

exceeding 200 feet in height shall be prepared, signed and sealed by a Wisconsin registered architect or engineer.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (2) (a) and (b), cr. (2) (c), Register, December, 1978, No. 276, eff. 1-1-79; am. (1), Register, December, 1981, No. 312, eff. 1-1-82; cr. (3), Register, December, 1983, No. 336, eff. 1-1-84.

ILHR 50.08 Plans, specifications and calculations prepared outside Wisconsin. Plans, specifications and calculations for buildings and structures under s. ILHR 50.07 (2) and (3), may be prepared by an architect or engineer registered outside of the state of Wisconsin, provided the following conditions are satisfied:

(1) **SEAL.** The plans, specifications and calculations shall bear the signature and seal or stamp of the architect or engineer registered in a state other than Wisconsin.

(2) **CERTIFICATE.** A certificate, dated, signed and sealed by an architect or engineer registered in Wisconsin, shall be attached to the plans, specifications and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared in a state other than Wisconsin by an architect or professional engineer registered in that state; describe the work performed by the Wisconsin registered architect or engineer; and include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state buildings codes, and that the reviewing architect or engineer will be responsible for the supervision of construction in accordance with the requirements of s. ILHR 50.10.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (intro.), Register, December, 1983, No. 336, eff. 1-1-84.

ILHR 50.09 Changes to plans and specifications. No change in plans or specifications, which involve any provisions of this code, shall be made unless such change is signed, sealed and dated by the architect, engineer or designer who made the change, and approved by the department.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

ILHR 50.10 Supervision. All constructions or installations under s. ILHR 50.07 (2) and (3) 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 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. Should the supervising architect, engineer, designer, or the department, be confronted with a nonconformance to the code during, or at the end of, construction, said parties, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.

(1) **DEFINITION.** 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.

(2) **NAME OF SUPERVISING ARCHITECT, ENGINEER OR DESIGNER.** Prior to the start of construction, the owner of the building or structure, whose name must be a part of, or accompany, all plans submitted for approval,

Register, April, 1985, No. 352

as required by s. ILHR 50.12 or an authorized agent, shall designate to the department, in writing, the name and registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

(3)* **COMPLETION STATEMENT.** Upon completion of the construction, the supervising architect, engineer or designer shall file a written statement with the department certifying that, to the best of his or her knowledge and belief, construction has been performed in substantial compliance with the approved plans and specifications.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (intro.) and (2), Register, December, 1981, No. 312, eff. 1-1-82; am. (intro.), Register, December, 1983, No. 336, eff. 1-1-84.

ILHR 50.11 Owner's responsibility. No owner shall construct or alter any building or structure, or portion of a building or structure, or permit any building or structure to be constructed or altered except in compliance with the provisions of ss. ILHR 50.07, 50.08, 50.09, 50.10 and 50.12. Compliance with the provisions of this section does not relieve the owner from compliance with the administrative rules established in other related codes.

Note: For definition of owner, refer to s. 101.01 (2)(i), Stats.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

PART IV—DEPARTMENT APPROVAL

ILHR 50.12 Plan examination and approval. (1) TYPES OF BUILDINGS. Plans and specifications for all buildings and structures in the following classifications shall be submitted to the department or its authorized representative, as provided in s. ILHR 50.21, for examination and approved before commencing work:

Note 1: See the scope of the occupancy chapters for examples of specific types of buildings covered in pars. (a) through (f).

Note 2: Section 101.12 (3) (h), Stats., prohibits local issuance of permits or licenses for construction or use of public buildings or places of employment until drawings and calculations have been examined and approved by the department.

(a) Factories, office and mercantile buildings (ch. ILHR 54).

1. Department examination and approval for factories, office and mercantile buildings containing less than 25,000 cubic feet total volume is waived; however, the buildings shall comply with the applicable requirements of this code.

(b) Theaters and assembly halls (ch. ILHR 55).

(c) Schools and other places of instruction (ch. ILHR 56).

(d) Apartment buildings, hotels, motels and places of abode (ch. ILHR 57).

(e) Health care facilities and places of detention (ch. ILHR 58).

(f) Hazardous occupancies (ch. ILHR 59). Plan submission for hangars storing one airplane is not required.

*See Appendix A for further explanatory material.

Register, April, 1985, No. 352

(g) Day care facilities (ch. ILHR 60).

(h) Community-Based Residential Facilities (CBRF) (ch. ILHR 61).

(i) 1. a. Except as provided in subpar. b., department examination and approval is waived for television and radio transmitting and receiving antennas, outdoor theater screens, water tanks, display signs, observation towers, docks, piers, wharves, tents or inflatable structures used temporarily, and other similar structures; however, these structures and temporary tents shall comply with the applicable structural and other requirements of chs. ILHR 50-64.

b. 1. Plan examination and approval is required for the installation of roof mounted antenna structures exceeding 20 feet in height above the roof, unless the building is otherwise exempt or plan submittal is waived.

2. Plan examination and approval is required for the installation of ground mounted antenna structures exceeding 200 feet in height.

3. Plan examination and approval is required for the installation of ground mounted antenna structures exceeding 50 feet in height if the structure is located nearer to any street, public thoroughfare or property line than the height of the structure measured from its base of the structure nearest to the street, thoroughfare or property line to the topmost point.

(2) TYPES OF PLAN APPROVAL. The following types of plans shall be submitted to the department or its authorized representative, as provided in s. ILHR 50.21, for examination and approval before construction is commenced:

(a) General building plans.

(b) Structural plans.

(c) Heating and ventilating plans.

1. The addition of air-cooling equipment to an approved heating system requires department approval of energy conservation provisions.

2. The replacement of a major piece of heating or air conditioning equipment is subject to written approval by the department.

(d) Alteration plans for existing buildings, except for those alterations involving changes in interior finishes only.

(e) Revisions to previously examined plans.

(f) Exhaust system plans (government-owned buildings only).

(g) Spray booth plans (government-owned buildings only).

(h) Footing and foundation plans (see s. ILHR 50.13).

(i) Assembly seating facility plans.

(j) Fire escape plans.

(k) Illumination plans and electrical energy data.

(3) PLANS AND SPECIFICATIONS. At least 4 complete sets of plans, which are clear, legible and permanent copies, and one copy of specifications shall be submitted for examination and approval before commencing

construction. The plans and specifications shall contain the following information:

Note: Also see sub. (5)(b) note.

(a) *General.* All plans shall contain the name of the owner and the address of the building. The name and seal of the architect(s), engineer(s) or person(s) who prepared the plans shall appear on the title sheet, in accordance with s. A-E 1.04 (4), Wis. Adm. Code — registration seals.

(b) *General building plans.* The general building plans shall include the following:

1. *Plot plan.* The location of the building with respect to property lines and/or lot lines and/or adjoining streets, alleys and any other buildings on the same lot or property shall be indicated on the plot plan. A small scale plot plan shall be submitted on a 8½" x 11" sheet for projects containing multiple buildings.

2. *Floor plans.* Floor plans shall be provided for each floor. The size and location of all rooms, doors, windows, firewalls, toilet facilities, structural features, exit passageways, exit lights, fire alarms, standpipes, stairs and other pertinent information shall be indicated. Schematic exit plans shall be provided for large buildings, indicating normal paths of egress.

3. *Elevations.* The elevations shall contain information on the exterior appearance of the building and indicate the location and size of doors, windows, roof shape, chimneys, exterior grade, footings and foundation walls, and include information about the exterior materials.

4. *Sections and details.* Sections and details shall include information to clarify the building design.

(c) *Heating, ventilating and air conditioning plans.* Heating, ventilating and air conditioning plans shall indicate the layout of the system, including location of equipment and size of all piping, ductwork, dampers (including fire dampers), chimneys, vents and controls. The quantity of outside air introduced to each zone, and the quantity of supply air and exhaust air for each room shall be listed on the plans. The type of equipment and capacity (including the input and output) shall be indicated on the plans or equipment schedules, unless indicated in the specifications.

(d) *Specialty plans.* Specialty plans for spray booths, special exhaust systems, assembly seating facilities, fire escapes and special structural systems shall include pertinent information with respect to the design and construction of the specialty.

(e) *Specifications.* The specifications shall be properly identified with the drawings and describe the quality of the materials and the workmanship.

(f) *Schedules.* Schedules shall be provided which contain information pertinent to doors, room finishes, equipment, and the use of all rooms and

the number of occupants accommodated therein, unless this information is indicated on the plans.

Note 1: Original drawings are not considered a substitute for permanent prints.

Note 2: Duplicate information need not be submitted when heating, ventilating, air conditioning and building plans are submitted simultaneously.

Note 3: For pit depth and overhead clearance requirements applicable to design of elevator hoistways, see ch. Ind 4, Elevator Code.

Note 4: Plans for swimming pool installations are examined by the department of health and social services.

(4) **DATA REQUIRED.** All plans submitted for approval shall be accompanied by sufficient data and information for the department to judge if the design of the building, the capacity of the equipment, and the performance of the system will meet the requirements of this code. The following data shall be submitted:

(a) *Structural data.* Sample structural calculations, including assumed bearing value of soil, live loads and itemized dead loads, unit stresses for structural materials, typical calculations for slabs, beams, girders, columns and trusses shall be submitted. Typical wind and bracing calculations and diagrams including the manner in which shear transfer is made between resisting elements shall also be included. Complete structural calculations shall be furnished upon request of the department or other authorized approving official.

1. The building designer shall submit the following minimum information for structural components such as but not limited to wood trusses, precast concrete laminated wood members, steel joists and steel girders when the component fabricator is specified as being responsible for the component design:

- a. Structural framing plan;
- b. Bearing support and connection details of the component to the structure;
- c. Design loads, including location and magnitude of: uniform superimposed dead and live loads; concentrated dead and live loads; nonuniform snow loads; wind and bracing loads for component system; and wind, bracing and gravity forces required to be developed at interfaces with other materials;
- d. Required fire rating;
- e. Outside configuration of components; and
- f. Permanent bracing system.

2. The building designer shall also submit the following information with the initial building plan submittal or the component plan submittal:

a. A framing plan showing all members and labels and special installation (e.g., handling and erection) instructions and any required permanent bracing required which was the basis for the component design;

b. Information regarding the member design of the following structural components: Web configuration, stress diagram or tabulation of axial force in the members, member size, grade of lumber, fabricated

splices and member bracing for wood trusses; Web configuration, stress diagram or tabulation of axial force in the members, member size, steel yield, fabricated splices and member bracing for steel joists and joist girders subjected to nonuniform loading; Specified concrete strengths, prestressing data including final effective forces and centroids, mild reinforcing including release and confinement steel, shear reinforcing, and stripping, transportation and erection handling points for precast concrete members; Species of wood, bending stress of wood, adhesive and member sizes for laminated wood members; and

c. Information pertaining to the design of connections within or between like components for the following structural components: Web and chord connection details and connector plate holding values for wood trusses; Web and chord connection details for steel joist and joist girders subjected to nonuniform loading; Bearing confinement steel, dapped end reinforcing, corbel reinforcing, bearing pads, and loose and embedded connection steel including welding and bolting requirements for precast concrete members; Member connection and bearing details for laminated wood members.

(b) *Energy conservation data.* Calculations and specifications shall be submitted in accordance with s. ILHR 63.01.

(c) *Heating and ventilating data.* A description of the construction for the walls, floors, ceilings and roof, and the transmission coefficients of the construction materials shall be furnished. The calculations shall include heat losses for the individual rooms (including transmission and infiltration and/or ventilation losses, whichever are greater) and a summary of the total building heat loss expressed in Btu/hour or watts.

Note: The department will accept as the basis for calculations and design data, the methods and standards recommended by the Mechanical Contractors' Association of America; the American Society of Heating, Refrigerating and Air Conditioning Engineers; and the Institute of Boiler and Radiator Manufacturers.

(d) *Additional data.* When requested, additional data pertaining to design, construction, materials and equipment shall be submitted to the department for approval.

(5) **APPLICATION FOR APPROVAL.** A plans approval application form shall be included with the plans submitted to the department for examination and approval. 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, plans and documents required to complete the review.

Note: See Appendix A for an example of the plans approval application (form SB-118).

(a) *Conditional approval.* If, upon examination, the department determines that the plans and the application for approval substantially conform to the provisions of this code, a conditional approval, in writing, will be granted. All non-code-complying conditions stated in the conditional approval shall be corrected before or during construction. A conditional approval issued by the department shall not be construed as an assumption of any responsibility for the design or construction of the building.

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

Note: A letter will be sent to the designer and the owner of record with a statement relating to the examination of the plans and citing the conditions of approval or denial. The plans will be dated and stamped "conditionally approved" or "not approved," whichever applies. The department will retain one copy of the plans for all projects. The department will forward one copy of the plans for projects of less than 100,000 cubic feet and alterations of less than \$100,000 estimated cost to the state building inspector of record. The remaining plans will be returned to the person designated on the plans approval application.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (1) (g) 1, Register, December, 1977, No. 264, eff. 1-1-78; am. (4) (b), Register, May, 1978, No. 269, eff. 7-1-78; am. (1) (g) (intro.), Register, December, 1978, No. 276, eff. 1-1-79; am. (2) (c)1., (3) (intro.) and (4) (b), cr. (2) (k), Register, January, 1980, No. 289, eff. 2-1-80; am. (1) (b) and (d), (2) (c) 2., (d) and (i), (3) (d), (4) (a), renum. (1) (e), (f) and (g) to be (1) (f), (g) and (i) and am. (1) (f) and (i) (intro.), cr. (1) (e) and (h), Register, December, 1981, No. 312, eff. 1-1-82; r. and recr. (1) (i), am. (4) (a) 2. intro., Register, December, 1983, No. 336, eff. 1-1-84; am. (5) (intro.), Register, January, 1985, No. 349, eff. 2-1-85; am. (1) (intro.) and (2) (intro.), Register, April, 1985, No. 352, eff. 5-1-85.

ILHR 50.125 Wisconsin insignia. A Wisconsin insignia shall be installed on a manufactured multi-family dwelling approved by the department and inspected at the manufacturing plant.

(1) **AFFIXING WISCONSIN INSIGNIA.** Each Wisconsin insignia shall be assigned and affixed to a specific manufactured multi-family dwelling in the manner approved by the department before it is shipped from the manufacturing plant. The serial number shall be located on the manufacturer's data plate.

(2) **MANUFACTURER'S RESPONSIBILITIES.** (a) *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 multi-family dwellings or manufactured building components (or groups of components); which Wisconsin insignias have been applied to which manufactured multi-family dwelling or building component; 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.

(b) *Lost or damaged insignia.* 1. If Wisconsin insignias become lost or damaged, the department shall be notified immediately, in writing, by the manufacturer or dealer.

2. If Wisconsin insignias become damaged, the insignia shall be returned to the department with the appropriate fee to obtain a new insignia.

(3) **INSIGNIA SUSPENSION AND REVOCATION.** The department may suspend or revoke its approval if it determines that the standards for construction or the manufacture and installation of a manufactured multi-family dwelling do not meet this code or that such standards are not being enforced as required by this code.

(a) Upon suspension or revocation of the approval, no further insignias shall be attached to any manufactured multi-family dwelling with respect to which the approval was suspended or revoked.

(b) 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.

History: Cr. Register, May, 1980, No. 293, eff. 6-1-80.

Register, April, 1985, No. 352

ILHR 50.13 Footing and foundation approval. Upon submission of the plans approval application form, at least 4 sets of footing and foundation plans, a plot plan, schematic floor plans locating exits, elevations, itemized structural loads, structural foundation calculations, and a fee, the department or its authorized representative, as provided in s. ILHR 50.21, may conditionally approve the footing and foundation plans to permit construction of the footings and foundations prior to the examination and approval of the complete plans. The department shall review and make a determination on an application for footing and foundation approval within 15 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80; am. Register, January, 1985, No. 349, eff. 2-1-85; am. Register, April, 1985, No. 352, eff. 5-1-85.

ILHR 50.14 Permission to start construction. Upon submission of the plans approval application form, 4 complete sets of building plans and one copy of specifications, a written request by the owner to start construction, and a fee, the department or its authorized representative, as provided in s. ILHR 50.21, may issue a permission to start construction form for the footings and foundations. The holders of the permission form shall proceed at their own risk without assurance that a conditional approval for the building will be granted. The department shall review and make a determination on an application for permission to start construction within 3 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

Note 1: A permission to start construction form (form SB-198) is illustrated in the Appendix.

Note 2: Section 66.036, Stats., prohibits issuance of building permits by counties, cities, towns or villages for structures requiring connection to a private domestic sewerage treatment and disposal system unless the system satisfies all applicable requirements and all necessary permits for such system have been obtained.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80; am. Register, December, 1983, No. 336, eff. 1-1-84; am. Register, January, 1985, No. 349, eff. 2-1-85; am. Register, April, 1985, No. 352, eff. 5-1-85.

ILHR 50.15 Evidence of plan approval. The architect, engineer, designer, builder, manufacturer or owner shall keep at the building site one set of plans bearing the stamp of conditional approval and a copy of the specifications. The plans shall be open to inspection by an authorized representative of the department.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80.

ILHR 50.16 Revocation of approval. The department may revoke any approval, issued under the provisions of this code, for any false statements or misrepresentation of facts on which the approval was based.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

ILHR 50.17 Department limitation and expiration of plan approval. (1) EXPIRATION OF PLAN APPROVAL. Plan approval by the department or its authorized representative shall expire one year after the date indicated Register, April, 1985, No. 352

on the approved plans if construction has not commenced within that year.

Note: According to s. 66.05 (1) (a), Stats., the local governmental body or building inspector may order the razing of buildings or structures, or portions thereof, where there has been a cessation of normal construction for more than 2 years.

(2) **DEPARTMENT LIMITATION.** A conditional approval of a plan by the department shall not be construed as an assumption of any responsibility for the design.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

ILHR 50.18* Inspections. (1) **ON-SITE.** Inspections shall be conducted by an authorized representative of the department to ascertain whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and the provisions of this code.

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

Note: See Appendix A for an example of the inspection progress report (form SB-224B) and inspection report and orders (form SB-2).

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80.

ILHR 50.19 Approval of materials, equipment and devices. All materials, equipment and devices not specifically mentioned in this code shall be permitted if approved in writing by the department. Sufficient data, tests and other evidence to prove that the material, equipment or device is equivalent to the standards required in this code shall be submitted. Upon receipt of a fee and a written request, the department may issue an approval number for the material, piece of equipment or device. The department shall review and make a determination on an application for material, equipment and device approval within 30 business days of receipt of all forms, fees, plans and documents required to complete the review.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, January, 1985, No. 349, eff. 2-1-85.

ILHR 50.20* Fees. Fees for petitions for modification, material approval, plan examination and approval, and for inspection of buildings, structures, and heating and ventilating shall be submitted in accordance with the provisions of s. Ind 69.09. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections will be made until the fees are received.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

PART V—FIRST CLASS CITY and CERTIFIED CITIES APPROVALS

ILHR 50.21 Agent municipalities and counties. (1) **GENERAL.** This section shall establish the manner under which cities, villages, towns and

*See Appendix A for further explanatory material.

counties may examine building plans and inspect buildings relative to s. 101.12 (3) (a), (b) and (g), Stats.

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

(a) Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the responsibilities.

(b) Adopt by ordinance or regulation the responsibilities of plan examination and building inspection.

(c) Adopt by ordinance or regulation chs. ILHR 50 to 64 in its entirety.

(d) Submit to the department a certified copy of all ordinances or regulations assuming the plan examination and building inspection responsibilities and adopting chs. ILHR 50 to 64.

(e) Employ certified inspectors to perform the plan examination and building inspection functions.

(f) Forward to the department any information requested by the department relative to the examination of plans and the inspections of buildings.

(g) Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the responsibilities.

(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 chs. ILHR 50 to 64.

2. The department shall administer and enforce chs. ILHR 50 to 64 in any municipality or county which has not assumed the responsibilities for plan examination and building inspections 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 agent municipalities and counties to administer and enforce chs. ILHR 50 to 64 under sub. (2) shall be certified by the department in accordance with ch. ILHR 26 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. ILHR 50.12 (1), except state-owned buildings and structures, to be Register, April, 1985, No. 352

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) *Other municipalities and counties.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. ILHR 50.12 (1), except state-owned buildings and structures, to be constructed within the municipal limits of a municipality other than a first class city or within a county shall be submitted 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:

1. New buildings or structures containing less than 50,000 cubic feet in total volume;
2. Additions to buildings or structures in which the volume of the addition results in the entire building or structure containing less than 50,000 cubic feet in total volume; or
3. Alterations to existing buildings or structures containing less than 100,000 cubic feet in total volume.

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

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. Building plans submitted to a municipality or county for examination shall include the information specified in s. ILHR 50.12 (3) and (4).

(d) *Plan approval.* 1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to the provisions of chs. ILHR 50 to 64 or other ordinances and regulations, an approval shall be issued as follows:

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

b. One set of the conditionally approved plans shall be retained by the municipality or county and all other 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.

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.

(e) *Denial of plan approval.* If the municipality or county determines that the plans submitted do not substantially conform to the provisions of chs. ILHR 50 to 64 or other legal ordinances and regulations, a denial for plan approval shall be issued as follows:

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

(f) *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 inspector or the department for the design or construction of the building.

(6) **INSPECTION.** Inspections shall be conducted by an agent 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 chs. ILHR 50 to 64 as follows:

(a) All inspections, for the purpose of administration and enforcement of chs. ILHR 50 to 64, shall be performed by a certified inspector.

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

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

Note: See Appendix A for a list of the municipalities and counties providing plan examination and building inspections under this section.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and rec. Register, April, 1985, No. 352, eff. 5-1-85.

ILHR 50.22 Certified cities examination and approval. History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. Register, April, 1985, No. 352, eff. 5-1-85.

PART VI—ENFORCEMENT, PETITION for VARIANCE, APPEALS, and PENALTIES

ILHR 50.23 Enforcement. The provisions of this code shall be enforced by the department, or by municipal officials or other local officials who are required by law to enforce the administrative rules of the department.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

ILHR 50.24 Appeals. Any person affected by any local order which is in conflict with a rule of the department may petition the department for a hearing on the grounds that the local order is unreasonable and in conflict with the rule of the department. The department shall review and make Register, April, 1985, No. 352

a determination on an appeal of a local ordinance within 60 business days of receipt of a verified petition submitted with all forms, fees, plans and documents required to complete the review.

Note: Section 101.01 (1) (g), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of aldermen, 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, January, 1985, No. 349, eff. 2-1-85.

ILHR 50.25* Petition for variance. (1) **PROCEDURE.** The department shall consider and may grant a variance to an administrative rule upon receipt of a fee, a completed petition for variance form from the owner, and a position statement from the fire department having responsibility and an interest in the rule, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employees or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

(2) **PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

Note 1: See Appendix A for an example of the petition for variance (form SB-8) and the fire department position statement (form SB-8A).

Note 2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, December, 1978, No. 276, eff. 1-1-79; am. Register, May, 1980, No. 293, eff. 6-1-80; am. Register, October, 1984, No. 346, eff. 11-1-84; cr. (2), Register, January, 1985, No. 349, eff. 2-1-85.

ILHR 50.26 Penalties. Penalties for violations shall be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, 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 employe, 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 2: 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

ILHR 50.27 Saving and severable clauses. History: Cr. Register, December, 1983, No. 336, eff. 1-1-84; r. under s. 13.93 (2m) (b) 16, Stats., Register, April, 1985, No. 352.

*See Appendix A for further explanatory material.

[The page contains extremely faint and illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]

APPENDIX A

The material contained in the appendix is for clarification purposes only. The notes, illustrations, etc. are numbered to correspond to the number of the rule as it appears in the text of the code.

A-50.21 CERTIFIED MUNICIPALITIES. The following municipalities have been certified by the department to review plans and conduct inspections under this section:

COUNTIES			
Eau Claire			
CITIES			
Antigo	Greenfield	Muskego	Superior
Appleton	Janesville	New Berlin	Two Rivers
Beloit	Kaukauna	Oak Creek	Waukesha
Brookfield	Kenosha	Oshkosh	Wausau
Burlington	La Crosse	Racine	Wauwatosa
Cudahy	Madison	Rice Lake	West Allis
Eau Claire	Manitowoc	Sheboygan	West Bend
Fond du Lac	Marshfield	Sparta	Wisconsin
Glendale	Mequon	Stevens Point	Rapids
Green Bay	Middleton	Sun Prairie	
VILLAGES			
	Dousman		
	Elm Grove		
	Johnson Creek		
	Plover		
TOWNS			
	Grand Rapids		
	Waukesha		

A-50.10-50.25 FORMS. The following forms (SB2, 8, 8A, 118, 198, 224B, SBD-4927 and SBD-5686) are referred to in ss. I.L.H.R. 50.10, 50.12, 50.14, 50.18, 50.20 and 50.25. Copies of these forms are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Department of Industry, Labor and Human Relations

Building

Inspection Report and Orders

INSPECTION DATE		Inspection Report and Orders			FILE NO.
OWNER'S NAME					OCUPANCY INSPECTED
MAILING ADDRESS			LOCATED AT (STREET ADDRESS)		
CITY	STATE	ZIP CODE	CITY	COUNTY	

An inspection of the above occupancy discloses violations of orders of the Dept. of Industry, Labor & Human Relations promulgated under authority of Chapter 101 of the Revised Statutes of Wisconsin.

SEE REVERSE SIDE FOR APPLICABLE WISCONSIN STATUTES

NOTE	ITEM	ORDER	REQUIREMENTS	<input type="checkbox"/> Done	<input type="checkbox"/> Not Done
SAMPLE					

IMPORTANT

- Report when orders are completed
- Avoid Delay
- Forfeiture for violations are \$10 to \$100 each day for each violation.
- Keep us informed.

"Failure of an employer reasonably to enforce compliance by employees with such statute or order of the Department shall constitute failure by the employer to comply with such statute or order." Sec. 102.57 Wis. Stats.

COMPLIANCE DATE	VIOLATIONS EXPLAINED TO	TITLE
BY	DEPUTY	DEPUTY NO.

SAFETY & BUILDINGS DIVISION

Address: Compliance Safety and Buildings Division, Department of Industry, Labor and Human Relations, P.O. Box 7999, Madison, Wisconsin 53707