

Chapter ILHR 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Note: Chapter Ind 50 as it existed on December 31, 1976, was repealed and a new chapter Ind 50 was created effective January 1, 1977; chapter Ind 50 was renumbered to be chapter ILHR 50, effective January 1, 1984.

**PART I—PURPOSE and SCOPE**

**ILHR 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 1: The purpose as stated can be traced to the terms used in the "safe place" statutes, ch. 101, Stats.

Note 2: This code is intended for the protection of the public and is not intended as a design manual, a textbook or a construction manual.

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

**ILHR 50.02 Scope of chapters.** The provisions of chs. ILHR 50-64 apply to all public buildings and places of employment. The provisions of these chapters are not retroactive unless specifically stated in the administrative rule. Where different sections of these chapters specify different re-

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quirements, the most restrictive requirement shall govern, except as specified in ss. ILHR 51.02 (11) (b) 4., 58.001 (2) (c), 62.93 and 64.57 (3).

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

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.

#### SPECIAL NOTE #1

AN ASTERISK (\*) FOLLOWING THE SECTION OR SUBSECTION NUMBER INDICATES EXPLANATORY MATERIAL ON THAT PARAGRAPH MAY BE FOUND IN APPENDIX A. EXAMPLE: ILHR 51.01 (16)\* — SEE A-51.01 (16) IN APPENDIX A.

#### SPECIAL NOTE #2

THE OVERALL ENFORCEMENT RESPONSIBILITY FOR ALL OF THE PROVISIONS OF 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 SECTION 101.14, STATS. A GUIDELINE FOR THIS TOPIC HAS BEEN PREPARED. THE LETTERS "FP" MEANING FIRE PREVENTION AND APPEARING IN THE MARGIN ADJACENT TO A RULE INDICATES THE PRIMARY ENFORCEMENT RESPONSIBILITY FOR THE RULE IS THAT OF THE FIRE INSPECTOR. FURTHER EXPLANATORY MATERIAL FOR THE INDICATED RULES MAY BE FOUND IN APPENDIX B. EXAMPLE: SEE S. ILHR 51.20 AND APPENDIX B.

#### PART II—APPLICATION OF BUILDING CODE

**ILHR 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. ILHR 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, natural lighting or replacement of major equipment. 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. ILHR 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. ILHR 51.01 (87), and the requirements for the new use are more stringent than those for the previ-

(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-22AB) 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 will 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.

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

**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 First class city examination and approval.** Drawings, specifications and calculations for all buildings and structures, except state-owned buildings and structures, to be constructed within the city limits of Milwaukee shall be submitted to the inspector of buildings, Milwaukee, for examination and approval.

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

**ILHR 50.22 Certified cities examination and approval.** Drawings, specifications and calculations for all new buildings and structures containing less than 50,000 cubic feet total volume and alterations to buildings containing less than 100,000 cubic feet total volume, except state-owned

\*See Appendix A for further explanatory material.

buildings and structures, shall be submitted to cities certified by the department for examination and approval according to requirements of this code. Drawings, specifications and calculations submitted to said cities for examination and approval need not be submitted to the department. The buildings must be located within the city limits of the certified city.

Note: The following cities have been certified by the department:

Appleton	Greenfield	Middleton	Superior
Beloit	Janesville	Muskego	Two Rivers
Brookfield	Kaukauna	New Berlin	Waukesha
Cudahy	Kenosha	Oshkosh	Wausau
Eau Claire	La Crosse	Racine	Wauwatosa
Fond du Lac	Madison	Sheboygan	West Allis
Glendale	Manitowoc	Stevens Point	West Bend
Green Bay	Marshfield	Sun Prairie	Wisconsin Rapids

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

#### 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 ground that the local order is unreasonable and/or in conflict with the rule of the department.

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.

**ILHR 50.25 \* Petition for variance.** 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

\*See Appendix A for further explanatory material.

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

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.

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