage by construction which will form a solid barrier between the room and the garage. Entrance to the room shall be from the outside, or by means of a vestibule creating a two-doorway separation, with both doors self-closing.

(2) Unit heaters may be suspended in a parking garage in accordance with the IMC.

(3) A single interior self-closing door shall be allowed provided the sources of ignition in the appliance are at least 18 inches above the floor.

Comm 62.0414 Information required. The requirements in IBC section 414.1.3 are not included as part of this code.

Comm 62.0415 Hazardous materials Substitute the following wording for the corresponding definition in IBC section 415.2: The concentration of air-borne contaminants which poses a threat of death, immediate or delayed permanent adverse health effects, or effects which could prevent escape from such an environment. This contaminant concentration level is established by the National Institute of Occupational Safety and Health based on both toxicity and flammability. It generally is expressed in parts per million by volume, or milligrams per cubic meter.

Comm 62.0500 Fire apparatus access. These are department rules in addition to the requirements in IBC chapter 5:

(1) **GENERAL.** Unobstructed fire lanes that are accessible from a public road shall be provided for every facility, building or portion of a building in accordance with this code.

(2) **EXTENT.** (a) 1. Except as provided in par. (b), the fire lane shall extend to within 150 feet of all portions of the building or facility or any portion of the exterior wall of the first story as measured by an approved route around the exterior of the building or facility.

2. Where any part of the building or facility is more than 30 feet above the lowest level of fire apparatus access, the fire lane shall also be parallel to one entire side of the building or facility with the near edge of the fire lane within 30 feet of the building or facility on that parallel side.

(b) The fire code official may increase the dimension of 150 feet where any one of the following conditions are met:

1. The building is equipped with a complete automatic fire sprinkler system.

2. A code-complying fire lane cannot be provided due to location on property, topography, grades, waterways or other similar conditions, and an approved alternative means of fire protection is provided.

(3) DIMENSIONS. (a) A fire lane shall have a minimum unobstructed vertical clearance of 13.5 feet.

(b) Buildings or facilities with any part more than 30 feet above the lowest level of fire apparatus access shall be provided with a fire lane capable of accommodating aerial fire apparatus. Overhead power or utility lines may not be located across or within a fire lane for aerial fire apparatus.

(c) Except as provided in pars. (d) and (e), a fire lane shall have a minimum unobstructed width of 20 feet.

(d) Where a fire hydrant is provided to supply fire apparatus on the fire lane, the minimum unobstructed width shall be 26 feet for a minimum distance of 20 feet on each side of the fire hydrant.

(e) Where any part of the building or facility is more than 30 feet above the lowest level of fire apparatus access, the minimum unobstructed width of the fire lane parallel to one side of the building or facility as required under sub. (2) (a) 2., shall be 26 feet.

(4) TURNING RADIUS. The inside turning radius of a fire lane shall be 28 feet or as determined by the fire code official.

(5) DEAD ENDS. A dead-end fire lane that is longer than 150 feet shall terminate in a turnaround area which consists of one of the following:

(a) A cul-de-sac with a minimum diameter of 70 feet.

(b) A 45 degree wye with a minimum length of 60 feet per side.

(c) A 90 degree tee with a minimum length of 60 feet per side.

(6) SIGNAGE. The fire code official may require the installation and maintenance of signs related to fire lanes.

(7) GATES AND BARRICADES. (a) The fire code official may require the installation, maintenance, securing and emergency operability of gates or barricades across a fire lane.

(b) Security gates may be installed across fire lanes subject to the approval of the fire code official.

(8) **SURFACE.** Fire lanes shall be designed, installed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities.

(9) **BRIDGES AND ELEVATED SURFACES.** Bridges or elevated surfaces that are part of a fire lane shall be designed for a live load sufficient to carry the imposed load of the fire apparatus.

(10) **GRADE.** The grade of the fire lane shall be approved by the fire code official based on the fire department apparatus and site topography.

(11) **TIMING.** Required fire lanes shall be provided prior to the placement of combustible materials at the building site, or the construction of any portion of a building or facility above the footing and foundation.

Comm 62.0702 Fire separation distance. Substitute the following definition for the corresponding definition listed in IBC section 702: The distance measured from the building face to the closest interior lot line, to the centerline of a street alley or public way, to a permanent no-build easement line, or to an imaginary line between two buildings on the same property. The distance shall be measured at right angles from the lot line.

Comm 62.0703 Fire-resistance ratings. Substitute the following wording for the requirements, but not the exception, in IBC section 703.2: The fire-resistance rating of building elements shall be determined in accordance with the test procedures set forth in ASTM E 119 or in accordance with IBC section 703.3. Materials and methods of construction used to protect joints and penetrations in fire-resistance-rated building elements shall not reduce the required fire-resistance rating.

Comm 62.0704 Connections between buildings. This is a department exception to the requirements in IBC section 704.1: This section does not apply to connections between buildings, that are in compliance with IBC section 3104.

Comm 62.0705 Fire wall identification. These are department rules in addition to the requirements in IBC section 705:

(1) **PURPOSE.** Pursuant to s. 101.135, Stats., the purpose of this section is to establish uniform standards for the identification of fire walls on the exterior of buildings.

(2) **MUNICIPAL ORDINANCE.** A city, village or town may by ordinance require owners to identify the location of a fire wall at the exterior wall of a building with a sign.

(3) **SIGN REQUIREMENTS (a) General.** The sign shall consist of 3 circles arranged vertically on the exterior wall, marking the location of the fire wall and centered on the fire

wall. The circles shall either be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.

(b) *Size of circle.* Each circle shall be the same size. The diameter of the circle shall be at least 1 1/2 inches, but no greater than 2 inches.

(c) *Spacing.* The circles shall be spaced an equal distance apart. The distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be no more than 12 inches.

(d) *Color.* The color of the circle shall be red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.

Comm 62.0712 Fire test criteria. Substitute the following wording for the requirements, but not the exception, in IBC section 712.3: Fire-resistant joint systems shall be tested in accordance with the requirements of UL 2079. Nonsymmetrical wall joint systems shall be tested with both faces exposed to the furnace, and the assigned fire-resistance rating shall be the shortest duration obtained from the two tests. When evidence is furnished to show that the wall was tested with the least fire-resistant side exposed to the furnace, the wall need not be subjected to tests from the opposite side.

Comm 62.0715 Smoke dampers in health care facilities. This is an additional department exception to the requirements in IBC section 715.5.5: Smoke dampers are not required in Group I-2 duct penetrations of smoke barriers in fully ducted HVAC systems.

Comm 62.0719 Minimum protection for floor and roof systems. This is a department rule in addition to the requirements in IBC Table 719.1(3):

IBC TABLE 719.1(3)

MINIMUM PROTECTION FOR FLOOR AND ROOF SYSTEMS

(Partial Table)

FLOOR OR ROOF CONSTRUCTION	CEILING CONSTRUCTION	THICKNESS OF FLOOR OR ROOF SLAB (inches), FOR 1-HOUR RATING	MINIMUM THICKNESS OF CEILING (inches), FOR 1-HOUR RATING
Line 22. Steel joists, floor trusses and flat or pitched roof trusses spaced a maximum 24 inches on center with 1/2-inch wood structural panels with exterior glue applied at right angles to top of joist or top chord of trusses with No. 8 screws. The wood structural panel thickness shall not be less than nominal 1/2-inch nor less than required by IBC chapter 22.	Base layer 5/8-inch Type X gypsum board applied at right angles to steel framing 24 inches on center with 1-inch Type S drywall screws spaced 24 inches on center. Face layer 5/8-inch Type X gypsum board applied at right angles to steel framing attached through base layer with 1 5/8-inch Type S drywall screws 12 inches on center at end joints and intermediate joints and 1 1/2-inch Type G drywall screws 12 inches on center placed 2 inches back on either side of face layer end joints. Joints of the face layer are offset 24 inches from the joints of the base layer.	Varies	1 1/4

Comm 62.0720 Additional protection. Substitute the following wording for the requirements in IBC section 720.6.2.5 and IBC Table 720.6.2(5): IBC Table 720.6.2(5) indicates the time increments to be added to the fire resistance where glass fiber, rockwool, slag mineral wool, or cellulose insulation is incorporated in the assembly.

IBC TABLE 720.6.2(5)

TIME ASSIGNED FOR ADDITIONAL PROTECTION

DESCRIPTION OF ADDITIONAL PROTECTION	FIRE RESISTANCE (minutes)
Add to the fire resistance rating of wood stud walls if the spaces between the studs are completely filled with glass fiber mineral wool batts weighing not less than 2 lb./cu ft (0.6lb/sq ft of wall surface), or rockwool or slag mineral wool batts weighing not less than 3.3 lb/cu ft (11lb/sq ft of wall surface), or cellulose insulation having a nominal density not less than 2.6lb/cu ft..	15

Comm 62.0901 Fire protection systems. (1) MODIFICATIONS. Substitute the following informational note for the requirements in IBC section 901.3.

Note: See chs. Comm 14 and 61 for requirements to shut down, impair, remove or modify fire protection systems.

(2) FIRE HOSE THREADS. These are department informational notes to be used under IBC section 901.4:

Note: Section 213.15, Stats., regulates fire hose threads and fittings and reads as follows: "All fire hose fittings, apparatus fittings, 1.5 and 2.5 inches in diameter purchased or procured by a fire department or fire company shall be of the national standard hose thread as adopted by the national fire protection association. No fire department shall utilize hose and equipment not in conformance with the requirement that all threads shall be national standard hose thread as adopted by the national fire protection association. Any person offering for sale nonstandard hose couplings, fittings or apparatus fittings may be fined not less than \$100 nor more than \$500."

Note: NFPA 1963 contains the specifications for national standard hose thread.

Comm 62.0902 Definition. Substitute the following definition and informational note for the corresponding definition listed in IBC section 902.1: "Automatic sprinkler system" or "Automatic fire sprinkler system" has the meaning given in s. 145.01 (2), Stats.

Note: Section 145.01 (2), Stats., reads as follows: " 'Automatic fire sprinkler system,' for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area."

Comm 62.0903 Automatic fire sprinkler systems. (1) ALTERNATIVE PROTECTION. Substitute the following wording for the requirements in IBC section 903.1.1: Alternative automatic fire-extinguishing systems complying with IBC section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard.

(2) MULTIFAMILY DWELLINGS. For multifamily dwellings only, substitute the following wording for the requirements, but not the exception, in IBC section 903.2.8: An automatic fire sprinkler system or 2-hour fire resistance shall be provided in every multifamily dwelling that contains floor areas or dwelling units exceeding any of the thresholds established in Table 62.0903. The floor areas specified in the thresholds do not include any of the following:

(a) Areas that are outside a building, as in the following:

1. Porches that are open to the outside atmosphere.
2. Exterior stairs.
3. Exterior platforms.
4. Exterior landings.
5. Exterior decks.

(b) An attached garage that meets all of the following criteria:

1. Has a floor area of 600 square feet or less.
2. Serves a single dwelling unit.
3. Is accessed directly from the dwelling unit.
4. Is separated from the remainder of the building by at least 1-hour rated fire-resistive construction.

Note: Housing units that receive federal funding may be required by federal regulations to have sprinkler protection regardless of building size.

TABLE 62.0903

Thresholds Above Which a Sprinkler System or 2-Hour Fire Resistance Is Required in a Multifamily Dwelling

Class of Construction	Total Floor Area Within Individual Dwelling Units	Number of Units	Total Floor Area of Nondwelling Unit Portions (Common use areas, such as corridors, stairways, basements, cellars, vestibules, community rooms, laundry rooms, pools, etc.)
Type IA	16,000 sq ft	20 units	16,000 sq ft
Type IB			12,000 sq ft
Type IIA			8,000 sq ft
Type IIB			5,600 sq ft
Type III			
Type IV			
Type VA			
Type VB	4,800 sq ft		

(3) UNIVERSITY DORMITORIES. This is a department informational note to be used under IBC section 903.2.8:

Note: Under s. 101.14 (4) (b) 3, Stats., an automatic sprinkler system must be installed at the time of construction of each floor of any University of Wisconsin System residence hall or dormitory that is constructed after April 26, 2000, regardless of the height of the building.

(4) EXEMPT LOCATIONS. Substitute the following wording for exempt location 2 in IBC section 903.3.1.1.1: Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the department.

(5) FIRE DEPARTMENT CONNECTION. Substitute the following wording for the requirements in IBC section 903.3.7: The fire department connection shall be installed in an accessible location acceptable to the fire chief.

Comm 62.0904. Alternative automatic fire-extinguishing systems. These are department rules in addition to the requirements in IBC section 904:

(1) WATER MIST FIRE PROTECTION SYSTEMS. Where a water mist fire protection system is installed, it shall comply with NFPA 750.

(2) MANUAL-WET SPRINKLER SYSTEMS. (a) *Where allowed.* A manual-wet sprinkler system may not be installed in a building unless all of the following conditions are met:

1. There is no municipal water system available to serve the property.
2. There is no provision under this code that requires the building or a portion of the building to have an automatic fire sprinkler system.

3. The municipality where the building is to be located has an adopted ordinance that requires the installation of manual-wet sprinkler systems and requires these systems to meet the provisions of this subsection.

(a) *General requirements.* 1. A building protected with a manual-wet sprinkler system shall be considered unsprinklered under all other code provisions.

2. Each manual-wet sprinkler system shall be provided with a fire department connection. The fire department connection shall be installed in an accessible location acceptable to the fire chief.

3. All above ground system piping throughout the building shall be labeled as a "manual-wet sprinkler system." Labels shall be placed at all of the following locations:

a. On the piping at intervals of not more than 25 feet and at each side where the piping passes through a wall, floor or roof.

b. At the fire department connection.

c. At all valves and hose outlets.

4. The manual-wet sprinkler system design and installation shall comply with the automatic fire sprinkler system requirements of NFPA 13 or NFPA 13R, as applicable, except that the system comprised of the pilot line, fire department connection and fire department apparatus is considered as the approved water supply for the system.

5. A manual-wet sprinkler system shall be supplied with water through the fire department connection using fire department apparatus.

6. The plumbing well, water service and pressure tank shall be of a size and capacity to supply the hydraulically most remote sprinkler with the required waterflow and pressure for a minimum of 10 minutes.

7. A pilot line shall be connected from the manual-wet sprinkler system to the plumbing water supply system at the well pressure tank. The pilot line shall be of a size that is adequate to supply the hydraulically most remote sprinkler in the system.

8. The connection of a manual-wet sprinkler system to a plumbing water supply system shall be protected against backflow conditions in accordance with s. Comm 82.41.

9. The actuation of any sprinkler in the system shall operate the waterflow indicating device, which shall initiate a fire alarm within the building.

10. Upon actuation of the building fire alarm, a fire alarm signal shall be sent automatically to the fire department providing fire protection to the building.

(c) *Instatller qualifications.* The installation or alteration of a manual-wet sprinkler system shall be performed by a licensed individual as specified for the installation of an automatic fire sprinkler system under subch. V of ch. Comm 5.

Comm 62.0907 Fire alarm and detection systems. (1) CONSTRUCTION DOCUMENTS. The requirements in IBC section 907.1.1 are not included as part of this code.

(2) SMOKE ALARMS. These are department informational notes to be used under IBC section 907.2.10 (intro.):

Note: Section 101.145 (2) and (3) (a), Stats., address installation of smoke detectors and read as follows: Section 101.145 (2) "A smoke detector required under this section shall be approved by underwriters laboratory."

(3) (a) "The owner of a residential building shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector."

Note: Section 101.145 (4), Stats., addresses retroactivity requirements for buildings constructed prior to the effective date of this section. This statute section states "The owner of a residential building the initial construction of which is commenced before, on or after May 23, 1978, shall install and maintain a functional smoke detector in the basement and at the head of any stairway on each floor level of the building and shall install a functional smoke detector either in each sleeping room of each unit or elsewhere in the unit within 6 feet of each sleeping area and not in a kitchen."

Note: Under Section 101.145 (1) (b), Stats., "sleeping area" means the area of the [dwelling] unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

(3) PROTECTIVE COVERS. Substitute the following wording for the requirements in IBC section 907.3.5: The building official is authorized to require the installation of listed manual fire alarm box protective covers to prevent malicious false alarms or provide the manual fire alarm box with protection from physical damage. The protective cover shall be transparent or red in color with a transparent face to permit visibility of the manual fire alarm box. Each cover shall include proper operating instructions.

Comm 62.0909 Smoke control systems. (1) INSPECTION AND TEST REQUIREMENTS. Substitute the following wording for the requirements in IBC section 909.3: In addition to the ordinary inspection and test requirements that buildings, structures and parts thereof are required to undergo, smoke control systems subject to the provisions of IBC section 909 shall undergo inspections and tests sufficient to verify the proper commissioning of the smoke control design in its final installed condition. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to such inspections and tests. Such commissioning shall be in accordance with generally accepted engineering practice and, where possible, based on published standards for the particular testing involved.

(2) INSPECTIONS FOR SMOKE CONTROL. Substitute the following wording for the requirements in IBC section 909.18.8: Smoke control systems shall be tested by a qualified agency.

(3) **SCOPE OF TESTING.** Substitute the following wording for the requirements in IBC section 909.18.8.1: Inspections shall be conducted in accordance with the following:

(a) During erection of ductwork and prior to concealment for the purposes of leakage testing and recording of device location.

(b) Prior to occupancy and after sufficient completion for the purposes of pressure-difference testing, flow measurements, and detection and control verification.

(4) **QUALIFICATIONS.** Substitute the following wording for the requirements in IBC section 909.18.8.2: Inspection agencies for smoke control shall have expertise in fire protection engineering, mechanical engineering and certification as air balancers.

(5) **REPORT FILING.** Substitute the following wording for the requirements in IBC section 909.18.8.3.1: A copy of the final report shall be maintained and made available to the building official upon request.

(6) **SYSTEM ACCEPTANCE.** The requirements in IBC section 909.19 are not included as part of this code.

Comm 62.1003 Egress for outdoor areas. Substitute the following wording for the requirements, but not the exceptions, in IBC section 1003.2.2.10: Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by IBC chapter 10. The occupant load of such outdoor areas shall be based on the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

Comm 62.1005 Guard tower exiting. This is an additional department exception to the requirements in IBC section 1005.2.2: Buildings of Group I-3 occupancy that are used as guard towers, provided they are no taller than two stories, have no more than 10 occupants, and have a travel distance of no more than 75 feet.

Comm 62.1006 Safe dispersal areas. This is a department rule in addition to the requirements in IBC section 1006.2: On sites where a public way is more than 100 feet from the building, the exit discharge may lead to a safe dispersal area such as a parking lot or fire access lane. The safe dispersal area may not be less than 50 feet from the building served and shall be large enough to accommodate all occupants of the building, based on at least 3 square feet of area per occupant.

Comm 62.1101 Accessibility. Substitute the following wording for the requirements in IBC section 1101.2: Buildings and facilities shall be designed and constructed to be accessible in accordance with this chapter, with ICC/ANSI A117.1 and with the following changes, additions, or omissions to the ICC/ANSI A117.1 requirements:

(1) **DOORS AND DOORWAYS.** This is a department informational note to be used under ICC/ANSI A117.1 section 1003:

Note: In accordance with s. 101.132 (2) (a) 4., Stats., a renter of a dwelling unit in covered multifamily housing may request the landlord to install lever door handles on any doors inside the dwelling unit or install single-lever controls on any plumbing fixtures used by the renter. These requests shall be provided by the landlord at no additional cost to the renter.

(2) **OPERABLE CONTROLS.** This is a department rule in addition to the requirements in ICC/ANSI A117.1 section 1003.9: Circuit controls, when provided for use by the tenants, shall comply with ICC/ANSI A117.1 sections 309.2 and 309.3.

Comm 62.1104 Multilevel buildings and facilities. Substitute the following wording for the requirements and exceptions in IBC section 1104.4:

(1) **ACCESSIBLE ROUTE.** Except as specified in sub. (2), at least one accessible route shall connect each level, including mezzanines, in all multilevel buildings and facilities.

(2) **EXCEPTIONS.** (a) An accessible route is not required to floors that are above and below accessible levels and that have an aggregate area of not more than 3,000 square feet unless the level contains offices of health care providers (Group B or Group I), government-owned or operated facilities, passenger transportation facilities and airports (Group A-3 or Group B) or multiple tenant facilities of Group M.

(b) In Groups A, I, R and S occupancies and care facilities in accordance with IBC section 1107.4, levels that do not contain accessible elements or other spaces required by IBC section 1107 are not required to be served by an accessible route from an accessible level.

(c) An accessible route is not required to levels located above or below the accessible level in government-owned or operated buildings or facilities which are less than three stories and which are not open to the general public, if the floor level above or below the accessible level has a capacity of no more than 5 persons and is less than 500 square feet in area. The floor level above or below the accessible level that is less than 500 square feet shall have a sign stating a maximum capacity of 5 persons, and the sign shall be placed in a conspicuous location at the main entrance to the floor level.

Note: Examples include drawbridge towers and boat traffic towers, lock and dam control stations, press boxes, and train dispatching towers.

Comm 62.1106 Groups R-2 and R-3. Substitute the following wording for the requirements in IBC section 1106.2: Two percent, but not less than one, of each type of parking space provided for occupancies in Groups R-2 and R-3, which are required to have Type A or Type B dwelling units, shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

Comm 62.1107 Accessible dwelling units. Substitute the following wording for the requirements and exceptions in IBC section 1107.5.4:

(1) NUMBER AND TYPE OF DWELLING UNITS. (a) Except as specified in subs. (2) and (3), Type A and Type B dwelling units complying with ICC/ANSI A117.1 shall be provided in Group R-2 and R-3 occupancies in accordance with all of the following:

1. In buildings containing 3 or more dwelling units, all of the dwelling units shall be Type A or Type B dwelling units.

2. In occupancies of Group R-2 containing more than 20 dwelling units, at least 2 percent, but not less than 1, of the dwelling units shall be a Type A dwelling unit.

(b) For the purposes of calculating the number of Type A and Type B dwelling units, structurally connected buildings as specified in IBC section 3104 and buildings separated by fire walls specified in IBC section 705 shall be considered one structure.

Note: Type A and Type B dwelling units specified in IBC section 1107.5.4 have the same meaning as "covered multifamily housing" as defined in s. 101.132 (1) (d), Stats. Section 101.132 (1) (d), Stats., reads as follows: " 'Covered multifamily housing' means any of the following:

"1. Housing that is first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units if the housing has one or more elevators.

"2. Grade-level dwelling units, in housing without elevators, that are first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units."

(2) EXCEPTIONS. (a) *Buildings without elevator service.* Where no elevator service is provided within a building, only those stories specified in pars. (b) and (c) shall be provided with dwelling units complying with Type A and Type B dwelling units. The minimum number of Type A dwelling units shall be determined in accordance with sub. (1) (a) 2. Where no elevator service is provided in a building, and the ground floor does not contain dwelling units, only those dwelling units located on the lowest floor containing dwelling units shall comply with the requirements of this section.

(b) *One story with type B units.* At least one story containing dwelling units shall be provided with an accessible entrance from the exterior of the building. All entrances on the accessible story shall be accessible. All dwelling units on that story shall be Type A or Type B dwelling units.

(c) *Additional stories with type B dwelling units.* On all other stories that have a building entrance in proximity to arrival points intended to serve units on that story, as indicated in subd. 1. and 2., all dwelling units shall be Type A or Type B dwelling units. Where no such arrival points are within 50 feet of the entrance, the closest arrival point shall be used unless that arrival point serves the story specified in par. (b).

1. Where the slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance are 10 percent or

less, all dwelling units served by that entrance on that story shall be Type A or Type B dwelling units.

2. Where the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance are 10 percent or less, all dwelling units served by that entrance on that story shall be Type A or Type B dwelling units.

(d) *Multistory dwelling units.* 1. Multistory dwelling units located in buildings without elevator service are not required to comply with the requirements for Type A or Type B dwelling units.

2. Where a multistory dwelling unit is located in a building with elevator service, the dwelling units on the story that is served by the elevator shall comply with the requirements for a Type B dwelling unit. The story of the dwelling unit served by the elevator shall be the primary entry to the unit, shall comply with the requirements for type A or type B dwelling units, and shall have a toilet facility.

(e) *Elevator service to the lowest story with dwelling units.* Where elevator service in a building provides an accessible route only to the lowest story containing dwelling units, only the dwelling units on that story are required to be Type A or Type B units.

(3) **SITE IMPRACTICALITY EXCEPTIONS.** Pursuant to ss. 101.132 (2) (b) 4. and (c) 2., Stats., the owner may request a reduction in accessible dwelling units due to site impracticality through the petition for variance procedures specified in ch. Comm 61. The reduction may not be less than 50 percent of the dwelling units required to be accessible in par. (a).

Note: Section 101.132 (2) (b) 4., Stats., reads as follows: "The department may grant a variance or waiver from the requirements under this paragraph relating to exterior accessibility using the standards and procedures under par. (c)."

Note: Section 101.132 (2) (c) 2., Stats., reads as follows: "The department may grant a variance from the requirements relating to exterior accessibility under par. (a) 1. or (b), or from administrative rules promulgated under par. (e) 2., if the person designing, constructing or remodeling the housing shows that meeting those requirements is impractical because of the terrain or unusual characteristics of the site. The department shall use a slope analysis of the undisturbed site for covered multifamily housing under par. (a) or the existing site for remodeling under par. (b) to determine the minimum number of accessible entrances at each site, with a minimum goal of exterior accessibility of 50% of the dwelling units of covered multifamily housing at one site. The department may impose specific conditions in granting a variance to promote exterior accessibility of the housing to persons with disabilities. If the department finds exterior site accessibility is impractical to all dwellings units at a site, it may grant a waiver from the requirements under par. (a) 1. or (b)."

Comm 62.1108 Unisex toilet and bathing rooms. Substitute the following wording for the requirements in IBC section 1108.2.1 and the exception:

(1) **GENERAL.** Except as specified in sub. (2), in recreational facilities where separate-sex bathing rooms are provided, an accessible unisex bathing room shall be provided.

Fixtures located within unisex toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy.

(2) **EXCEPTION.** Where each separate-sex bathing room has only one shower or bathtub fixture, a unisex bathing room is not required.

Comm 62.1109 Emergency escape and rescue. (1) SIGNS. Substitute the following wording for the requirements in IBC section 1109.1:

(a) *General.* Except as specified in par (b), required accessible elements shall be identified by the International Symbol of Accessibility at the following locations:

1. Accessible passenger loading zones.
2. Accessible areas of refuge required by IBC section 1103.2.13.5.
3. Accessible rooms where multiple single-user toilet or bathing rooms are clustered at a single location.
4. Accessible entrances where not all entrances are accessible.
5. Accessible check-out aisles where not all aisles are accessible. The sign, where provided, shall be above the check-out aisle in the same location as the check-out aisle number or type of check-out identification.
6. Unisex toilet and bathing rooms.
7. Accessible dressing, fitting, and locker rooms where not all such rooms are accessible.

(b) *Exception.* Accessible parking spaces required in IBC section 1106 shall be identified with a sign complying with the accessible parking sign requirements specified in s. Trans 200.7.

(2) **OTHER SIGNS.** Substitute the following wording and informational note for the introductory paragraph in IBC section 1109.3: Signage providing directional information, information about functional spaces, or signage indicating special accessibility provisions shall be provided as follows:

Note: Refer to s. 101.123, Stats., for requirements for designating smoking areas.

Comm 62.1203 Interior environment Substitute the following wording for the requirements and exception in IBC section 1203.1: Interior spaces intended for human occupancy shall conform to the IMC.

Comm 62.1205 Court Drainage. Substitute the following wording and informational note for the requirements in IBC section 1205.3.3: The bottom of every court shall be properly graded and drained.

Note: See ch. Comm 82 for requirements for storm water piping.

Comm 62.1209 Toilet Rooms. These are department rules in addition to the requirements in IBC section 1209.5:

(1) **PRIVACY AND ACCESS.** Every toilet room shall be enclosed and separated from other areas of the building in a manner that will ensure privacy of the users of the toilet rooms. Restriction of access to toilet rooms, such as by use of key locks or other similar devices, is prohibited, except as provided in sub. (2).

(2) **EXCEPTIONS** (a) Toilet rooms for a service or filling station that are accessed from the exterior may be key locked.

(b) A self-service filling station that has a key- or card-operated fuel dispensing device which can be used while the station is unattended by an employee is not required to have toilet rooms available during the unattended periods.

(c) Single-occupant toilet rooms may have privacy locks.

Comm 62.1403 Exterior Walls. These are department rules in addition to the requirements in IBC section 1403.3:

(1) **AIR BARRIERS.** (a) Except as specified in sub. (2), a durable air retarder shall be provided when a building component or assembly separates interior conditioned space from an exterior wall system.

(b) The air retarder shall be located on the interior side of the wall insulation.

(2) **EXCEPTIONS.** An air retarder is not required in the following locations:

(a) Where other approved means to avoid condensation and frost within the wall assembly are provided.

(b) In plain or reinforced concrete exterior walls that are designed and constructed in accordance with IBC chapter 19.

Note: Although air retarders are to reduce transmission of water vapor by convection (air movement), and vapor retarders are to reduce transmission of water vapor by diffusion, these functions may be combined in a single membrane. In practice, considerably more moisture is transported by convection than by diffusion.

Comm 62.1407 Aluminum composite materials. (1) **APPROVAL.** Substitute the following wording for the requirements in IBC section 1407.5: Results of approved tests or an

engineering analysis shall be made available to the code official upon request to verify compliance with the requirements of IBC chapter 16 for wind loads.

(2) FIRE-RESISTANCE RATING. Substitute the following wording for the requirements in IBC section 1407.8: Where ACM systems are used on exterior walls required to have a fire-resistance rating in accordance with IBC section 704, evidence shall be made available to the code official upon request that the required fire-resistance rating is maintained.

(3) FULL-SCALE TESTS. Substitute the following wording for the requirements in IBC section 1407.9.4: Results of full-scale fire tests, which reflect an end-use configuration and demonstrate that the ACM system in its final form does not propagate flame over the surface or through the core when exposed on the exterior face to a fire source, shall be made available to the code official upon request, for approval. Such testing shall be performed on the ACM system with the ACM in the maximum thickness intended for use.

Comm 62.1505 Roof covering classification. The requirements in Footnote a in IBC Table 1505.1. are not included as part of this code.

Comm 62.1506 Roof covering materials. Substitute the following wording for the requirements in IBC section 1506.3: Roof covering materials shall conform to the applicable standards listed in IBC chapter 15.

Comm 62.1603 Construction documents. (1) LIVE LOADS POSTED. Substitute the following wording for the requirements in IBC section 1603.3: Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 100 pounds per square foot, such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

(2) OCCUPANCY PERMITS. The requirements in IBC section 1603.4 are not included as part of this code.

Comm 62.1604 In-situ load tests. Substitute the following wording for the requirements in IBC section 1604.6: The building official is authorized to require an engineering analysis or a load test, or both, of any construction whenever there is reason to question the safety of the construction for the intended occupancy.

Comm 62.1607 Truck and bus garages. Substitute the following wording for the requirements in IBC section 1607.6: Minimum live loads for garages having trucks or buses shall be as specified in IBC Table 1607.6, but shall not be less than 50 pounds per square foot. Actual loads shall be used where they are greater than the loads specified in the table.

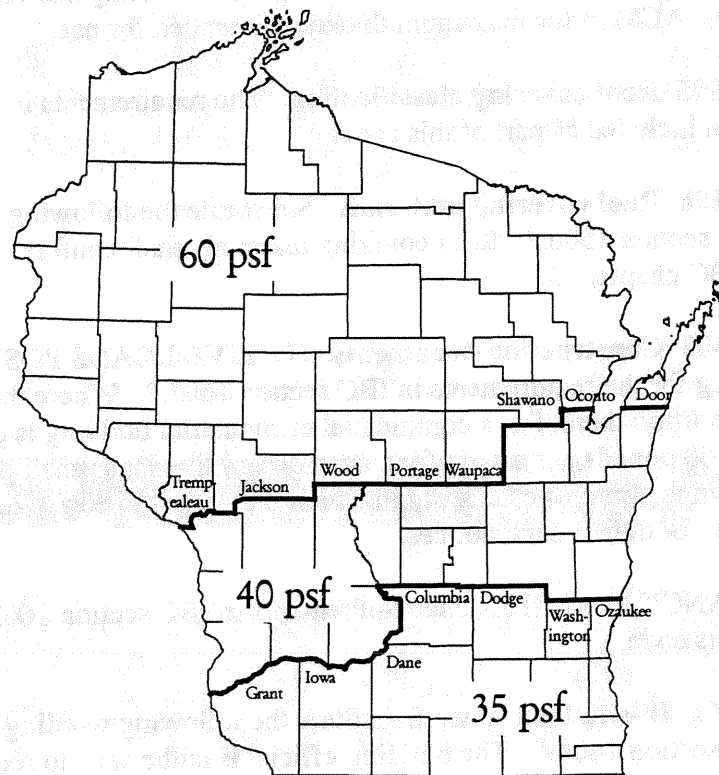
Comm 62.1608 Snow Loads. (1) GROUND SNOW LOAD. This is a department alternative to the requirements in IBC section 1608.2:

(a) A ground snow load of 35 pounds per square foot may be assumed for the south zone in Figure 62.16-1.

(b) A ground snow load of 40 pounds per square foot may be assumed for the middle zone in Figure 62.16-1.

(c) A ground snow load of 60 pounds per square foot may be assumed for the north zone in Figure 62.16-1.

**Figure 62.16-1
Ground Snow Load Zones**



(2) SNOW EXPOSURE FACTOR. This is a department alternative to the requirements in IBC section 1608.3.1: A snow exposure factor of 1.0 may be used for any flat roof.

Comm 62.1609 Determination of wind loads. This is a department alternative to the requirements in IBC section 1609.1.1: For buildings that meet all of the following conditions, wind loads may be determined by applying only Table 6-2 in ASCE 7-98:

- (1) The total building volume is less than 50,000 cubic feet.
- (2) The building height is less than 30 feet.