

## Chapter Comm 50

### ADMINISTRATION AND ENFORCEMENT

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**Note:** Chapter Ind 50 as it existed on December 31, 1976, was repealed and a new chapter Ind 50 was created effective January 1, 1977; chapter Ind 50 was renumbered to be chapter IL HR 50, effective January 1, 1984. Chapter IL HR 50 was renumbered chapter Comm 50 under s. 13.93 (2m) (b) 1, Stats. and corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1998, No. 508.

#### Subchapter I — Purpose and Scope

**Comm 50.01 Purpose of code.** The purpose of this code is to protect the health, safety and welfare of the public and employes by establishing minimum standards for the design, construction, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilating, energy conservation, and fire safety for all public buildings and places of employment.

**Note:** The purpose as stated can be traced to the terms used in the "safe place" statutes, ch. 101, Stats.

**Note:** This code is intended for the protection of the public and is not intended as a design manual, a textbook or a construction manual.

**Note:** The code cannot address every conceivable design option; points of code application and clarification will be addressed and issued from time to time and will be published in the Wisconsin Building Codes Report available from the Safety and Buildings Division, P. O. Box 7969, Madison, Wisconsin 53707.

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

**Comm 50.02 Scope.** The provisions of chs. Comm 50-64 apply to all public buildings and places of employment, except those indicated in s. Comm 50.04. The provisions of these chapters are not retroactive unless specifically stated in the administrative rule. Where different sections of these chapters specify different requirements, the most restrictive requirement shall govern, except as specified in ss. Comm 51.02 (11) (b) 4., 52.012, 52.013, 58.001 (2) (c) and 62.93. No part of this code is intended to prohibit or discourage the design and construction of innovative buildings or the use of new materials or systems provided written approval from the department is obtained. Under this section, written approval from the department shall include, but is not limited to, an acceptance through preliminary design consultation, plan review, petition for variance, official code interpretation, material approval or other written forms of communication.

**Note:** For a definition of "public building" and "place of employment," see ss. Comm 51.01 (102b) and 51.01 (104a) or s. 101.01 (2), Stats.

**Note:** Other state agencies and local municipalities may have adopted building or construction requirements that are either more restrictive or address other issues than those specified in this code.

**Note:** The overall enforcement responsibility for this code is equally shared by the building inspector and the fire inspector. Normally, the building inspector has primary responsibility during construction of the building, while the fire inspector has primary responsibility after the building is completed. The enforcement of many of the provisions of the code is the primary responsibility of the fire inspector, and compliance with these provisions should be of primary concern while conducting the fire

prevention inspections mandated by s. 101.14, Stats. See Appendix B for a listing of the code sections for which the fire inspector has the primary enforcement responsibility.

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, December, 1981, No. 312, eff. 1-1-82; am. Register, October, 1982, No. 322, eff. 11-1-82; am. Register, December, 1983, No. 336, eff. 1-1-84; am. Register, August, 1985, No. 356, eff. 1-1-86; emerg. am. eff. 9-6-86; am. Register, November, 1986, No. 371, eff. 12-1-86; am. Register, March, 1991, No. 423, eff. 4-1-91; am. Register, March, 1995, No. 471, eff. 4-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2000, No. 531.

#### Subchapter II — Application of Building Code

**Comm 50.03 Application.** (1) **NEW BUILDINGS AND ADDITIONS.** The provisions of this code shall apply to all new buildings and structures, and also to additions to existing buildings and structures, except those indicated in s. Comm 50.04.

(2) **ALTERATIONS TO BUILDINGS.** The provisions of this code shall apply to all remodeling or alterations in any building or structure which affect the structural strength, fire hazard, exits, required natural lighting or replacement of major equipment. The provisions of this code shall apply to remodeling and alterations that effect energy efficiency as specified in s. Comm 63.001. These provisions do not apply to minor repairs necessary for the maintenance of any building or structure nor to buildings exempt, as listed in s. Comm 50.04.

(3) **CHANGE OF USE.** (a) If the use of an existing building or structure is changed in accordance with the definition of s. Comm 51.01 (87), and the requirements for the new use are more stringent than those for the previous use, the building or structure shall be made to comply with the requirements for the new use as provided in this code.

1. Exception. Unless the requirements for the new use are modified subject to the written approval by the department.

2. Exception. An existing building undergoing a change of use shall comply with the accessibility requirements specified in s. Comm 69.03 (3).

(b) If, upon inspection of an existing building or structure, it is found that its use has changed and that it does not comply with the requirements of the building code in effect at the time of change, it shall be made to comply with the code requirements in effect at the time of change in use.

(4) **REST ROOM PARITY.** Rest room parity applies to any facility where the public congregates which has a general capacity or seating capacity of 500 or more persons and meets the following conditions:

- (a) A new structural facility;

- (b) A new facility without a permanent structure;
- (c) An existing structural facility with alterations that affect 50% or more of the square footage of the facility;
- (d) An existing structural facility in which an addition has a square footage equal to or greater than 51% of the square footage of the existing structure; and
- (e) An existing facility with no permanent structure with an addition of land to the facility equal to or greater than 51% of the existing facility acreage.

**Note:** The percentage requirements established in this subsection shall apply to the accumulative sum of any remodeling or additions, or both undertaken after March 1, 1994. The addition of land applies only to that portion of added land which is specified as the expansion of the facility or event on that parcel and may not mean the total added land area to an existing facility or event

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; am (2), Register, August, 1985, No. 356, eff. 1-1-86; cr (4), Register, August, 1993, No. 452, eff. 3-1-94; r and recr (3) (a) 2., Register, November, 1994, No. 467, eff. 12-1-94; am (2), Register, December, 1995, No. 480, eff. 4-1-96; r and recr (2), Register, March, 1997, No. 495, eff. 4-1-97

**Comm 50.04 Buildings exempt from code requirements.** This code does not apply to the following types of buildings:

- (1) One- and 2-family dwellings and outbuildings in connection therewith such as barns and private garages.
- (2) Buildings used exclusively for farming purposes.  
**Note:** For a definition of "farming," see s. 102.04(3), Stats.
- (3) Buildings used primarily for housing livestock or for other agricultural purposes, located on research or laboratory farms of public universities or other state institutions.
- (4) Temporary buildings, used exclusively for construction purposes, not exceeding 2 stories in height, and not used as living quarters.
- (5) Buildings located on Indian reservation land held in trust by the United States.
- (6) Buildings owned by the federal government. Buildings owned by other than the federal government and leased to the federal government are not exempt.
- (7) Bed and breakfast establishments as defined in s. Comm 51.01(11a).
- (8) Community-based residential facilities located in existing buildings and providing care, treatment and services to 3 to 8 unrelated adults.
- (9) An adult family home certified under s. 50.032, Stats.
- (10) A one- or 2-family dwelling in which a home occupation is located.
- (11) Multifamily dwellings within the scope of ch. Comm 66, except as provided in s. Comm 66.60.

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; am (2) and cr (5), Register, December, 1977, No. 264, eff. 1-1-78; cr (6) to (8), Register, August, 1985, No. 356, eff. 1-1-86; cr (9) and (10), Register, March, 1991, No. 423, eff. 4-1-91; cr (11), Register, March, 1995, No. 471, eff. 4-1-95; **correction in (9) made under s. 13.93(2m)(b) 7., Register, March, 2000, No. 531.**

**Comm 50.05 Existing buildings code.** Buildings and structures erected prior to the effective date of the first building code (October 9, 1914) shall comply with the general orders on existing buildings, chs. Comm 75-79, issued by the department. Buildings and structures constructed after October 9, 1914, shall comply with the code in effect at the time.

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; **correction made under s. 13.93(2m)(b) 7., Stats., Register, October, 1996, No. 490.**

**Comm 50.06 Local regulations.** (1) **AUTHORITY** This code shall not limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this code, or with any other rule of the department, or law.

(2) **EXCEPTION.** Pursuant to s. 101.75(2), Stats., all manufactured multi-family dwellings approved by the department shall be deemed to comply with the requirements of all building ordi-

nances and regulations of any local government except those related to zoning and siting requirements including, but not limited to, building setback, side and rear yard requirements and property line requirements

**Note:** This exception applies only to those building elements and building parts covered under the provisions of s. Comm 50.125 Wisconsin insignia. The exception does not apply to on-site constructed elements such as, but not limited to, footings, foundations, attached porches, steps, concrete floor slabs and on-site constructed mechanical systems

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

### Subchapter III — Design and Supervision

**Comm 50.07 Design.** Every new building, or alteration to a building, shall be designed in compliance with this code.

(1) **BUILDINGS CONTAINING NOT MORE THAN 50,000 CUBIC FEET TOTAL VOLUME.** The plans and specifications for every new building, or alteration to a building, containing not more than 50,000 cubic feet total volume, or addition to a building in which the volume of the addition results in the entire building containing not more than 50,000 cubic feet total volume, may be prepared by a registered architect, engineer, designer, contractor or an authorized agent.

(2) **BUILDINGS CONTAINING MORE THAN 50,000 CUBIC FEET TOTAL VOLUME.** The plans and specifications for every new building, or alteration to a building, containing more than 50,000 cubic feet total volume, or addition to a building in which the volume of the addition results in the entire building containing more than 50,000 cubic feet total volume, shall be designed as follows:

(a) **Building or structural design.** The plans and specifications for the design of the building or structure shall be prepared, signed and sealed by a Wisconsin registered architect or engineer.

(b) **Heating, ventilating and air conditioning design.** The plans and specifications for the heating, ventilating and air conditioning system shall be prepared, signed and sealed by a Wisconsin registered architect, engineer or designer.

(c) **Energy conservation design.** The plans and specifications for energy conservation design shall be prepared, signed and sealed by a Wisconsin registered architect, engineer or designer.

**Note:** See s. Comm 51.01(139a) for definition of total volume

**Note:** The above terms "registered architect, engineer or designer" mean registered architect, registered professional engineer or designer as defined by laws regulating the practice of engineering and architecture found in ch. 443, Stats. Designers are limited to the specific limitations outlined in s. A-E 5.06. See s. A-E 2.02 for rules pertaining to signing, sealing and dating of plans prepared by a registered architect, engineer or designer.

**Note:** According to s. 87.30, Stats., the construction or placement of every building, structure, fill or development placed or maintained within any flood plain is required to satisfy local or state regulations.

(3) **ANTENNAS AND SUPPORTING TOWERS EXCEEDING 200 FEET IN HEIGHT.** The plans and specifications for antennas and supporting towers 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; am (2) (c), Register, December, 1985, No. 360, eff. 1-1-86

**Comm 50.08 Plans, specifications and calculations prepared outside Wisconsin.** Plans, specifications and calculations for buildings and structures under s. Comm 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) **REGISTRATION.** The state agency or entity which registers the architect or engineer shall be an agency or entity recognized by the department of regulation and licensing as having equivalent standards for registration.

(2) **SEAL.** The plans, specifications and calculations shall bear the signature and seal or stamp of a registered architect or registered engineer.

(3) **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. Comm 50.10.

**History:** Cr Register, December, 1976, No. 252, eff. 1-1-77; am (intro.) Register, December, 1983, No. 336, eff. 1-1-84; renum. (1) and (2) to be (2) and (3) and am. (2), cr. (1), Register, March, 1991, No. 423, eff. 4-1-91

**Comm 50.10 Supervision.** All constructions or installations under s. Comm 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, as required by s. Comm 50.12 or an authorized agent, shall designate to the department, in writing, the name and Wisconsin registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

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

**Note:** See Appendix A for an example of the compliance statement form (SBD-4927).

**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; am (2) and (3), Register, January, 1994, No. 457, eff. 2-1-94

**Comm 50.11 Owner's responsibility.** No owner may 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 chs. Comm 50 to 64. 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) (e), Stats

**Note:** Section Comm 50.07 specifies which plans and specifications must be prepared by a registered architect, engineer or designer. Section Comm 50.10 specifies which construction must be supervised by a registered architect, engineer or designer. Section Comm 50.10 (2) specifies the owner's responsibilities in informing the department of the construction supervisor. Section Comm 50.10 (3) specifies the requirements for filing completion statements prior to occupancy. Section Comm

50.12 specifies the requirements for plan submittal and approval. Section Comm 50.12 (5) requires submittal of a plan approval application form, and that form must be signed by the owner.

**History:** Cr Register, December, 1976, No. 252, eff. 1-1-77; am Register, January, 1994, No. 457, eff. 2-1-94

**Comm 50.115 Notice of intent. (1)** A notice of intent for coverage under a Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-0067831-1 for storm water discharges associated with construction activities as required by 40 CFR part 122 shall be filed by the landowner for the construction project of a public building or a building that is a place of employment disturbing 5 or more acres of land. A construction site soil erosion control plan and storm water management plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook published by the department of natural resources (WDNR Pub. WR-222 November 1993 Revision).

**Note:** Copies of the Wisconsin Construction Best Management Practice Handbook are available through Wisconsin Department of Administration, Document Sales, 202 S. Thornton Ave., Madison, WI 53707

(a) Prior to filing a notice of intent, a site specific soil erosion control plan and storm water management plan shall be prepared in accordance with ss. NR 216.46 and 216.47, respectively. If the soil erosion control plan or actions required by the plan fail to control the construction site soil erosion, the plan shall be amended or other actions taken to control construction site soil erosion.

(b) The landowner shall implement the soil erosion control plan throughout the construction period. Soil erosion control measures shall be installed and maintained at the construction site until the construction site is stabilized and a notice of termination is filed with the department stating that the site has undergone final site stabilization in accordance with s. NR 216.55.

(c) The landowner shall meet the reporting and monitoring requirements specified in s. NR 216.48.

(d) The department may inspect and enforce the provisions of this section in the event of violations. Additional information requested by the department to ascertain compliance with this section shall be submitted within the time period specified by the department.

(e) If the department of natural resources determines the construction site to be a significant source of storm water pollution, the department of natural resources may require the site to be covered by a individual WPDES storm water discharge permit.

**Note:** An industrial construction site covered by this section may also require an Industrial Storm Water Discharge Permit issued by the department of natural resources as provided in subch. II of ch. NR 216

(2) A notice of intent shall be filed either with the department or with certified municipalities and counties authorized to review plans and perform inspections under s. Comm 50.21. Municipalities and counties shall file a copy of the notice of intent with the department. The notice of intent shall be filed on form 3400-161 published by the department of natural resources.

**Note:** Copies of form 3400-161 may be obtained from the department or the department of natural resources.

(3) The notice of intent form shall be completed in accordance with the instructions and filed at least 14 working days prior to commencement of construction.

(4) The department shall provide a summary of the notice of intent information collected to the department of natural resources.

(5) A landowner filing a notice of intent under this section shall be exempt from the department of natural resources' \$200 fee associated with filing form 3400-161.

**History:** Emerg. cr. eff. 11-4-94; cr. Register, August, 1995, No. 476, eff. 9-1-95

#### Subchapter IV — Department Approval

#### Comm 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. Comm 50.21, for examination and approved before commencing work:

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

**Note:** 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. Comm 54).

1. Except for public mausoleums, 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.

2. Upon written request, the department may conduct an examination of preliminary mausoleum plans for compliance with the provisions of this code. Results of this examination will be in writing. A fee may be charged for this type of examination. Complete plans and specifications shall be submitted in accordance with sub (5) prior to construction.

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

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

(d) Apartment buildings that exceed 60 feet in height or 6 stories, hotels, motels and places of abode (ch. Comm 57).

(e) Health care facilities and places of detention (ch. Comm 58). Plans shall be submitted for double ceiling in existing places of detention only where other alterations are being made that affect exiting, natural lighting, fire hazard or structural components. If the increased occupant load does not require physical alteration to the existing structure, plans are not required to be submitted.

(f) Hazardous occupancies (ch. Comm 59).

1. Department examination and approval of plans shall be waived for a hangar accommodating one airplane; however, the building shall conform with the applicable requirements of this code.

2. Department examination and approval shall be waived for a storage garage which is less than 25,000 cubic feet in total volume; however, the building shall comply with the applicable requirements of this code.

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

(h) Community-based residential facilities (CBRF) (ch. Comm 61).

(i) 1. Except as provided in subd. 2., 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. Comm 50-64.

2. a. 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.

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

c. 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 the base of the structure nearest to the street, thoroughfare or property line to the highest point of the structure.

(2) TYPES OF PLAN APPROVAL. The following types of plans shall be submitted to the department or its authorized representa-

tive, as provided in s. Comm 50.21, for examination and approval before construction is commenced:

(a) General building plans.

(b) Structural plans.

(c) 1. Heating and ventilating plans; and

2. Data and information relative to requirements of chs. Comm 63 and 64 for the replacement of a major piece of heating or air conditioning equipment.

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

(e) Revisions to previously examined plans.

(f) Industrial exhaust system plans within government-owned buildings.

**Note:** See s. Comm 64.54(3) relating to the types of exhaust ventilation systems requiring plan submittal.

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

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

(i) Assembly seating facility plans.

(j) Fire escape plans.

(3) PLANS AND SPECIFICATIONS. At least 4 complete bound 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 shall be bound in a manner that enables them to be reviewed without removing the binding. 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, engineer or person who prepared the plans shall appear on the title sheet, in accordance with s. A-E 2.02, Wis. Adm. Code.

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

1. 'Plot plan.' a. The location of the building with respect to property lines and lot lines and adjoining streets, alleys and any other buildings on the same lot or property shall be indicated on the plot plan. For recycling space designated adjacent to a building, as specified in s. Comm 52.24, the area and dimensions 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. For purposes of this requirement, a plot plan does not have to be a certified survey.

b. The plot plan shall clearly indicate the location of the accessible building, its accessible entrances and the exterior accessible route to, from and between all accessible parking spaces, recreational and public facilities and areas on the site, public transportation stops adjacent to the property, public streets or sidewalks and if provided, passenger loading zones. The plans shall also indicate the size and location of the accessible parking spaces and the gradient or slope information for all walks and ramps on the accessible route.

2. 'Floor plans.' Floor plans shall be provided for each floor. The size and location of all rooms, doors, windows, fire walls, toilet facilities, structural features, exit passageways, exit lights, fire alarms, standpipes, stairs and other pertinent information, including but not limited to adequate space within a building designated for collection, separation and temporary storage of recyclable materials, 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.

5. 'Interior barrier-free design information'. The general building floor plans, elevations and sections shall clearly show the following:

a. All accessible routes through accessible buildings, facilities, tenant spaces and living units.

b. The design and location of all interior and exterior ramps, including the gradient or slope information.

c. The areas of rescue assistance in multilevel buildings, including dimensions of the area and the fire resistive construction details.

d. The type and location of elevator or mechanical lifting equipment and, where applicable, the design and construction of the vertical shaft.

e. The design of bathrooms, toilet rooms and unisex toilet rooms, including door clearances, lavatory or vanity design, plumbing fixture mounting heights, turnaround spaces, clear spaces required for plumbing fixtures, the size and arrangement of toilet compartments and other toilet room equipment such as, but not limited to, mirrors, soap dispensers and hand dryers.

(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. Justification for the number of persons used as the basis for the HVAC system design shall be provided when required by s. Comm 64.05 (5).

(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:** Original drawings are not considered a substitute for permanent prints.

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

**Note:** For pit depth and overhead clearance requirements applicable to design of elevator hoistways, see ch Comm 18, Elevator Code.

**Note:** Plans for swimming pool installations are examined by the department.

(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.

3. For the purposes of this paragraph, the department does not consider truss layout plans or truss erection plans as architectural practice or engineering practice, and therefore, such plans are not required to be signed and sealed or stamped in accordance with s. Comm 50.07 or 50.08.

4. Information regarding reinforcement, concrete strength, fire resistive ratings for precast concrete components may be provided in either the specifications or calculations furnished with the precast concrete plans.

(b) *Energy conservation data.* Calculations and specifications shall be submitted in accordance with s. Comm 63.01 for the types of projects outlined in s. Comm 63.001 on forms provided by the department or other forms approved by the department.

**Note:** See A50.12 of the appendix for sample copies of forms.

(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), a summary of the total building heat loss expressed in Btu/hour or watts, heat gain calculations for air conditioning systems, ventilation calculations including outside air requirements for each space and ventilation system expressed in cubic feet per minute or liters per second, and percent of outside air at maximum and minimum flow rates when the building is occupied.

**Note:** If the code does not specify a required calculation method, 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) *Data for recycling space.* Verifiable data or calculations and specifications shall be submitted in accordance with s. Comm 52.24 for determining adequate space for the separation, temporary storage and collection of recyclable materials, unless the space designated is based on the requirements identified in this code.

(dm) *Elevator and mechanical lift data.* When an elevator, limited-use elevator, residential elevator, vertical wheelchair lift, inclined wheelchair lift, stairway chairlift or other mechanical lifting device is to be installed in a public building or place of employment, the following information, when applicable, shall be included on the building plans and submitted to the department for review:

1. Size of cabs or platforms for elevators, limited-use elevators, residential elevators and wheelchair platform lifts.

**Note:** See chs Comm 18 and 69 for the minimum cab and platform sizes

2. Rating and construction of vertical shafts for elevators, limited-use elevators, residential elevators and vertical wheelchair lifts.

3. Door clearances to elevators, limited-use elevators, residential elevators and vertical wheelchair lifts.

4. Maneuverability clearances at elevators, limited-use elevators, residential elevators and wheelchair platform lifts.

**Note:** See chs Comm 18 and 69 for maneuverability clearances at doors

5. The accessible route to the methods of vertical circulation provided in a building or facility.

6. Location and width of all exits and stairways in a building or facility when an inclined wheelchair platform lift or stairway chairlift is installed. The mechanical lifting devices in their operational position shall not infringe into the minimum exit width required for the building or facility.

**Note:** The minimum exit width required for a building or facility is based on the capacity of the building or facility. See the applicable sections of chs. Comm 50 to 64 for determining the capacity and exit width

(e) *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 as specified in s. Comm 2.07 (3).

**Note:** See Appendix A for an example of the plans approval application (form SBD-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

(6) **REVISIONS TO APPROVED PLANS.** (a) 1. All revisions and modifications, which involve provisions of this code, made to plans or specifications, which have previously been granted approval by the department, shall be submitted to the department for review.

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

(b) A revision or modification to a plan, drawing or specification shall be signed and sealed in accordance with s. Comm 50.07 (2), if applicable.

**Note:** Section Comm 50.12 was revised in December, 1995, effective April 1, 1996. On April 6, 1996 the department of industry, labor and human relations published an emergency rule stating that the effective date of the December, 1995 rule revision was delayed. A permanent rule was adopted in December, 1996 stating that the revised text of s. Comm 50.12, as published, would be effective April 1, 1997.

**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; am (4)(a) 1 Register, August, 1985, No. 356, eff. 1-1-86; r. (2)(k), Register, December, 1985, No. 360, eff. 1-1-86; r and recr (1)(f), (i), (2)(c) and (f), am (3) (intro.), (b) 1. and (4)(b), cr (4)(a) 3 and 4 and (6), Register, March, 1991, No. 423, eff. 4-1-91; am (1)(a) 1., cr. (1)(a) 2., Register, March, 1992, No. 435, eff. 4-1-92; am (5), Register, June, 1992, No. 438, eff. 7-1-92; am (3)(b) 1 and 2., renum (4)(d) to be (e), cr (4)(d), Register, October, 1992, No. 442, eff. 5-1-93; am (1)(e), (i) 2. c., (3) (intro.) and (a), (4)(a) 2 b and (b), Register, January, 1994, No. 457, eff. 2-1-94; cr (4)(dm), Register, March, 1994, No. 459, eff. 4-1-94; renum (3)(b) 1 to (3)(b) 1. a., cr (3)(b) 1. b., 5., Register, November, 1994, No. 467, eff. 12-1-94; reprinted to restore dropped copy in (3)(b) 5., Register, January, 1995, No. 469; am (1)(d), Register, March, 1995, No. 471, eff. 4-1-95; am (4)(b), (c), December, 1995, No. 480, eff. 4-1-96; correction in (5) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490; am (4)(c), Register, December, 1996, No. 492, eff. 4-1-97; r. and recr (3)(c), (4)(b) and (c), Register, March, 1997, No. 495, eff. 4-1-97; r. and recr (4)(dm), Register, April, 1998, No. 508, eff. 5-1-98

### Comm 50.13 Footing and foundation approval.

(1) The department or its authorized representative, as provided in s. Comm 50.21, may conditionally approve footing and foundation plans to permit construction of footings and foundations prior to the examination and approval of the complete plans upon submission of:

(a) A plan approval application form, SBD-118;

(b) At least 4 bound sets of footing and foundation plans which:

1. Include a plot plan; and

2. Are signed and sealed in accordance with s. Comm 50.07 or 50.08, if applicable.

(c) At least one set of:

1. Schematic floor plans indicating the exits;

2. Building elevations;

3. Itemized structural loads; and

4. Structural footing and foundation calculations; and

(d) The fee as specified in ch. Comm 2.

(2) 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; r and recr. register, March, 1991, No. 423, eff. 4-1-91; correction in (1)(d) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1993, No. 450; correction in (1)(d) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490

### Comm 50.14 Permission to start construction.

(1) The department or its authorized representative, as provided in s. Comm 50.21, may issue a permission to start construction form for the footings and foundations upon submission of:

(a) A completed plan approval application form, SBD-118;

(b) 1. At least 4 bound sets of building plans and one copy of specifications; or

2. At least 4 bound sets of footing and foundation plans and the information specified in s. Comm 50.13 (1).

(c) A written request by the owner to start construction, form SBD-198; and

(d) Fees as specified in ch. Comm 2.

(2) The holders of the permission form shall proceed at their own risk without assurance that a conditional approval for the building will be granted.

(3) The department shall review and make a determination on an application for permission to start construction within 3 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, 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; r. and recr. Register, March, 1991, No. 423, eff. 4-1-91; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1993, No. 450; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1996, No. 490.

**Comm 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.

**Comm 50.155 Sprinkler documents. (1) PLANS** (a) 1. Except as provided in subd. 2., where automatic fire sprinkler systems are to be installed or altered, sprinkler plans and specifications shall be present at the job site and made available, upon request, to the department, its agent or local governmental agencies exercising jurisdiction.

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

b. When sprinkler plans and specifications are not provided for a project involving the alteration or addition of 20 or less sprinkler heads to an existing automatic fire sprinkler system, the automatic fire sprinkler contractor responsible for the work shall provide a written description of the type and scope of the work. The description shall be included with the material and test certificate, if required. The description shall be made available, upon request, to the department, its agent or local governmental agencies exercising jurisdiction.

(b) The sprinkler plans at the installation site shall be:

1. Signed and sealed in accordance with s. A-E 2.02 by an architect, engineer or sprinkler designer who is registered by the department of regulation and licensing; or

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

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

(d) The plans for the automatic fire sprinkler system to be at the installation site shall include at least:

1. The name of the:

a. Owner of the building; and

b. Occupant or occupants in the building;

2. The location or address of the building;

3. A full height cross section through the building;

4. The location within the building of:

a. Partitions, walls, and fire walls;

b. Concealed spaces, closets, attics and bathrooms;

c. Sprinklers;

d. Alarms;

e. Pumps, valves, drain pipes and test connections; and

f. Pipe hangers and supports.

5. The occupancy class of each area or room within the building;

6. The sources of water supply, including the static pressure, residual pressure, the flow and the dates and time of determination for each;

7. The location and size of:

a. All above ground and underground piping; and

b. Hose outlets.

8. The number of sprinklers on each riser per floor; and

9. The relative elevations of sprinklers, junction points, and supply points;

(e) The specifications for the automatic fire sprinkler system to be at the installation site shall include at least:

1. The type of materials, and devices that comprise the sprinkler system;

2. The settings of pressure reducing valves; and

3. Type and amount of antifreeze solutions being employed, if any.

(2) **SPRINKLER MATERIAL AND TEST CERTIFICATES** (a) Where automatic fire sprinkler systems have been installed or altered, completed sprinkler material and test certificates shall be made available, upon request, to the department, its agent or local governmental agencies exercising jurisdiction.

(b) A sprinkler material and test certificate shall provide at least the information as enumerated in NFPA 13, s. 8-1 or NFPA 13R, s. 2-1, depending upon the type of sprinkler system.

**History:** Cr Register, June, 1993, No. 450, eff. 7-1-93; am (2) (b), Register, January, 1994, No. 457, eff. 2-1-94; correction in (1) (b) 2 made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1996, No. 490.

**Comm 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.

**Comm 50.17 Expiration of plan approval and extension of plan approval. (1) EXPIRATION OF PLAN APPROVAL** (a)

*Building shell.* Except as provided in par. (e), plan approval by the department or its authorized representative for new buildings and building additions shall expire 2 years after the approval date indicated on the approved building plans if the building shell is not closed in within those 2 years.

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

(c) *Alterations.* Except as provided in sub. (2), plan approval by the department or its authorized representative for interior building alterations shall expire 1 year after the approval date indicated on the approved building plans if the alteration work is not completed within that year.

(d) *HVAC construction only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for heating, ventilating, or air conditioning construction that does not include any associated building construction shall expire 1 year after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within that year.

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

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

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

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; r and recr. Register, August, 1986, No. 368, eff. 9-1-86; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1993, No. 450; r and recr., Register, March, 1995, No. 471, eff. 4-1-95; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490.

**Comm 50.175 Department limitation.** A conditional approval of a plan by the department shall not be construed as an assumption of any design responsibility.

**History:** Cr. Register, August, 1986, No. 368, eff. 9-1-86.

**Comm 50.18 Inspections. (1) ON-SITE** Inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and the provisions of chs. Comm 50 to 64.

**Note:** Municipalities certified under s. Comm 50.21 are authorized representatives of this department to make the inspections specified in this section, but not the maintenance or life-safety inspections specified in s. Comm 56.21 and subch. IV of ch. Comm 56 except that 1st class cities may perform these inspections.

**Note:** See Appendix A for further explanatory material.

(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 commercial building inspector.

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

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

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

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; am Register, May, 1980, No. 293, eff. 6-1-80; cr. (3), Register, March, 1992, No. 435, eff. 4-1-92; am (1), Register, October, 1992, No. 442, eff. 11-1-92; am (2), Register, October, 1996, No. 490, eff. 11-1-96.

**Comm 50.19 Building material approvals. (1) 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.

(2) **TESTING LABORATORIES** (a) A testing laboratory may submit to the department a request to be recognized as an approved testing laboratory which evaluates and certifies materials, products or assemblies for conformance with the specifications or standards of this code.

(b) The request for recognition as an approved testing laboratory under par. (a) shall include:

1. A completed building material approval application;
2. Information, data and other evidence describing the operations, policies and procedures of the testing laboratory; and
3. A fee as specified in ch. Comm 2.

(c) The department shall review and make a determination on a request for recognition as an approved testing laboratory under par. (a) within 30 business days of receipt of all forms, fees and documents required to complete the review.

(3) **REQUIRED APPROVALS**. An approval shall be obtained for:

- (a) Light transmitting plastics; and
- (b) Direct vent sealed combustion chamber appliances.

**Note:** A building material approval application form (SBD-8028), may be obtained from the Safety and Buildings Division, Customer Service Center, P. O. Box 7162, Madison, Wisconsin 53707.

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; am Register, January, 1985, No. 349, eff. 2-1-85; renum. to be (1), cr. (2), Register, March, 1991, No. 423, eff. 4-1-91; am (2) (b) 3., cr. (3), Register, January, 1994, No. 457, eff. 2-1-94; correction in (2) (b) 3 made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490.

**Comm 50.20 Fees.** Fees for petitions for variance, material approval, plan examination and approval, and for inspection of buildings, structures, and heating and ventilating shall be submitted as specified in ch. Comm 2. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; am Register, August, 1985, No. 356, eff. 1-1-86; am Register, January, 1994, No. 457, eff. 2-1-94; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490.

## Subchapter V — First Class City and Certified Municipal Approvals

### Comm 50.21 Certified municipalities and counties.

(1) **GENERAL**. This section shall establish the manner under which cities, villages, towns and 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. Comm 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. Comm 50 to 64.

(e) Employ certified commercial building 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. Comm 50 to 64.

2. The department shall administer and enforce chs. Comm 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. Comm 50 to 64 under sub. (2) shall be certified by the department in accordance with ch. Comm 5 as certified commercial building inspectors.

(5) **PLAN EXAMINATION** (a) *First class cities*. Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 50.12 (1), except state-owned buildings and structures, to be constructed within the limits of a first class city shall be submitted to that city, if that city has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2).

(b) *Other municipalities and counties*. Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 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. A new building or structure containing less than 5,000 square feet of total floor area;
2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 5,000 square feet of total floor area; or
3. An alteration of a space involving less than 10,000 square feet of total floor area.

**Note:** The department will allow use of 50,000 and 100,000 cubic feet of total volume in lieu of the thresholds of 5,000 and 10,000 square feet of total floor area, respectively, as established in s. 101.12(3)(b), Stats., provided calculations showing that volume are included in the submittal to the municipality.

(c) *Project waiver*. An agent municipality or county may waive its jurisdiction for the plan review of a specific project, in which case, plans shall be submitted to the department for review and approval.

(d) *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. Comm 50.12 (3) and (4).

(e) *Plan approval*. 1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to the provisions of chs. Comm 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 commercial building 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.

(f) *Denial of plan approval*. If the municipality or county determines that the plans submitted do not substantially conform to the provisions of chs. Comm 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 commercial building inspector.

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

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

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

(6) **INSPECTION** Inspections shall be conducted by 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. Comm 50 to 64 as follows:

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

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

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

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

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

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

**Note:** Certified municipalities are authorized to perform the inspections specified in s. Comm 50.18.

(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; 1 and recr Register, April, 1985, No 352, eff. 5-1-85; am (5) (b) 3., renum. (5) (c) to (f) to be (5) (d) to (g), cr (5) (c), Register, March, 1991, No 423, eff. 4-1-91; am. (5) (b) 1. to 3., Register, March, 1995, No 471, eff. 4-1-95; am (2) (e), (4), (5) (e) 1 a., (f) 1., (g), (6) (a), (b), Register, October, 1996, No 490, eff 11-1-96

## Subchapter VI — Enforcement, Petition for Variance, Appeals, and Penalties

**Comm 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

**Comm 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 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 alders, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

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

**Comm 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 employes or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

**Note:** See Appendix A for further explanatory material.

**(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 calcula-

tions, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

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

**Note:** 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

**Comm 50.26 Penalties.** Penalties for violations shall be assessed in accordance with s. 101 02, Stats.

**Note:** 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:** 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.