

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

**2003-04**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on  
Housing  
(AC-Ho)**

COMMITTEE NOTICES ...

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ \*\*

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INFORMATION COLLECTED BY COMMITTEE  
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**03hr\_CRule\_02-077\_AC-Ho\_pt02**

➤ Hearing Records ... HR (bills and resolutions)

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➤ \*\*

①

STATE OF WISCONSIN

To SKW

Date FEB 5, 2003 Time 11:29 AM

WHILE YOU WERE OUT

M BOB DUPONT

of DEPT. OF COMMERCE

Phone (608) 266-8984

Telephoned		Please Call	<input checked="" type="checkbox"/>
Called to See You		Rush	
Returned Your Call	<input checked="" type="checkbox"/>	Will Call Again	

Message IF IN A MEETING, ASK FOR  
HIM PLEASE.



TPS  
Party Receiving Call

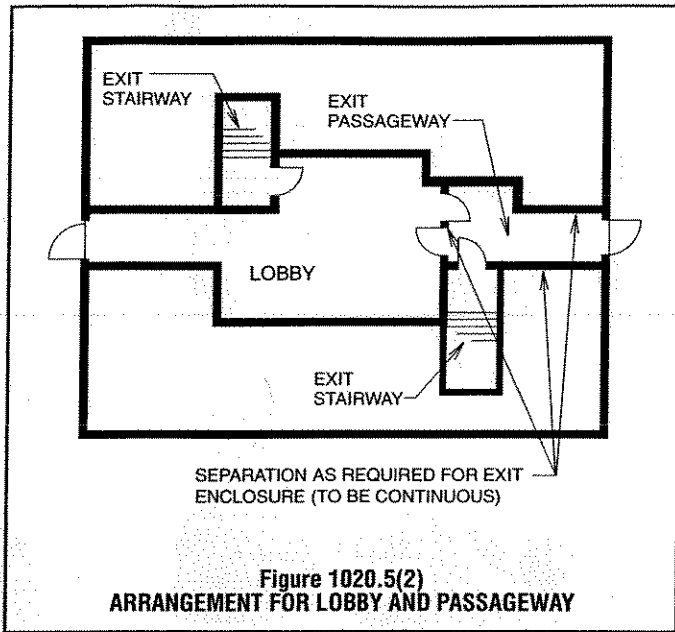


STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE

**ROBERT G. DU PONT**  
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DIVISION OF SAFETY AND BUILDINGS  
BUREAU OF PROGRAM DEVELOPMENT

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and serving a single *dwelling unit* in Use Group R-3 shall not be less than 36 inches (914 mm) in height.

3. Guards along open-sided floor areas located less than 30 inches (762 mm) above the floor or grade below shall not be less than 36 inches (914 mm) in height.

■ Guards must not be less than 42 inches in height as measured vertically from the top of the guard down to the leading edge of the tread or to an adjacent walking surface (see Figure 1021.2). Experience has shown that 42 inches or more provides adequate height for protection purposes. This puts the top of the guard above the center of gravity of the average adult. However, there are two exceptions to this minimum standard guard height. For stairways in occupancies other than those of Use Group E, the height of guards above the leading edge of the tread may be reduced to a minimum of 36 inches, but only for stairways that are not more than 20 feet high or that reverse direction at an intermediate landing with 12 inches or less measured horizontally between flights. Experience has shown that most falls on stairways are in the direction of the stairway and not over the side. The lower guard height is adequate to prevent a person in a forward fall from tumbling over the side.

Open-sided floor areas, mezzanines and landings are exempt from the 42-inch guard height when located within individual dwelling units in Use Group R-2 occupancies or that serve a single dwelling unit in Use Group R-3 occupancies. Experience has shown that within individual dwelling units, a 36-inch minimum guard height is sufficient to provide protection to the occupants who are normally familiar with the walking surfaces in and around the dwelling.

In locations where the open-sided floor area is less than 30 inches above the surface below, a 36-inch minimum guard height is also sufficient.

**SECTION 1021.0 GUARDS**

■ This section covers the general installation provisions and the construction details of guard systems required to prevent occupants from falling from open-sided areas (i.e., stairs, platforms, landings, etc.). The height of the guards must be in accordance with Section 1021.2. To prevent persons from falling or climbing through the guards, the configuration and size of openings is limited in accordance with Section 1021.3. Guards on balconies and galleries are to be provided in accordance with Section 1021.4.

**1021.1 Design and construction:** Where required by the provisions of Sections 406.5, 408.3.2, 1005.5, 1014.7, 1016.5 and 1825.5, guards shall be designed and constructed in accordance with the requirements of this section and Section 1606.4.

■ Guardrail systems designed and constructed in accordance with the structural requirements of Section 1606.4 must be installed in those specific areas referenced in this section of the code and in such other places that require this kind of protective installation.

**1021.2 Height:** The guards shall be at least 42 inches (1067 mm) in height measured vertically above the leading edge of the tread or adjacent walking surface.

**Exceptions**

1. In other than occupancies in Use Group E, guards shall not be less than 36 inches (914 mm) in height above the leading edge of the tread along stairs which are not more than 20 feet (6096 mm) in height or which reverse direction at an intermediate landing with 12 inches (305 mm) or less measured horizontally between successive flights.
2. Guards along open-sided floor areas, *mezzanines* and landings within a single *dwelling unit* in Use Group R-2

**1021.3 Opening limitations:** In occupancies in Use Groups A, B, E, H-4, I-1, I-2, M and R, and in *public garages* and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4 inches (102 mm) cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect.

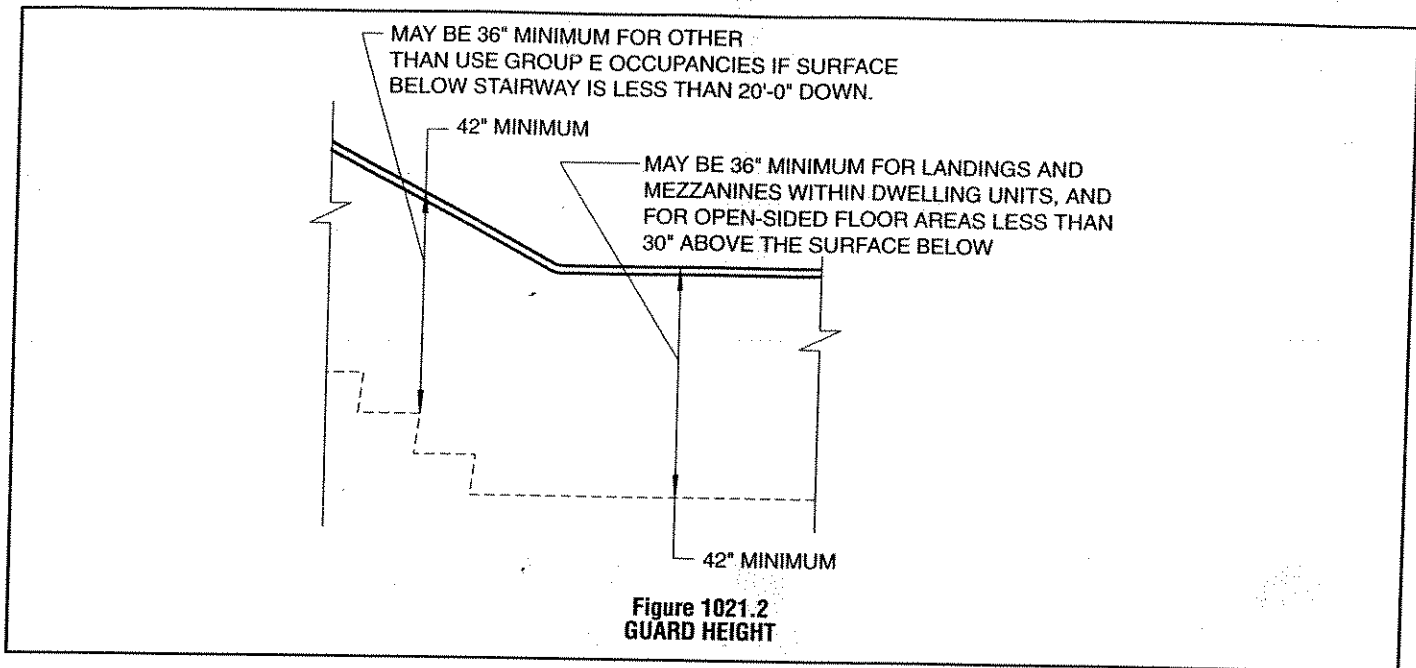
**Exceptions**

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a *stairway* shall be of a maximum size such that a sphere 6 inches (152 mm) in diameter cannot pass through the opening.
2. At elevated walking surfaces for access to and utilization of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

In occupancies in Use Groups I-3, E, H-1, H-2, H-3, S, (other than *public garages* and open parking structures), and along open-sided floor areas located less than 30 inches (762 mm) above the floor or grade below, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

■ With two exceptions, guards in occupancies in Use Groups A, B, E, H-4, I-1, I-2, M and R and in public garages and open parking garages must be constructed with balusters or solid

(1996 BOCA)



materials such that a 4-inch-diameter sphere will not pass through any of the openings in the guard assembly. Furthermore, the intermediate members must be arranged such that they do not form a pattern that can be climbed [see Figure 1021.3(1)]. The purpose of this requirement is to prevent small children from climbing over or falling through openings in the guard.

The basis for limiting openings in a guard to a 4-inch sphere is research that indicates that approximately 95 percent of the children under the age of 10 can pass through a 6-inch opening, whereas a 4-inch opening will prevent virtually any child 1 year in age or older from falling through the guard. The first exception to this requirement is that a 6-inch opening is allowed for openings formed by the riser, tread and bottom rail of guards at the open side of a stairway. This is because the geometry of such openings is such that the entire body cannot pass through the triangular opening. In the case of a standard stair, limiting such openings to a 4-inch sphere is impractical to achieve with a sloped bottom member in the guard. The second exception is that at elevated walking surfaces used for accessing electrical, mechanical and plumbing systems and equipment, the guard openings are permitted to be 21 inches since small children are not likely to be present in these areas.

Guards in occupancies in Use Groups F, H-1, H-2, H-3, I-3 and S, other than public garages and open parking structures, must be constructed such that a sphere 21 inches in diameter will not pass through any of the openings [see Figure 1021.3(2)]. This requirement allows the use of horizontal intermediate members. The presence of small children in these types of occupancies is unlikely and is often prohibited. These guard criteria are also applicable to open-sided floor areas that are less than 30 inches above the level below because the chance of injury from a fall from this height is much less.

**1021.4 Railings:** Metal or other approved noncombustible railings shall be provided on balconies and galleries as prescribed in Sections 1021.4.1 through 1021.4.3.

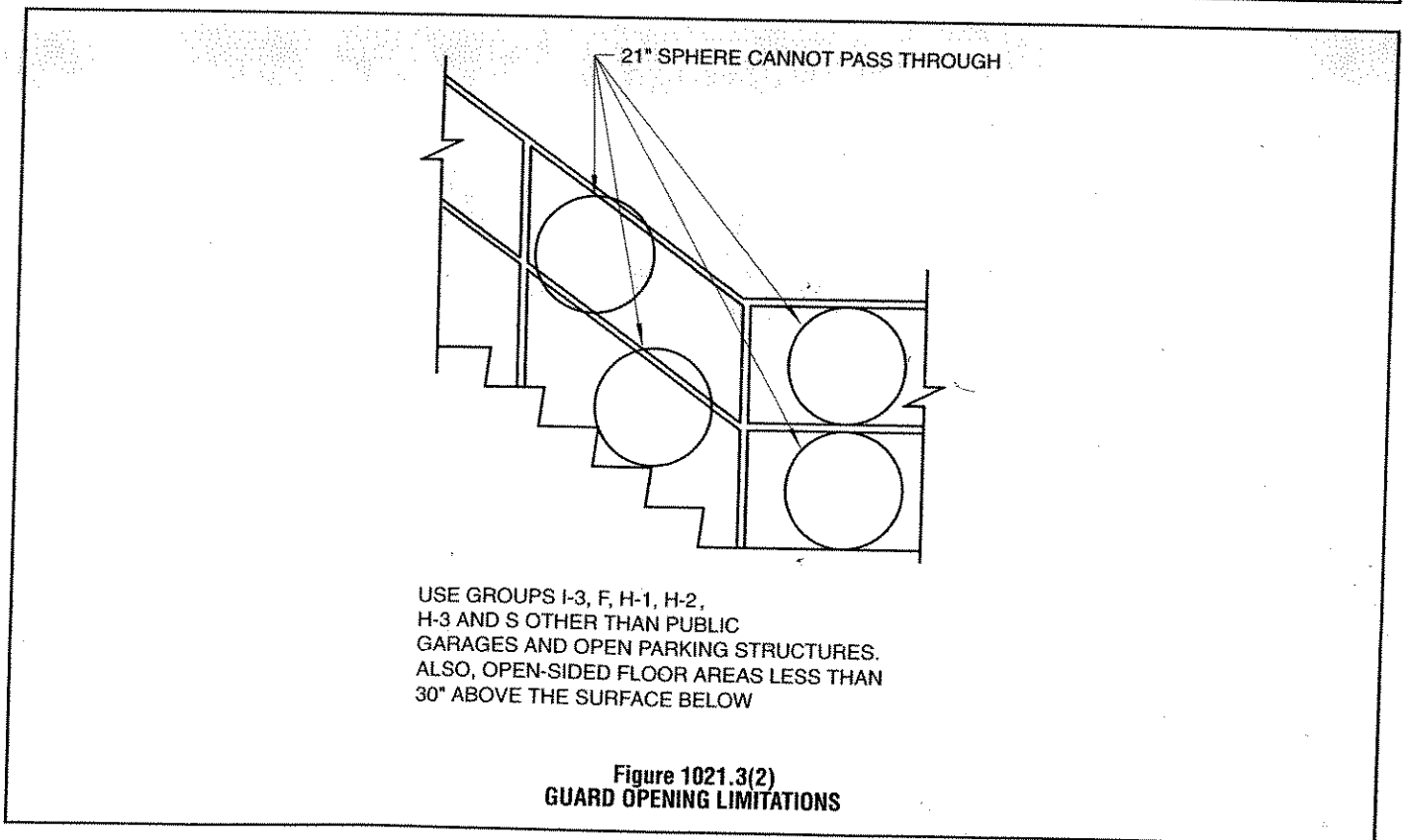
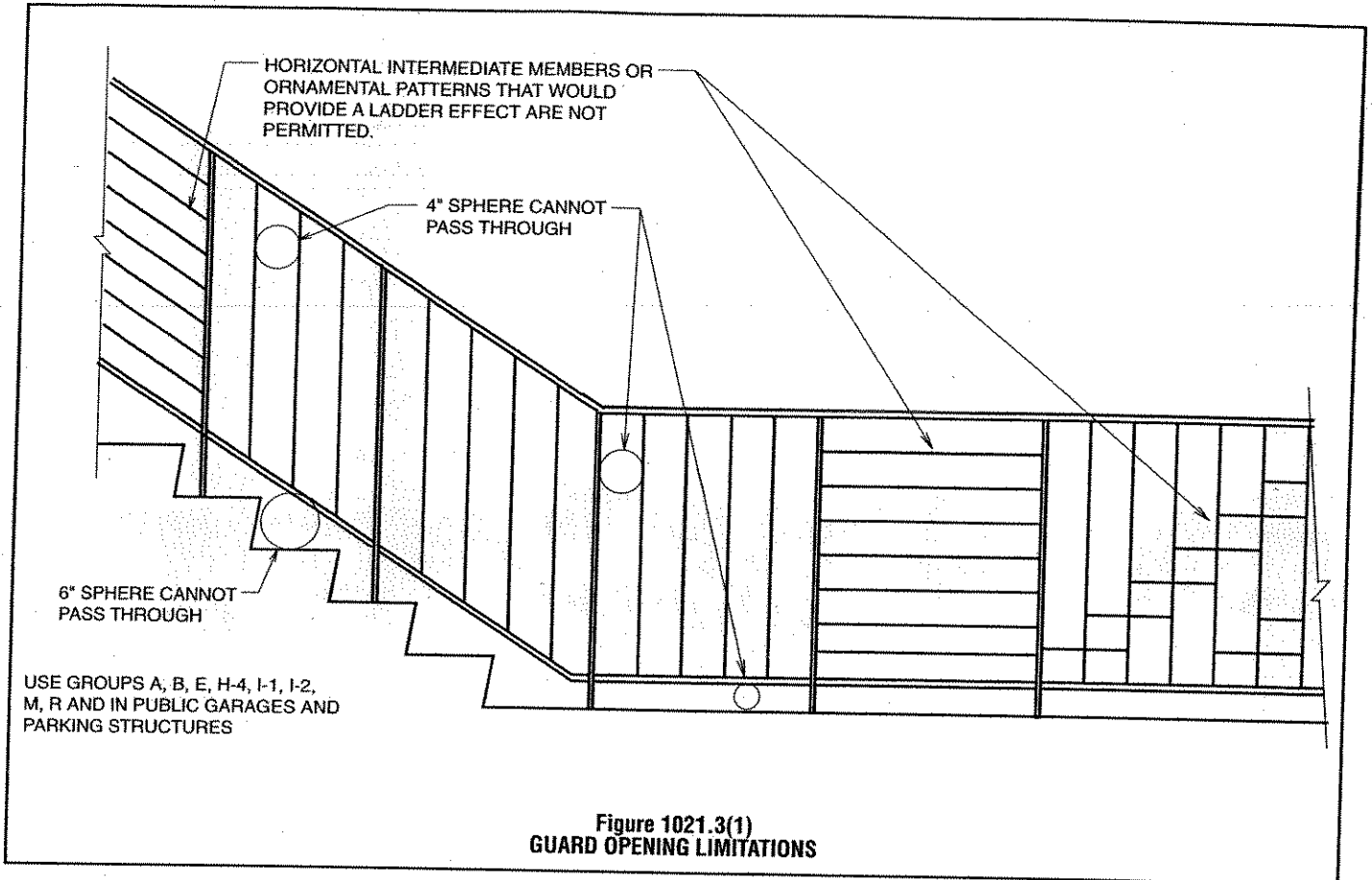
■ This section relates to assembly occupancies such as theaters and auditoriums which have balconies, boxes or galleries that require occupant protection by means of a guard system.

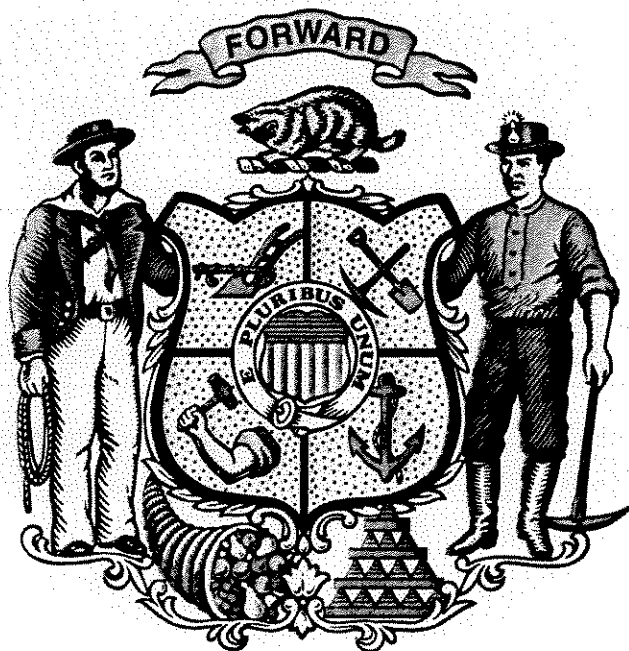
Railings must be made of metal or other approved noncombustible materials so as not to be a potential source of fuel for a fire and to prevent significant weakening or loss of use of the railing assembly. If sightlines allow, the guard may be constructed as a solid wall of the appropriate heights.

**1021.4.1 At fascia:** Railings shall be provided at the fascia of boxes, balconies and galleries and shall not be less than 26 inches (660 mm) in height, at the end of aisles extending to the fascia for the full width of the aisle and shall not be less than 36 inches (914 mm) in height; and at the foot of steps for the full width of the steps and shall not be less than 42 inches (1067 mm) in height.

■ Railings installed at the fascia of balconies, boxes and galleries must be constructed with the following minimum heights:

- 26 inches in front of seats; Railings are allowed to be designed and installed at heights that will not obstruct sightlines, yet provide some measure of protection for occupants moving across the row.
- 36 inches in front of an aisle (usually a sloping aisle) that extends to the fascia; This railing height is required for the full width of the aisle and is intended to prevent occupants from falling over the edge.
- 42 inches in front of steps in an aisle that extends close to the fascia (see Figure 1021.4.1). This additional height of the railing is required for the full width of stairs to prevent any occupants that might accidentally trip on a downhill step from being carried by their forward momentum over the top of the railing.





## Becher, Scott

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**From:** Olver, Aaron  
**Sent:** Thursday, February 06, 2003 12:37 PM  
**To:** Becher, Scott  
**Cc:** Oakey, Carol; DuPont, Robert; Buchholz, Ron; Esser, Linda  
**Subject:** Meeting with Commerce

Scott,

We would be very pleased to meet you today to discuss the administrative rule at 3:30 pm. If it is not inconvenient to the Representative, I would like to make Secretary Nettles available by holding the meeting here. Our office is located on the 6th floor of the Tommy G. Thompson building at 201 West Washington just off the square. Secretary Nettles should be able to stop in at 3:45. We can meet on the sixth floor. Participants will include:

- 1) Representative Wieckert
- 2) Scott Becher
- 3) Leg. Council
- 4) Aaron Olver
- 5) Bob DuPont
- 6) Secretary Nettles

Linda, can you reserve the conference room across from Carol?

Thanks,  
Aaron

Aaron D. Olver  
Office of the Secretary  
Department of Commerce  
(608)-266-2125



Comm 21.03 (10) (b) Balconies shall be provided with guardrails in accordance with s. Comm 21.04 (2) (3).

SECTION 12. Comm 21.04 (2) (b) 1. is amended to read:

Comm 21.04 (2) (b) 1. a. Except for spiral staircases under subd. 2., risers may not exceed 8 inches in height measured vertically from tread to tread.

b. At the top and bottom of a flight, measurement shall be taken from the top of the nosing to the finished floor surface unless the finished surface is carpeting, in which case measurement shall be made to the hard surface below the carpeting.

SECTION 13. Comm 21.04 (2) (e) 1. is amended to read:

Comm 21.04 (2) (e) *Uniformity.* 1. Within a stairway flight, tread widths depths and riser heights may vary by a maximum of 3/16 inch.

SECTION 14. Comm 21.04 (2) (f) is created to read:

Comm 21.04 (2) (f) *Open risers.* Stairways with open risers shall be constructed to prevent the through-passage of a sphere with a diameter of 4 inches or larger between any 2 adjacent treads.

SECTION 15. Comm 21.04 (3) (a) is amended to read:

Comm 21.04 (3) (a) *General.* 1. Stairs Stair flights with more than 3 risers shall be provided with at least one handrail for the full length of the stairs stair flight.

2. Handrails or guardrails shall be provided on all open sides of stairs stair flights consisting of more than 3 risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade.

3. a. Handrails Except as provided in subpar. b., handrails and guardrails shall be constructed to prevent the through-passage of a sphere with a diameter of ~~6~~ 4 inches or larger.

b. The triangular area formed by the tread, riser and bottom rail shall have an opening size that prevents the through-passage of a sphere with a diameter of 6 inches or larger.

4. Handrails and guardrails shall be designed and constructed to withstand a 200 pound load applied in any direction.

**Becher, Scott**

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**From:** Chad Zuleger [czuleger@ranw.org]  
**Sent:** Thursday, February 06, 2003 2:31 PM  
**To:** Scott Becher (E-mail)  
**Subject:** you didn't get this from me!

Folks,

Could you please call this to the attention of your members as quickly as possible? We need to respond within one week (No later than Friday, February 7.

**ALERT!**

**Your Immediate Attention is Requested**

***This code change could cost \$400 per house. Please review carefully and respond.***

The Wisconsin legislature is scrutinizing updates to the One and Two Family Dwelling Code. One of those changes affects the way you build railings on stairs and balconies.

The change would reduce the maximum allowable space between spindles from the current 6-inches to just 4-inches. This change is being made because the International Residential Code utilizes the 4-inch spacing, rather than the 6. The Uniform Dwelling Code Council approved the change to be consistent with the IRC.

Since the rule was sent to the legislature, several builders have raised new concerns:

- Cost: estimated to add \$400 per home
- Aesthetics: the new spacing requirement will require three spindles-per-stair in most designs.
- Safety: It is possible to maintain two-spindles-per stair and meet the spacing requirement, but

you didn't get this from me!

stairs would have to be narrower, and therefore steeper.

The Chairs of the two housing committees have asked WBA to poll a selection of its members to determine if there is a concern about this proposal.

*If you are concerned about this proposal, we ask that you IMMEDIATELY call or email the following two legislators:*

**State Senator Cathy Stepp**

**State Representative Steve Wieckert**

**(608) 266-1832**

**(608) 266-3070**

email [Sen.Stepp@legis.state.wi.us](mailto:Sen.Stepp@legis.state.wi.us)

email [Rep.Wieckert@legis.state.wi.us](mailto:Rep.Wieckert@legis.state.wi.us)

If you have questions, please contact Jane Witt or Jerry Deschane at Wisconsin Builders Association; 1-800-362-9066.

**Chad Zuleger, Government Affairs Director**

REALTORS® Association of Northeast Wisconsin

P.O. Box 2637, Appleton, WI 54912

920.739.9108

mobile: 920.470.9110

fax: 920.739.9157

[czuleger@ranw.org](mailto:czuleger@ranw.org)

R314 and R315 when the maximum height from the basement finished floor level to grade adjacent to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

### SECTION R315 HANDRAILS

**R315.1 Handrails.** Handrails having minimum and maximum heights of 34 inches and 38 inches (864 mm and 965 mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways. All required handrails shall be continuous the full length of the stairs with two or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrail.

#### Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.
2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

**R315.2 Handrail grip size.** The handgrip portion of handrails shall have a circular cross section of  $1\frac{1}{4}$  inches (32 mm) minimum to  $2\frac{5}{8}$  inches (67 mm) maximum. Other handrail shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of  $\frac{1}{8}$  inch (3.2 mm).

### SECTION R316 GUARDS

**R316.1 Guards required.** Porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

**R316.2 Guard opening limitations.** Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures that do not allow passage of a sphere 4 inches (102 mm) in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

**Exception:** The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.

### SECTION R317 SMOKE ALARMS

**R317.1 Single- and multiple-station smoke alarms.** Single- and multiple-station smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

**R317.1.1 Alterations, repairs and additions.** When interior alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired.

#### Exceptions:

1. Smoke alarms in existing areas shall not be required to be interconnected and hard wired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.
2. Repairs to the exterior surfaces of dwellings are exempt from the requirements of this section.

**R317.2 Power source.** In new construction, the required smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke alarms shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs or additions regulated by Section R317.1.1.

nosing not less than  $\frac{3}{4}$  inch (19.1 mm) but not more than  $1\frac{1}{4}$  inches (32 mm) shall be provided on stairways with solid risers. Beveling of nosing shall not exceed  $\frac{1}{2}$  inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.52 rad) from the vertical. Open risers shall be permitted, provided that the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere.

**Exceptions:**

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

**314.3 Headroom.** The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches (2032 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

**314.4 Winders.** Winders are permitted, provided that the depth of the tread at a point not more than 12 inches (305 mm) from the side where the treads are narrower is not less than 10 inches (254 mm) and the minimum depth of any tread is not less than 6 inches (152 mm). The continuous handrail required by Section 315.1 shall be located on the side where the tread is narrower.

**314.5 Spiral stairs.** Spiral stairways shall be permitted, provided the minimum width shall be 26 inches (660 mm) with each tread having a  $7\frac{1}{2}$ -inch (241 mm) minimum tread depth at 12 inches (305 mm) from the narrow edge. All treads shall be identical, and the rise shall be no more than  $9\frac{1}{2}$  inches (197 mm). A minimum headroom of 6 feet 6 inches (1981 mm) shall be provided.

**314.6 Circular stairways.** Circular stairways shall have a tread depth at a point not more than 12 inches (305 mm) from the side where the treads are narrower of not less than 10 inches (254 mm) and the minimum depth of any tread shall be 6 inches (152 mm).

**314.7 Illumination.** All stairs shall be provided with illumination in accordance with Section 303.4.

**314.8 Under stair protection.** Enclosed accessible space under stairs shall have walls, under stair surfaces and any soffits protected on the enclosed side with  $\frac{1}{2}$ -inch (12.7 mm) gypsum board.

## SECTION 315 HANDRAILS AND GUARDRAILS

**315.1 Handrails.** Handrails having minimum and maximum heights of 34 inches and 38 inches (864 mm and 965 mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways of three or more risers. Spiral stairways shall have the required handrail located on the outside radius. All required handrails shall be continuous the full length of the stairs. Ends shall be returned

or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than  $1\frac{1}{2}$  inches (38 mm) between the wall and the handrail.

**Exceptions:**

1. Handrails shall be permitted to be interrupted by a newel post at a turn.
2. The use of a volute, turnout or starting easing shall be permitted over the lowest tread.

**315.2 Handrail grip size.** Handrails shall have a circular cross section with a diameter of  $1\frac{1}{4}$  inches to 2 inches (32 mm to 51 mm), or a noncircular cross section with a perimeter dimension of at least 4 inches (102 mm) but not more than  $6\frac{1}{4}$  inches (159 mm) and a largest cross-section dimension not exceeding  $2\frac{1}{4}$  inches (57 mm), or the shape shall provide equivalent graspability. Edges shall have a minimum radius of  $\frac{1}{8}$  inch (3.2 mm).

**315.3 Guardrail details.** Porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guardrails not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guardrails not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

**315.4 Guardrail opening limitations.** Required guardrails on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of an object 4 inches (102 mm) or more in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

**Exception:** The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway shall be permitted to be of such a size that a sphere 6 inches (152 mm) in diameter cannot pass through.

## SECTION 316 SMOKE DETECTORS

**316.1 Smoke detectors required.** Smoke detectors shall be installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels, then a detector is required on each level. All detectors shall be interconnected such that the actuation of one alarm will actuate all the alarms in the individual unit and shall provide an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions.

**316.1.1 Alterations, repairs and additions.** When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with smoke

2. Aisle accessways in Group A.
3. Guestrooms in Group R-1, dwelling units and sleeping rooms in Groups R-2 and R-3 as applicable in Section 101.2.
4. Sleeping rooms and areas of Group I occupancies.

**1003.2.11.1 Illumination level.** The means of egress illumination level shall not be less than 1 foot-candle (11 lux) at the floor level.

**Exception:** For auditoriums, theaters, concert or opera halls and similar assembly occupancies, the illumination at the floor level is permitted to be reduced during performances to not less than 0.2 foot-candle (2.15 lux) provided that the required illumination is automatically restored upon activation of a premise's fire alarm system where such system is provided.

**1003.2.11.2 Illumination emergency power.** The power supply for means of egress illumination shall normally be provided by the premise's electrical supply.

In the event of power supply failure, an emergency system shall automatically illuminate all of the following areas:

1. Exit access corridors, passageways, and aisles in rooms and spaces which require two or more means of egress.
2. Exit access corridors and exit stairways located in buildings required to have two or more exits.
3. Interior exit discharge elements, as permitted in Section 1006.1, in buildings required to have two or more exits.
4. The portion of the exterior exit discharge immediately adjacent to exit discharge doorways in buildings required to have two or more exits.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with the ICC *Electrical Code*.

**1003.2.11.3 Performance of system.** Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded.

**1003.2.12 Guards.** Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not

meet the strength and attachment requirements in Section 1607.7.

**Exception:** Guards are not required for the following locations:

1. On the loading side of loading docks or piers.
2. On the audience side of stages and raised platforms, including steps leading up to the stage and raised platforms.
3. On raised stage and platform floor areas such as runways, ramps and side stages used for entertainment or presentations.
4. At vertical openings in the performance area of stages and platforms.
5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.
6. Along vehicle service pits not accessible to the public.
7. In assembly seating where guards in accordance with Section 1008.12 are permitted and provided.

**1003.2.12.1 Height.** Guards shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seatboard.

**Exception:** For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, both as applicable in Section 101.2, guards whose top rail also serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

**1003.2.12.2 Opening limitations.** Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

**Exceptions:**

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.
2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.
3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

**1003.2.12.3 Screen porches.** Porches and decks which are enclosed with insect screening shall be provided with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

**1003.2.12.4 Mechanical equipment.** Guards shall be provided where appliances, equipment, fans or other components that require service are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The guard shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere.

**1003.2.13 Accessible means of egress.** Accessible means of egress shall comply with Sections 1003.2.13.1 through 1003.2.13.7.1. Accessible spaces shall be provided with not less than one accessible means of egress. Where more than one means of egress is required from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress.

**Exception:** Accessible means of egress are not required in alterations to existing buildings.

**1003.2.13.1 General.** Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components:

1. Accessible routes complying with Section 1104.
2. Stairways within exit enclosures complying with Sections 1003.2.13.2 and 1005.3.2.
3. Elevators complying with Section 1003.2.13.3.
4. Horizontal exits.
5. Smoke barriers.

**Exceptions:**

1. Where the exit discharge is not accessible, an exterior area for assisted rescue must be provided in accordance with Section 1003.2.13.7.
2. Where the exit stairway is open to the exterior, the accessible means of egress shall include either an area of refuge in accordance with Section 1003.2.13.5 or an exterior area for assisted rescue in accordance with Section 1003.2.13.7.

**1003.2.13.1.1 Buildings with four or more stories.** In buildings where a required accessible floor is four or more stories above or below a level of exit discharge, at least one required accessible means of

egress shall be an elevator complying with Section 1003.2.13.3.

**Exceptions:**

1. In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the elevator shall not be required on floors provided with a horizontal exit and located at or above the level of exit discharge.
2. In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the elevator shall not be required on floors provided with a ramp conforming to the provisions of Section 1003.3.4.

**1003.2.13.2 Enclosed stairways.** An enclosed stairway, to be considered part of an accessible means of egress, shall have a clear width of 48 inches (1219 mm) minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with Section 1003.2.13.5 or a horizontal exit.

**Exceptions:**

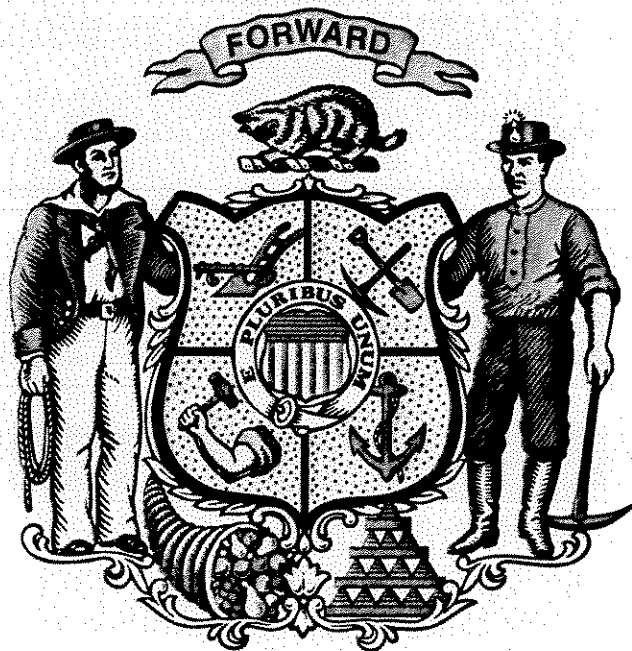
1. Stairways serving a single guestroom or dwelling unit.
2. Stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
3. The clear width of 48 inches (1219 mm) between handrails is not required for enclosed stairways accessed from a horizontal exit.
4. Stairways serving open parking garages.

**1003.2.13.3 Elevators.** An elevator to be considered part of an accessible means of egress shall comply with the emergency operation and signaling devices requirements of Section 211 of ASME A17.1. Standby power shall be provided in accordance with Sections 2702 and 3003. The elevator shall be accessed from either an area of refuge complying with Section 1003.2.13.5 or a horizontal exit.

**Exceptions:**

1. Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking garages.
2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**1003.2.13.4 Platform lifts.** Platform (wheelchair) lifts shall not serve as part of an accessible means of egress,





## Becher, Scott

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**From:** Olver, Aaron  
**Sent:** Thursday, February 06, 2003 7:50 PM  
**To:** Wieckert, Steve; Becher, Scott  
**Subject:** Meeting 2/6

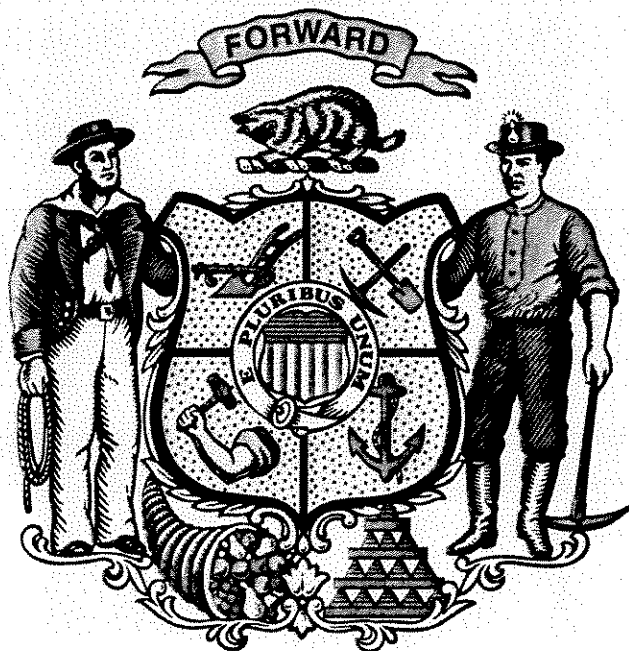
Gentlemen,

It was very nice to meet you today. I appreciate you bringing your concerns to the attention of the Secretary's office and I trust we will be able to work together to resolve these issues in a mutually helpful way.

I look forward to working with you. Please feel free to call on me if I can be of any assistance.

Sincerely,  
Aaron

Aaron D. Olver  
Office of the Secretary  
Department of Commerce  
(608)-266-8976



## Becher, Scott

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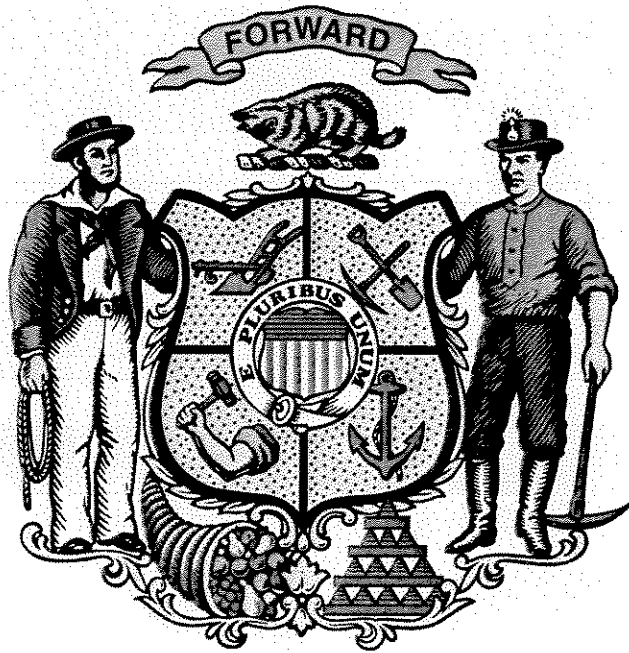
**From:** Matthias, Mary  
**Sent:** Tuesday, February 11, 2003 9:51 AM  
**To:** Becher, Scott  
**Subject:** CHR 02-077

Scott-

Just a reminder that the Committee's jurisdiction over the rule will expire this Friday unless steps are taken to extend its jurisdiction. If the Department submits modifications on its own initiative, or in response to request from the Senate Committee, the Assembly Committee automatically gets at least 10 days of jurisdiction to review the modifications.

Please let me know if you would like to discuss this or would like assistance extending the Committee's jurisdiction.

Mary Matthias  
Senior Staff Attorney  
Legislative Council Staff  
ph.(608)266-0932; fax (608)266-3830  
mary.matthias@legis.state.wi.us



February 13, 2003

The Honorable Steve Wieckert  
Assembly Committee on Housing  
Room 16 West State Capitol  
Madison, WI 53703

Dear Representative Wieckert:

As you requested in your letter dated February 7, 2003, the Department of Commerce would like to make a germane modification to Clearinghouse Rule No. 02-077, relating to the Uniform Dwelling Code. This modification is the result of comments you received from builders objecting to the reduction in the open space allowed between spindles on stairways and elevated areas from the currently-required 6 inches to a proposed 4 inches. This action is being submitted under s. 227.19 (4) (b) 3., Stats.

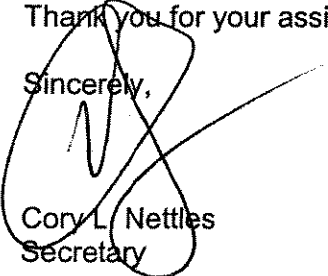
The modification consists of removing the proposed changes from the currently-required 6-inch opening. Pages ii (in the introduction), 9 and 10 of the rule draft in your possession should be replaced with the pages included with this letter. Following are the specific changes between the 2 drafts:

Intro. page ii deletes mention of ss. Comm 21.04 (3) (a) and (c);  
SECTION 14 changes 4 inches to 6 inches for consistency;  
SECTION 15 Comm 21.04 (3) (a) 3. reverts to the current 6 inches. Comm 21.04 (3) (a) 3. b. is deleted because it is unnecessary, given the overall change back to 6 inches;  
SECTION 17 changes 4 inches back to 6 inches; and  
SECTION 20 is deleted, since the amendment to change from the current 6 inches is no longer needed.

The Department will take this topic back to the Uniform Dwelling Code Council for further consideration.

Thank you for your assistance with this matter.

Sincerely,

  
Cory L. Nettles  
Secretary

Enclosed pps. ii, 9 and 10



# STEVE WIECKERT

## STATE REPRESENTATIVE

CHAIRMAN  
ASSEMBLY COMMITTEE  
ON GOVERNMENT OPERATIONS

February 7, 2003

Mr. Cory L. Nettles, Secretary  
WI Department of Commerce  
201 West Washington Avenue  
PO Box 7970  
Madison, WI 53707-7970

Dear Secretary Nettles:

Thank you for taking the time to meet with me yesterday to discuss my concerns regarding Clearinghouse Rule 02-077, relating to the Uniform Dwelling Code. As I explained at that meeting, I am concerned with only two provisions in the rule, both of which are found in SECTION 14 of the rule-making order. The first item of concern is the amendment of current s. Comm 21.04 (3) (a) 3.a., which changes the acceptable minimum distance between "spindles" in handrails or guardrails from 6 to 4 inches. The second item of concern is the creation of s. Comm 21.04 (23) (a) 3.b., which provides that "The triangular area formed by the tread, riser and bottom rail shall have an opening size that prevents the through-passage of a sphere with a diameter of six inches or larger."

I respectfully request that the department modify the rule-making order by deleting those two provisions, and take time to more fully consider the need for and possible impacts of those requirements. If this modification is made, the remainder of the rule can be promulgated without unnecessary delay.

Thank you again for your attention to this matter.

Sincerely,

Representative Steve Wieckert

SW:IT

2/10/03 - cc: Aaron Oliver

cc: Ron Buchholz

IDEALS, PRINCIPLES, PATRIOTISM

STATE CAPITOL OFFICE: ROOM 16 WEST • P.O. BOX 8953 • MADISON, WI 53708-8953 • (608) 266-3070 • (608) 282-3657 FAX • Rep. Wieckert@legis.state.wi.us  
DISTRICT 57 OFFICE: 3033 W. SPENCER STREET • APPLETON, WI 54914 • (920) 731-3000 • FAX: (920) 731-2999

COMMITTEES: ECONOMIC DEVELOPMENT • GOVERNMENT OPERATIONS • HEALTH • HOUSING • INSURANCE

- Comm 20.24** - Reformats and revises adopted standards;
- Comm 21.02** - Adds performance language related to total load path;
- Comm 21.03 (1) (a)** - Clarifies that the two required exits from the first floor must be doors;
- Comm 21.03 (1) (e)** - Adds requirements for exit separation on the first floor;
- Comm 21.03 (1) (h)** - Exempts very small dwellings from the previous 2 requirements;
- Comm 21.04 (3) (b) 3.** - Allows handrails to be placed on either side of a winding stairway if certain conditions are met;
- Comm 21.05 (5) (b)** - Clarifies a condition where safety glazing is required;
- Comm 21.12** - Clarifies grading requirements;
- Comm 21.125 (4)** - Clarifies that the owner is responsible for removing erosion control measures once the site is stabilized;
- Comm 21.18 (1) (d)** - Adds requirements for fastening floor framing to the sill plate;
- Comm 21.22 (6)** - Adds requirements for cantilevered floors;
- Comm 21.24 (3)** - Adds and clarifies locations that require flashing;
- Comm 22.02 (3)** - Allows most additions to dwellings to meet less stringent energy requirements.
- Comm 22.03** - Clarifies requirements for determining R-values for materials;
- Comm 22.24** - Adds and clarifies requirements for skylight shaft walls;
- Comm 22.35 (4) (b)** - Simplifies the input values for HVAC controls; and
- Comm 22.35 (7)** - Clarifies air infiltration allowances

Comm 21.03 (10) (b) Balconies shall be provided with guardrails in accordance with s. Comm 21.04 ~~(2)~~ (3).

SECTION 12. Comm 21.04 (2) (b) 1. is amended to read:

Comm 21.04 (2) (b) 1. a. Except for spiral staircases under subd. 2., risers may not exceed 8 inches in height measured vertically from tread to tread.

b. At the top and bottom of a flight, measurement shall be taken from the top of the nosing to the finished floor surface unless the finished surface is carpeting, in which case measurement shall be made to the hard surface below the carpeting.

SECTION 13. Comm 21.04 (2) (e) 1. is amended to read:

Comm 21.04 (2) (e) *Uniformity*. 1. Within a stairway flight, tread widths depths and riser heights may vary by a maximum of 3/16 inch.

SECTION 14. Comm 21.04 (2) (f) is created to read:

Comm 21.04 (2) (f) *Open risers*. Stairways with open risers shall be constructed to prevent the through-passage of a sphere with a diameter of 6 inches or larger between any 2 adjacent treads.

SECTION 15. Comm 21.04 (3) (a) is amended to read:

Comm 21.04 (3) (a) *General*. 1. ~~Stairs~~ Stair flights with more than 3 risers shall be provided with at least one handrail for the full length of the ~~stairs~~ stair flight.

2. Handrails or guardrails shall be provided on all open sides of ~~stairs~~ stair flights consisting of more than 3 risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade.

3. Handrails and guardrails shall be constructed to prevent the through-passage of a sphere with a diameter of 6 inches or larger.

4. Handrails and guardrails shall be designed and constructed to withstand a 200 pound load applied in any direction.



5. Exterior handrails and guardrails shall be constructed of metal, decay resistant or pressure-treated wood, or shall be protected from the weather.

SECTION 16. Comm 21.04 (3) (b) 3. is repealed and recreated to read:

Comm 21.04 (3) (b) 3. 'Winders.' a. Except as provided under subpar. b., the required handrail on winder steps shall be placed on the side where the treads are wider.

b. Where all winder steps in a flight have a tread depth of at least 9 inches from nosing to nosing measured at a point 12 inches from the narrow end of the tread, the required handrail may be located on either side of the stairway.

SECTION 17. Comm 21.04 (3) (c) 3. is created to read:

Comm 21.04 (3) (c) 3. 'Opening size.' Guardrails shall be constructed to prevent the through-passage of a sphere with a diameter of 6 inches or larger.

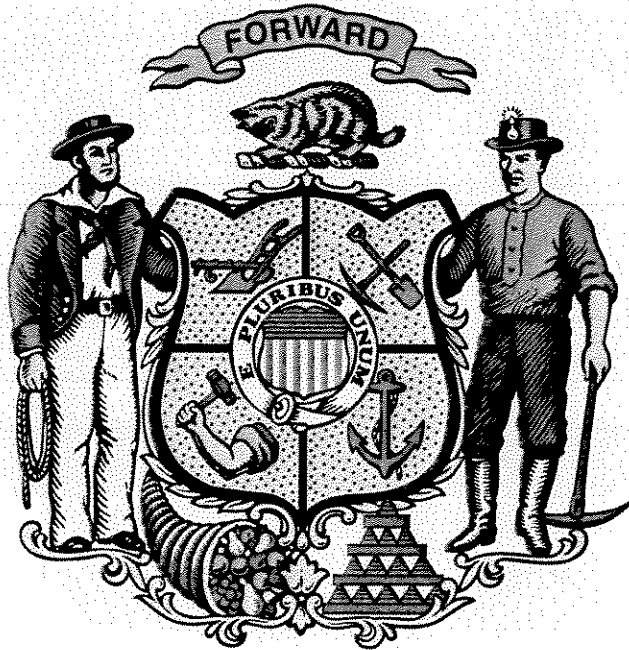
SECTION 18. Comm 21.04 (4) (c) (intro.) and 1. to 3. are renumbered Comm 21.04 (4) (c) 1. (intro.) and a. to c. and Comm 21.04 (4) (c) 1. (intro.), as renumbered, is amended to read:

Comm 21.04 (4) (c) 1. Except as provided in ~~subds. 1. to 4.~~ subpars. a. to c., level landings shall be provided on each side of any door located at the top or base of a stairs, regardless of the direction of swing. In the following exceptions, stairways to attached garages, carports or porches are considered interior stairs:

SECTION 19. Comm 21.04 (4) (c) 4. is renumbered Comm 21.04 (4) (c) 2. and amended to read:

Comm 21.04 (4) (c) 2. The exterior landing, platform or sidewalk at an exterior doorway shall be located a maximum of 8 inches below the interior floor elevation. ~~The landing, platform or sidewalk and shall have a length at least equal to the width of the door of at least 36 inches in the direction of travel out of the dwelling.~~

SECTION 20. [Deleted under germane modification]



**Wieckert, Steve**

---

**From:** Leon Church [lchurch@sweetwoodbuilders.com]  
**Sent:** Monday, February 17, 2003 8:31 AM  
**To:** 'Wieckert, Steve'  
**Subject:** RE: spacing of stair spindles

Steve, Thank you for your efforts, it is great to have a good legislator on our side. Thanks Leon

Note new e-mail address: For Leon Church use [lchurch@sweetwoodbuilders.com](mailto:lchurch@sweetwoodbuilders.com). For Mary Anne Moore-Church use [moorechurch@sweetwoodbuilders.com](mailto:moorechurch@sweetwoodbuilders.com). For Tina Sabel use [tsabel@sweetwoodbuilders.com](mailto:tsabel@sweetwoodbuilders.com). Visit our web site at [www.sweetwoodbuilders.com](http://www.sweetwoodbuilders.com).

-----Original Message-----

**From:** Wieckert, Steve [mailto:Steve.Wieckert@legis.state.wi.us]  
**Sent:** Thursday, February 13, 2003 5:25 PM  
**To:** Leon Church  
**Subject:** RE: spacing of stair spindles

Leon, The Commerce Department has agreed to my request to take out the rule on spindles from the UDC modifications. The 4" requirement has been deleted. Good teamwork! steve

-----Original Message-----

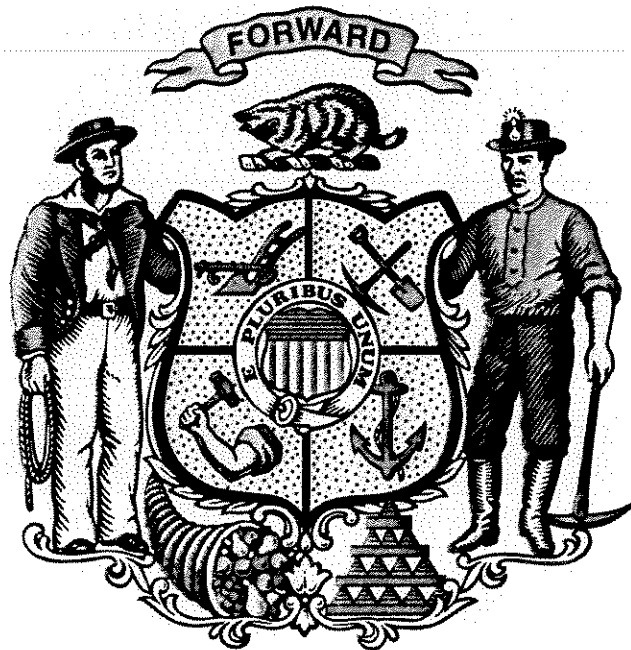
**From:** Leon Church [mailto:lchurch@sweetwoodbuilders.com]  
**Sent:** Tuesday, February 04, 2003 10:58 AM  
**To:** Sen.Stepp@legis.state.wi.us; Rep.Wieckert@legis.state.wi.us  
**Subject:** spacing of stair spindles

Hello,

I would like to respond to the issue at hand regarding changing the spacing of spindles from 6" to 4". I have no problem doing on balconies or other non-stair areas. However, when you get to the stairway, 4" spacing poses a problem. It will be difficult to get three spindles on a stair, which is what would be required for 4" spacing. The aesthetics of the stair will certainly be undermined. There is also a considerable cost increase, not only in additional spindles, but in choosing deeper treads in order to comfortably get all three spindles on each step.

Thank you,  
Leon Church  
Sweetwood Builders, Inc.  
920-739-4111  
[lchurch@sweetwoodbuilders.com](mailto:lchurch@sweetwoodbuilders.com)

Note new e-mail address: For Leon Church use [lchurch@sweetwoodbuilders.com](mailto:lchurch@sweetwoodbuilders.com). For Mary Anne Moore-Church use [moorechurch@sweetwoodbuilders.com](mailto:moorechurch@sweetwoodbuilders.com). For Tina Sabel use [tsabel@sweetwoodbuilders.com](mailto:tsabel@sweetwoodbuilders.com). Visit our web site at [www.sweetwoodbuilders.com](http://www.sweetwoodbuilders.com).



**Becher, Scott**

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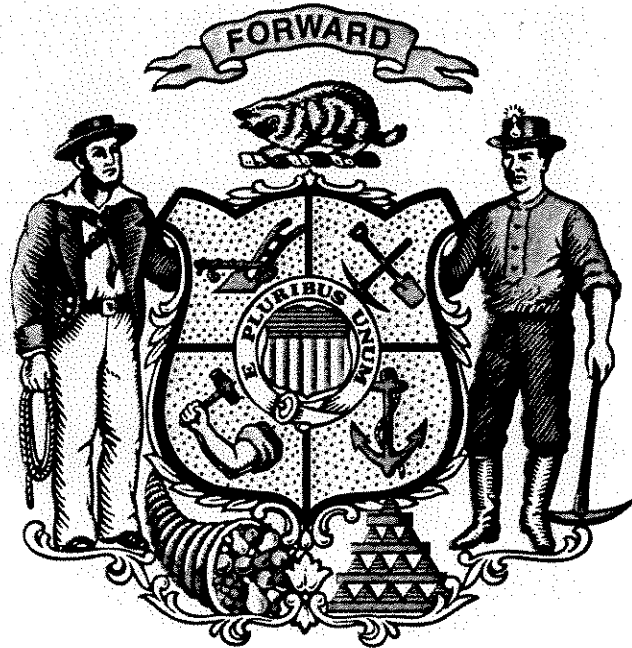
**From:** LCBJOHN@aol.com  
**Sent:** Tuesday, February 18, 2003 3:16 PM  
**To:** Rep.Wieckert@legis.state.wi.us  
**Subject:** Spindle spacing

Dear Rep. Wieckert,

Just a quick note to thank you for keeping me inform on the spindle spacing issue and the extra effort you put in to keep things as they are. I never understand why we sometimes work to change things that are not broken but I am thankful there are people like yourself that let common sense rule the day.

Now the budget struggle begins and I wish you well as you tackle this difficult issue. We arrived here, I believe, by spending what we don't have. I don't do that in my home or business and I bet you don't either. Now the special interest groups must be made to understand the state cannot do it either.

02/20/2003





# STEVE WIECKERT

## STATE REPRESENTATIVE

CHAIRMAN  
ASSEMBLY COMMITTEE  
ON GOVERNMENT OPERATIONS

March 5, 2003

Mr. Cory L. Nettles, Secretary  
WI Department of Commerce  
201 West Washington Avenue  
PO Box 7970  
Madison, WI 53707-7970

Dear Secretary Nettles,

I believe Wisconsin needs a commercial rehabilitation code for existing buildings.

Increasingly, it is difficult for owners of commercial buildings to bring them up to the newest commercial codes. As a result, in some cases, these buildings are not being used, are being bordered up creating a multitude of problems, including being used as sites for illegal activities and also adding to urban blight. Also, having commercial buildings idle diminishes Wisconsin's ability to achieve a healthy economic recovery.

I would ask that the Department give a high priority to considering and adopting a rehab code, which has, as its most critical element, that of public safety and also provides ways to make improvements to the building financially realistic.

I have already been in contact with the International Code Committee (ICC) organization and discussed with them the newly developed existing buildings code, which became available within the last ten days. I am also aware of HUD's rehab model and also the codes the State of New Jersey uses.

Upon initial review, I believe the ICC code for existing buildings would best fit Wisconsin. However, that is a choice for the building safety and code committees to make.

### IDEALS, PRINCIPLES, PATRIOTISM

STATE CAPITOL OFFICE: ROOM 16 WEST • P.O. BOX 8953 • MADISON, WI 53708-8953 • (608) 266-3070 • (608) 282-3657 FAX • Rep. Wieckert@legis.state.wi.us  
DISTRICT 57 OFFICE: 3033 W. SPENCER STREET • APPLETON, WI 54914 • (920) 731-3000 • FAX: (920) 731-2999

COMMITTEES: ECONOMIC DEVELOPMENT • GOVERNMENT OPERATIONS • HEALTH • HOUSING • INSURANCE

Page 2  
March 5, 2003

In any case, for public safety, for urban redevelopment, for Wisconsin's economic growth, and for the preservation of a community's tax base, I would ask that the Department of Commerce expedite the review of these new codes and move quickly forward to adopt the best one for Wisconsin.

As chairman of the Assembly Housing Committee, I would be more than happy to support your efforts and would be glad to consider introducing any new necessary legislation

Sincerely,

A handwritten signature in black ink, appearing to read "Steve", written over the word "Sincerely,".

Steve Wieckert  
State Representative



March 21, 2003

Representative Steve Wieckert  
Assembly District 57  
Room 16 West, State Capitol  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Wieckert:

Thank you for your letter concerning a rehabilitation code for existing commercial buildings. I understand that you have also made a brief presentation on this topic to the Commercial Building Code Council at their meeting on March 12, 2002.

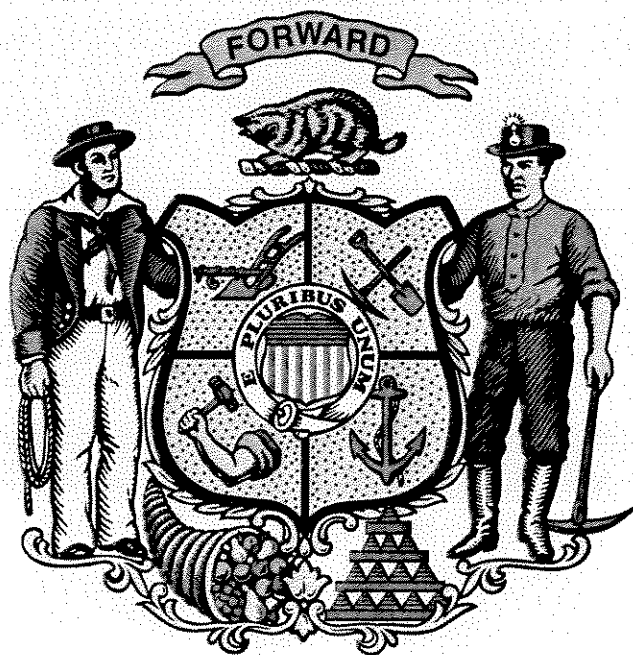
I agree that reasonable and effective codes are vital to the safety and economic development of Wisconsin. For that reason, I have directed the Division of Safety and Buildings to work with the Commercial Building Code Council and the Multifamily Dwelling Code Council in analyzing the 2003 International Existing Buildings Code for its suitability for adoption and use in Wisconsin.

I appreciate your interest in this matter and look forward to working with you on this important code consideration in the future.

Sincerely,

  
Cory L. Nettles  
SECRETARY

*I particularly appreciate your sensitivity to public safety, while economic development is a top priority. Best wishes,  
Cory*





**FIRE DEPARTMENT**

700 North Drew Street • Appleton, WI 54911-5000  
(920) 832-5810 • Fax (920) 832-5830

April 3, 2003

Representative Steve Wieckert  
3038 N. Ballard Road  
Appleton, WI 54911

Dear Representative Wieckert:

I am writing to you as a follow up to our discussion regarding the potential for enacting an existing buildings code within the State of Wisconsin. My understanding is that the intent is to provide a framework within which existing buildings can be used or remodeled for purposes other than their originally designed intended use.

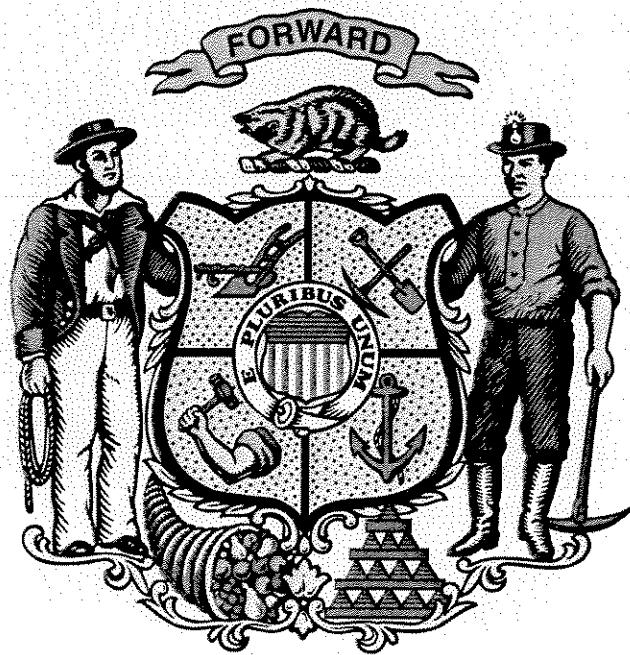
There is currently available an existing buildings code developed by the International Code Council that could function as a companion document to the recently adopted State building code set. I have briefly reviewed the document and believe it would be worthwhile to have a detailed evaluation done to determine the benefits and challenges of adopting this code. Such an assessment should include a review of the work conducted by a Legislative Council Committee on Historic Buildings that was undertaken about five years ago.

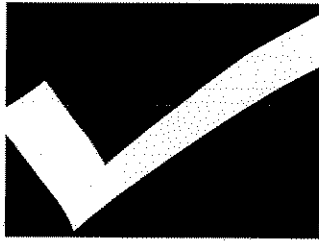
I may be reached at 920-832-5810 and would be glad to discuss more specifics on this subject with you.

Sincerely yours,

Neil Cameron,  
Fire Chief

cc: Alderperson Jo Egelhoff





# Multifamily Dwelling Code Council Meeting

April 16, 2003

9:15 A.M. to 12:45 P.M.

Wisconsin Builders Association Headquarters  
4868 High Crossing Boulevard, Madison

**Attendees:**

Council Members: Kevin Cavanaugh, Paul Coats, Todd Fahning, Bruce Fuerbringer, Beth Gonnering, Edward Gray, James Klett, Harry Macco, Paul Marunich, Carl Mastaglio, Richard Paur, William Roehr, Ed Ruckriegel, Fred Stier

Safety and Buildings Division Council Staff: Bob DuPont and Jim Quast – Program Development

Administrative Services Division Staff: Sam Rockweiler – Code Development

## ----- Agenda Topics -----

1. Bring to order and introductions	Beth Gonnering	9:15 – 9:20 A.M.
2. Review agenda	Beth Gonnering	9:20 – 9:25
3. Review previous meeting's progress report	Beth Gonnering	9:25 – 9:30
4. Safety and Buildings Division update: elevator code and historic building code	Bob DuPont Jim Quast	9:30 – 9:45
5. Two-year code review topics: variances; conversion of Type A units; seismic requirements; common plan-review citations; assisted-living, residential-care, and assisted-care facilities; and issues from Council members	Jim Quast	9:45 – 10:30
Break		10:30 – 10:45
5. (Continued)	Jim Quast	10:45 – 11:15
6. Set next meeting and adjourn	Beth Gonnering	11:55 – 12:00
Lunch		12:00 – 12:45 P.M.

# PROGRESS REPORT

## MULTIFAMILY DWELLING CODE COUNCIL

DATE: Wednesday, February 19, 2003

TIME: 9:15 a.m. – 1:00 p.m.

LOCATION: Wisconsin Builders Association Headquarters  
4868 High Crossing Boulevard  
Madison, Wisconsin

### COUNCIL MEMBER ATTENDANCE:

Kevin Cavanaugh	<u>  E  </u>
Paul Coats	<u>  P  </u>
Todd Fahning	<u>  P  </u>
Bruce Fuerbringer	<u>  E  </u>
Beth Gonnering – Chair	<u>  P  </u>
Edward Gray	<u>  P  </u>
Jim Klett	<u>  P  </u>
Harry Macco (John Eagon)	<u>  P  </u>
Paul Marunich	<u>  A  </u>
Carl Mastaglio	<u>  P  </u>
Richard Paur	<u>  P  </u>
William Roehr	<u>  P  </u>
Ed Ruckriegel	<u>  P  </u>
Fred Stier	<u>  P  </u>

### GUESTS:

Dan Gengler – National Fire Sprinkler Association  
Bill Schomburg – Building Officials and Code Administrators International  
Jane Witt – Wisconsin Builders Association

### DEPARTMENT OF COMMERCE STAFF:

Randy Baldwin	<u>  P  </u>
Bob DuPont	<u>  P  </u>
Tom Kasper	<u>  P  </u>
Henry Kosarzycki	<u>  P  </u>
Jim Quast	<u>  P  </u>
Sam Rockweiler	<u>  P  </u>

Beth Gonnering opened the meeting with a round of introductions and a review of the agenda.

### **Safety and Buildings Division code update**

Jim Quast reported rule changes for updating the Plumbing Code and the Electrical Code are expected to receive legislative approval and be adopted shortly, and become effective by June 1. According to Jim, the primary changes in the Plumbing Code address health care facilities and recycling of wastewater, and the primary changes in the Electrical Code adopt most of the 2002 changes in the *National Electrical Code*<sup>®</sup>. Jim added that changes for updating the Elevator Code and the Historic Buildings Code are being developed but have not yet advanced to public hearings. Richard Paur commented that the Historic Buildings Code needs improvement because it allowed continued use of elevators which would not have been allowed under chapter 34 of the *International Building Code*<sup>®</sup>, for a Milwaukee building that was recently converted to multifamily use.

Jim explained that the proposed rules for erosion control at construction sites under the formerly proposed ch. Comm 65 expired as of December 31, 2002. The Department would be required to initiate a new rule-making endeavor to address the subject again. As of March 10, 2003, changes by the US Environmental Protection Agency under Phase II of the Clean Water Act lower the trigger thresholds from five or more acres of disturbed land to one or more acres. Currently, DNR rules and Commerce rules do not reflect this new threshold. Commerce will accept Notices of Intent for commercial building projects disturbing one to five acres. Pichard Paur added that in Milwaukee the threshold drops to one-half acre if the disturbed area will be impervious. Jane Witt asked whether the change will apply retroactively to sites where construction is already occurring; the initial interpretation of the federal regulations by DNR is no. Jim added that corresponding site infiltration requirements under ch. NR 151 will become effective in 2004.

### **IBC implementation update**

Jim noted the IBC, as adopted with chapters Comm 61 to 65 on July 1, 2002, was primarily written for new construction, and buildings built under previous codes in Wisconsin are still considered safe, including when they are converted to new uses, which is now regulated by Comm 61 to 65. Richard Paur commented that those conversions can quickly become complicated in buildings with multiple uses and tenants. Fred Stier indicated uncertainties have arisen about whether a retail portion of a building with a multifamily use must be included when determining if the nondwelling unit area exceeds the thresholds for providing fire sprinklers.

Bob DuPont explained that a Code Clarification Team consisting of Department staff meets weekly to resolve code interpretation difficulties, and the Division publishes the outcomes as questions and answers which are posted on the Division's Web site. John Eagon suggested incorporating external input into the clarification process, such as through an open Web-based

forum similar to the forum used by the International Code Council®. John, Ed Ruckriegel, and Todd Fahning suggested obtaining the Council's input on any formal Code Interpretations.

Henry Kosarzicki described the auditing he has begun of the more than 100 plan reviewers at Division and municipal offices – which includes developing and refining minimum review standards and checklists for reviewers, auditing individual review letters and plans, and identifying any common problems. Randy Baldwin reported he has audited about 200 review letters from the Division's central and regional offices, and then developed and administered a reviewer quiz for assessing the degree of uniformity in applying Comm 61 to 65. Randy described recent guidance the Department has developed for evaluating changes of use in buildings that predate Comm 61 to 65.

Beth Gonnering commented that the seismic requirements in Comm 61 to 65 have resulted in several review questions and have added a cost of about \$3,000 to a typical, eight-unit apartment building. Fred Stier said he has heard more complaining about the seismic requirements than any other aspect of the new code, and that they resulted in adding a cost of about \$30,000 to a bank building in Oconomowoc. Jim Klett agreed the seismic requirements are causing problems, such as needing to add steel cross-bracing for shear walls in wood-frame construction. Randy Baldwin said the Division is looking into projects that have been reviewed under the new requirements to see if various designs can be screened out from needing seismic calculations and the corresponding review.

Henry reported the four-day, annual University of Wisconsin Building Code Seminar in February would include detailed break-out sessions for problematic topics, and would be followed by 2-day training sessions in March for each of the four regional building code inspector associations in Wisconsin.

### **Modifying inspection policies for commercial buildings, including multifamily dwellings**

Bob DuPont distributed and discussed three tables showing how state-level policy and operations requirements vary for individual buildings, depending on whether the building is a one- or two-dwelling unit, a multifamily dwelling, or a commercial building. According to Bob, the Insurance Services Organization recommends conducting 15 inspections during construction of a new commercial building, but the Department currently conducts an average of only 2.5 inspections on each of the new commercial buildings that are outside the purview of agent municipalities. Bob indicated insurance savings could accrue if additional construction inspections are performed, particularly in rural areas. Bob said the Division is considering applying the inspection model from the one- and two-family dwelling program, where private-sector inspection agencies perform inspections in municipalities that do not provide inspectors. Todd Fahning commented inspection requirements for one- and two-family dwellings are often ignored in rural areas.



## **Progress report and elections**

The previous meeting's progress report was accepted, and Beth and Carl Mastaglio were unanimously reelected Chair and Vice Chair, respectively.

## **Two-year code-review cycle**

Jim Quast explained that the statutory two-year cycle for reviewing the code requirements for multifamily dwellings has begun, with a Scope Statement being published in the Mid-March issue of the *Wisconsin Administrative Register*. John Eagon commented the 2003 version of the IBC identifies the changes that have been made to the 2000 version which is adopted in Comm 61 to 65, and could be used as a starting point for reviewing the requirements for multifamily dwellings.

Bob DuPont noted the building code suite published by the National Fire Protection Association is being reviewed by the American Institute of Architects and by the National Conference of States on Building Codes and Standards, which may factor into the Department's comparison of the NFPA suite to the ICC suite, and help identify areas for improvement in Wisconsin's requirements. Bob added that prior to completion of that process, other improvements could be made, such as refining the seismic requirements and clarifying use of rescue platforms. Ed Ruckriegel reported the Wisconsin fire service continues to expect the Department to compare the two building code suites. Bob noted about 20 percent of the state population resides in municipalities that have chosen to adopt the ICC *International Fire Code*<sup>®</sup>, in lieu of the NFPA *Fire Prevention Code* which is adopted by reference in the Department's fire prevention code, chapter Comm 14. Jane Witt asked whether the NFPA is continuing to provide in-state training for the *Fire Prevention Code*, and Ed said yes.

Jim Klett offered to gather descriptions of problematic issues with the new code and forward them to Department staff prior to the next Council meeting. John Eagon recommended addressing issues relating to existing buildings. Ed Ruckriegel suggested reviewing variances that been issued under the new code. Jim Quast commented that any inadequate requirements should be identified as well. Jim Klett and Beth suggested clarifying how Type A dwelling units in condominiums can be altered by buyers of the units. Randy recommended considering the comments that are most commonly cited in plan review letters. Bob indicated Division staff could present a brief overview of the seismic requirements, and Randy noted a similar overview could be provided for evaluating changes of use in buildings that predate Comm 61 to 65. Jim Klett recommended clarifying which requirements apply to assisted-living, residential care, and assisted-care facilities.

## **Next meeting**

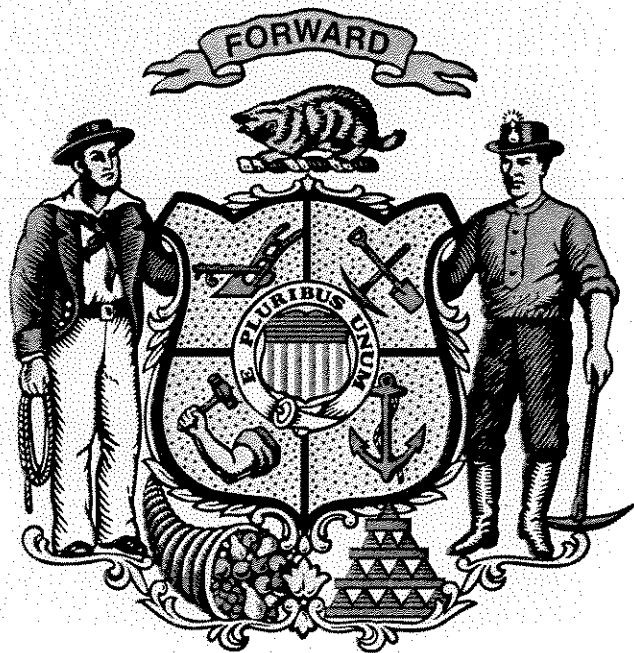
The next meeting was scheduled for April 16, 2003, at the same location and time.

**PETITION ISSUES  
INVOLVING THE "ENROLLED" COMMERCIAL BUILDING CODE  
July 1, 2002 through March 11, 2003**

Reference	Topic	Building Type	Description of Request
707.02	Shaft Enclosure	A-1	Shaft opening within lobby of the Overture Center
704.9	Vertical Separation of Openings	R-2	Allow less than 3 feet of separation between openings located on adjacent stories
1003.2.2.2/1004.2.1	Occupant Load Calculation	E	Determination of the occupancy load relative to number of exit access doors for school addition
1003.3.1.3.4	Access-Controlled egress Doors	E	Securing egress doors at a school
1004.2.2.1	Two Exit or Exit Access Doorways	R-2	Exit access door distribution for private residence (dwelling unit)
601	Type of Construction	A-3	Fire protection for roof framing elements, 20' above the floor (McGuire Center)
1008.5	Width of Means of Egress for Assembly	A-3	Reduction in required egress width for upper seating areas (McGuire Center)
62.0500(2)(a) & (3)(c)&(d)	Fire Apparatus Access	R-2	Allow an increased maximum distance to a fire lane and an increase maximum distance to an existing fire hydrant (Senior Home)
903.3.1.1/NFPA 13	Automatic Fire Suppression System	B	Omit sprinklers under exterior entrance canopy (Sheriff Training Center)
601	Type of Construction	A-5 & B	Structural fire protection for Camp Randal renovations
903.2.1.2	Automatic Fire Suppression System	A-2	Omit sprinklers for fire area that is not on level of exit discharge (First floor addition to existing building that contains a basement)
507.4	Unlimited Area Building	F-2	Allow a reduction in open space width for a portion of an addition to an existing unlimited area building
62.0500	Fire Apparatus Access	A-2	Allow a reduction in width for a portion of a fire lane (Addition/alteration to country club)
903.2.1.1.1	Automatic Fire Suppression System	Mixed	Omit sprinklers in fire station & municipal garage (Town hall and fire station)

Reference	Topic	Building Type	Description
602/704.08	Type of Construction/Exterior Wall Openings	R-4/R-1	Allow a reduction in the fire resistance rating for an exterior wall < 5' to property line and allow a greater percent of opening in the same wall (existing CBRF to serve as a shelter)
903.2.1.3	Automatic Fire Suppression System	A-3	Omit sprinklers in a museum basement addition where the fire area is not located on the level of exit discharge
503.1/507.2	Area Limits/Open Space	Mixed	Allow an A-2 tenant alteration within an existing unlimited area strip mall and allow less than 60' wide open space completely around an unlimited area existing strip mall
1004.2.4	Exit Distance	S-1	Allow exit distance to be exceeded for addition connecting two existing buildings (Lands End)
704.8	Exterior Wall Openings	Mixed/R-2	Allow a greater percent of opening in an exterior wall that is less than 30 ft to a property line (Kilbourn Tower)
1004.2.1	Exit Access Doorway	R-2	Allow one exit/exit access from several large type dwelling units with a calculated occupant load > 10 persons (Kilbourn Tower)
1003.2.4	Ceiling Height	M	Allow < 7' in height for egress within an existing basement for a change of use tenant alteration
406.6.2	Repair Garage	B/S-1	Allow a window between the repair garage area and the reception/customer lounge (Auto dealer addition)
62.0500(2) & (5)	Fire Apparatus Access	B	Allow portions of the building perimeter to be more than 150' from the fire lane and allow the fire lane to terminate in a configuration outside of the code specifications (Addition)
1005.3.2/1005.3.2.1	Vertical Exit Enclosure	B	Allow glass to be part of a 1-hr stair enclosure
903.2.10	Automatic Fire Suppression System	S-1	Omit sprinklers for 12,800 sq. ft. S-1 occupancy
503.2	Party Walls	unknown	Allow opening in a party wall of two buildings both owned by same person
903.2.11	Automatic Fire Suppression System	S-2	Omit sprinklers for 85,000 sq. ft bus terminal that is classified as an enclosed parking garage; terminal is located at the ground floor with 2 open parking levels above

Reference	Topic	Building Type	Description
903.2.2	Automatic Fire Suppression System	E	Omit sprinklers in existing school basement where classrooms are to be created; with the basement located below level of exit discharge
2902.2	Separate Sex Toilet Rooms	M	Allow unisex toilet for a tenant space alteration (Health food store)
705.8	Fire Walls	S-1	Allow >25% openings in fire wall for an existing building separating a new building
1507.13.1	Roof Coverings	M	Allow a roof pitch of 1/8" in 12" for single-ply roofing (Target store)
1005.3.2/1005.3.6	Vertical Exit Enclosures	F	Allow a unenclosed interior and nonseparated exterior stairways for an ethanol plant
910.2.1	Smoke and Heat Vents	S	Eliminate roof vents for sprinklered warehouse
903.3/NFPA 13 5-5.5.5	Sprinkler Installation	F	Omit sprinklers in various locations in a meat processing plant
62.1104(4)(b)	Accessibility for the Physically Disabled	A-5	Omit accessibility to an elevated high school press box
903.2.3	Automatic Fire Suppression System	F-1	Allow a temporary source of water for a sprinkler system



**\$50,000 PR to the Florence County Keyes Peak Recreation Center.**

**Reallocations - \$300,000 (PR)**

**1. Small Business Issues**

- a) **Work Permit Automated System and Fee Increase (at the request of Rep. Stone)**

The Governor's budget provides expenditure authority of \$162,500 in 2001-02 and \$325,000 in 2002-03 to fund development and maintenance of an automated child work permit system and to maintain existing services in the Division of Equal Rights. This funding would come through a \$2.50 increase in the child labor work permit or certificate of age fee, which is currently \$5.00, to \$7.50. The system would be used to issue work permits and certificates of age on-line and to maintain a central file of edited and issued work permits and certificates. The Joint Finance Committee deleted authority to use fee revenues for general operations and reduced the work permit fee to \$2.00, which would bring the total fee to \$7.00 (or \$0.50 less than the Governor's budget provided).

**Motion:** **Eliminate any increase in the work permit fee.**  
**(Savings - \$390,000PR)**

- b) **Liability for Incarceration Costs (at the request of Rep. Powers)**

Under a 100-year old state law, a person could be incarcerated for the failure to pay their debts as part of civil action brought on by a creditor. Under this law, a jailer could collect from the creditor, in advance, the costs associated with the incarceration of the debtor. Those costs could include any medical and hospital expenses. Furthermore, the law specifies that payment by the creditor must be made within 24 hours of the imprisonment of the debtor.

**Motion:** **Repeal this state statute.**  
**(No Fiscal Effect)**

- c) **Remodeling Contractor Member on Uniform Dwelling Code Council**

The Uniform Dwelling Code Council is a 17-member council that reviews the standards and rules for one and two-family dwelling construction. The council recommends a uniform dwelling code for adoption by the Department. Council membership includes representation from the interested parties including trade labor organizations, municipal building inspectors, contractors, manufacturers and associated building entities. The council does not include representation from the remodeling industry.

**Motion:** **Require the Department to add a member to the Uniform Dwelling Code Council representing remodeling contractors actively engaged in the remodeling one and two-family housing.**  
**(No Fiscal Effect)**