

STATE REPRESENTATIVE  
**DEAN KNUDSON**

30TH ASSEMBLY DISTRICT

March 4, 2014

Assembly Committee on State Affairs and Government Operations

Good Afternoon Mr. Chairman and members of the committee.

Thank you for holding this hearing today on AB 782, a bill to establish a uniform commercial building code.

Wisconsin has four different building codes that govern 1 & 2 family housing, multifamily housing, manufactured housing, and commercial buildings. Of these four codes, only the commercial building code is not uniform.

Since 2001, Wisconsin has largely used the International Building Code as a statewide standard, but under current law local units of government are free to add additional building requirements via local ordinance. These ordinances undoubtedly add additional time, expense, and confusion to the development of new commercial buildings, and we should be searching for steps to make it easier, not harder, to invest in Wisconsin.

AB 782 cuts through red tape by simplifying and streamlining construction regulations, and is the product of several years of work and compromise between a coalition of groups representing builders, contractors, and fire chiefs. I would urge members of the committee to support AB 782.

Thank you.



**Government &  
Labor Relations**

# Uniform Commercial Building Code

## *Position Paper*

February 2014

### **Support SB 617/AB 782 Creating a Uniform Commercial Building Code**

**Need for this Legislation** - Nearly all construction in Wisconsin is governed by the Uniform Dwelling Code, the Uniform Multi-family Dwelling Code (a sub-set of the Commercial Building Code), the Manufactured Housing Code, or the Commercial Building Code. Of this list, the Commercial Building Code is the only building code left in Wisconsin that is not uniform.

**Current Law** - On July 1, 2001 Wisconsin adopted a Wisconsin Commercial Building Code based on national model codes. This was a culmination of years of effort to move Wisconsin from its own “home-grown” state code to the International Building Code (IBC). Nearly every state has adopted the use of national model codes.

The promise of the International Building Code was uniformity across state lines. Uniform building codes simplify and streamline construction regulations for architects, builders, and developers.

While the Wisconsin Commercial Building Code is based on a model codes, local units of government are free to adopt additional code provisions by virtue of local ordinances. These local ordinances can create confusing pockets of local variations to the model codes.

**SB 617 / AB 782** – This legislation creates more consistency of code requirements between municipalities by requiring the use of the statewide commercial building code with certain exceptions. Other benefits of the legislation include:

- Simplifies and streamlines construction regulations for architects, builders, and developers
- Allows grandfathering of existing municipal ordinances related to fire detection, prevention or suppression.
- Creates a central repository of grandfathered ordinances making it easier for architects, builders, and developers to comply with unique local code requirements
- Allows certain qualified municipalities to conduct commercial plan review and determine variances
- Ensures those who are conducting building inspections are qualified
- Creates a code council comprised of industry professionals to aid the department in code development and administration



Department of Neighborhood Services  
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg  
Commissioner  
Thomas G. Mishefske  
Operations Manager

City of Milwaukee Testimony on Assembly Bill 782 to Assembly Committee on State Affairs and  
Government Operations  
March 4, 2014

Chairman Weininger and Committee Members:

Thank you for the opportunity to provide testimony on Assembly Bill 782.

AB-782 relates to ordinances, variances, and rules relating to the constructing or altering of, or adding to, public buildings and buildings that are places of employment, the creation of a building code council, and inspections of public buildings and buildings that are places of employment, and granting rule-making authority. The City of Milwaukee is opposed to the proposed legislation as it is currently written.

The City of Milwaukee has taken numerous steps to improve the economic vitality and the environmental sustainability of the City. This has included the ME2 and ME3 programs which have provided technical guidance and financial resources to improve the energy performance of existing residential and commercial buildings in Milwaukee. The City is intending to take the next step by setting a regulatory framework to require construction of new buildings and renovation of existing buildings to meet a higher level of sustainability requirements than those found in the current Wisconsin Commercial Construction Code. To take that action, the City intends to adopt both the 2012 International Model Energy Code and the Green Construction Code. In its current form, the proposed bill would prevent such an action by the City. While we recognize that there is value in a uniform code, it is critically important that a municipality be able to make changes to the regulatory scheme to support its growth. The City of Milwaukee has the following suggestions for modifications to the proposed legislation:

- Provide an exemption in this bill for cities of the First Class, or
- Create a tool in the bill for a locality to request a finding of need to modify the construction code at the local level to the proposed council. The locality would need to demonstrate a true need and explain why this isn't a statewide issue. With a finding granted, the locality would proceed with adopting a local ordinance, and
- It is our belief that the ICC certification should be considered as an equivalent to the NFPA inspector certification. It is important to understand that one size does not fit all communities. For example, in the City of Milwaukee, we have sprinkler inspectors whose sole duty is to inspect fire sprinkler systems. They are all journeyman level



sprinkler fitters. Their job does not entail the inspection of fire alarm systems. Yet by this bill they would need to be certified in that area as well, since that is what the NFPA fire inspector certification tests require. We suggest that certifications be determined by the Department of Safety and Professional Services.

Additionally, the City has questions on how this bill would impact the following:

- 1) The International Fire Code (IFC), which may be adopted by ordinance at the local level, has mandatory retroactive requirements. Chapter 46 of the IFC mandates upgrades of existing buildings in areas of shafts, fire alarms systems, fire sprinkler systems, means of egress and the like. Does this bill prohibit the enforcement of these requirements? Also, will this impact the ability of a community to establish criteria for fire department access? Are those provisions that impact building placement on a site considered "establishing minimum standards for constructing"?
- 2) How does this impact Milwaukee's desire for a Special Inspection Program? While perhaps not an issue for the entire state, the provisions that have been deleted by the state are essential to ensure that complex structures are built in accordance with code. Is an inspection protocol not considered "establishing minimum standards for constructing"?

We look forward to working together with the sponsors of this bill to find solutions to address the above mentioned issues. Thank you for your consideration in this matter.



Art Dahlberg

Commissioner, Department of Neighborhood Services





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March 3, 2014

State Representative Dean Knudson  
Room 320 East  
State Capitol  
P.O. Box 8952  
Madison, WI 53708

RE: AB782

Dear Representative Knudson:

The International Code Council (ICC) welcomes the opportunity to comment on the above legislation that limits the ability of local governments to amend Wisconsin's state level fire and building safety codes. Currently the Department of Safety and Professional Services (DSPS) enforces the 2009 International Building Code (IBC), International Fire Code (IFC) by reference, International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Energy Conservation Code (IECC) and the International Existing Building Code (IEBC), SPS 361.05.

This bill specifies that fire inspectors must obtain credentials according to the NFPA Fire Inspector I certification or equivalent. Because of Wisconsin's required use of the IBC and IFC, SPS 361.03(14), for new and renovated construction, the inclusion of the ICC Fire Inspector I certification in AB782 is appropriate and would more accurately support the state's enforcement of the IFC.

When the authority having jurisdiction issues an occupancy permit indicating the construction of a building is in compliance with state codes including the IFC, the fire chief assumes responsibility for its continued safety under NFPA 1.

The Pro Board Fire Service Professional Qualifications System, a national accreditation organization, has certified the ICC Fire Inspector I certification exam is in compliance with the NFPA 1031 Standard for Professional Qualification for Fire Inspectors. Additionally, the ICC certification test carries a significantly lower cost, \$194 vs. \$300. The NFPA Fire Inspector I certification requires the candidate complete a practicum which involves the testing agency's verification of in-the-field practices. The Pro Board accredited ICC Fire Inspector I exam is so comprehensive that it meets the practicum requirements within the exam by including live plan reviews, questioning of situational scenarios and on-the-job activities. ICC Fire Inspector I candidates must demonstrate proficiency relative to the IFC, IBC and related codes and standards. Successful ICC Fire Inspector I computer based exam candidates receive a certification at a reasonable price favorable to state and local government budgets.

Please amend AB782 **Section 14** 101.14 (4r) (c) 1 to read, "The department shall promulgate rules... that a person hold a valid certification from the national fire protection association or the international code council qualifying him or her as a certified fire inspector I or that he or she hold a valid equivalent certification."



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By including the ICC Fire Inspector I certification in the above legislation, building owners, designers and contractors are more likely to receive consistent, accurate plan reviews and inspections from town to town.

The Legislature may appreciate the fact that under the Scope and General Requirements of the IFC, "Conditions affecting the safety of fire fighters and emergency responders during emergency operations..." is addressed in addition to requirements that impose regulations affecting or relating to the protection of life, structures, premises and safeguards.

The ICC is a United States private, not-for-profit association dedicated to building safety and fire prevention. ICC members develop the US model codes used to construct residential and commercial buildings, including hospitals, homes and schools. ICC has an established history of working with DSPS to provide state of the art building and fire safety for the people who live, work, worship and play in the State of Wisconsin.

Sincerely,

A handwritten signature in cursive script that reads "Robert Neale".

Robert Neale, Senior Regional Manager  
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cc:

Representatives Brooks, Schraa, Weatherston, LeMahieu, A. Ott, Kulp, Bies, Loudonbeck, Kahl, Marklein, Knodl, Hintz and Murtha

# **PROFESSIONAL FIRE FIGHTERS OF WISCONSIN, INC.**

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**MAHLON MITCHELL**  
STATE PRESIDENT

**ALAN HEFTER**  
STATE VICE-PRESIDENT

**STEVE WILDING**  
STATE SEC. / TREAS.

Testimony of Joel Meier  
On behalf of  
The Professional Fire Fighters of WI, Inc.  
Before the  
Committee on State Affairs and Government Operations  
on Assembly Bill 782  
March 4, 2014

Mr. Chairman and Committee Members,

My name is Joel Meier. I have been a fire fighter in West Allis for 22 years. I am here today representing the Professional Fire Fighters of Wisconsin. I serve as the PFFW Code Enforcement Officer.

I am here to testify "For Information Only" on Assembly Bill 782. The PFFW believes there are a few issues that still need to be addressed.

The first one is in regards to municipal codes that are different than what the state adopts. If the community's own codes were not in place on May 1<sup>st</sup>, 2013, the municipality is not allowed to change them in the future. Communities are growing today. With budgets being cut, so is fire department staffing. Growing communities mean more calls. If staffing cannot handle the call volume, nothing good can come out of this. Tougher codes to fit a community's needs would be a fix to the problem. Either let us have tougher codes to protect our communities from fires or let us increase our budgets so we can increase the number of firefighters.

Another concern of ours is the sprinkler thresholds. Not only do sprinkler systems save lives of firefighters, they also save lives of the occupants that may be in them when a fire occurs. They also save businesses from losing money, should a fire occur within one. I had a business fire in my community one time and a portion of it had to be shut down for 3 months for restoration. Needless to say, they did not have a fire sprinkler system. The company did a lot of work for Harley Davidson. This business could no longer due the work for Harley, while restoration was taking place. This business suffered large losses, and Harley Davidson went elsewhere. The business did survive, but with only a fraction of the workforce. We maintain that sprinkler systems can also save jobs!

Buildings that are being built today do not withstand a fire for long periods of time due to cheaper materials being used. Floors tend to collapse faster, along with ceilings and walls. Firefighters are now at a disadvantage when arriving on a fire scene. Again with municipal budgets being cut so is fire

department staffing. The loss of a firefighter will affect a community forever, along with the burden falling on the backs of the taxpayers.

Please take to heart what I am telling you here today. The loss of even one life is not worth any amount of profit one may make. If I had to guess, I would say that nobody here listening to me right now would want to get a phone call telling them a loved one has died.

Thank you for your time.





# Wisconsin Builders Association

**DATE:** March 4, 2014

**TO:** Members of the Assembly Committee on State Affairs and Government Operations

**FROM:** Brad Boycks  
Vice President of Advocacy  
Wisconsin Builders Association

**RE:** **Support of Assembly Bill 782 (AB 782) to make Wisconsin's commercial building code more uniform**

On behalf of the members of the Wisconsin Builders Association (WBA), we ask that you support AB 782 to make Wisconsin's commercial building code more uniform.

Builder and subcontractor members of the WBA do the majority of their work on one and two family homes but a number of members also construct and work on commercial buildings as well. Moving Wisconsin to a more uniform commercial code will help construction of commercial buildings in Wisconsin easier for builders and subcontractors and will still assure the safety of these structures.

AB 782 allows the grandfathering of existing municipal ordinances dealing with fire detection, prevention or suppression. To make it easier for those working on the construction of a commercial building, those grandfathered provisions will be held in a central repository to easily access along with the statewide uniform provisions of the commercial code.

One and two family homes have been subject to the Uniform Dwelling Code (UDC) since December 1, 1978, which has increased the safety and affordability of dwellings in Wisconsin. The UDC is a statewide uniform building code for one and two family homes. We believe adoption of AB 782 will have a similar positive result on commercial buildings if passed this session.

A great deal of time and effort has been spent on the compromise before you today that is AB 782. Key groups that worked together to reach a compromise on this legislation include the **Wisconsin State Fire Chiefs Association**, the **Wisconsin Fire Protection Coalition**, the **Associated Builders and Contractors of Wisconsin**, the **Associated General Contractors of Wisconsin**, the **Wisconsin Roofing Contractors Association** and the **Wisconsin Builders Association**.

In closing, we would ask for your support in passing AB 782 to make Wisconsin's commercial building code more uniform.

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