Chapter Comm 61

ADMINISTRATION AND ENFORCEMENT

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Note: Chapters Comm 50 to 64 and Appendices A and B as they existed on June 30, 2002 were repealed and new chapters Comm 61 to 65 and Appendix A and B were created effective July 1, 2002.

Subchapter I — Scope and Application

Comm 61.01 Purpose of code. Pursuant to various statutory provisions under subch. I of ch. 101, Stats., the purpose of this code is to protect the health, safety and welfare of the public and employees by establishing minimum standards for the design, construction, maintenance and inspection of public buildings, including multifamily dwellings, and places of employment.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.02 Scope. (1) Except as provided in subs. (2) and (3), this code applies to all public buildings and places of employment.

Note: Under s. 101.01 (11), Stats., "place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community−based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community−based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

(2) This code does not apply to buildings or situations listed under the exclusions in ss. 101.01 (11) and 101.01 (12), Stats., or under the exemptions in s. 101.05, Stats.

Note: Section 102.04 (3), Stats., as referenced in s. 101.01 (11), Stats., reads as follows: "As used in this chapter 'farming' means the operation of farm premises owned or rented by the operator. 'Farm premises' means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants. 'Farmer' means any person engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur−bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above−named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. The operation for not to exceed 30 days during any calendar year, by any person deriving the person's principal income from farming, of farm machinery in performing farming services for other farmers for a consideration other than exchange of labor shall be deemed farming. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator."

Note: Under s. 50.01 (1), Stats., as referenced in s. 101.01 (12), Stats., "adult family home" means one of the following:

(a) A private residence to which all of the following apply:

1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4.

2. The private residence was licensed under s. 48.62 as a foster home or treatment foster home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

(b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. "Adult family home" does not include a place that is specified in sub. (1g) (a) to (d), (f) or (g).

Under s. 50.01 (1g), Stats., as referenced in s. 101.01 (12), Stats., "community−based residential facility" means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident. "Community−based residential facility" does not include any of the following:

(a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.

(b) A facility or private home that provides care, treatment and services only for victims of domestic abuse, as defined in s. 46.95 (1) (a), and their children.

(c) A shelter facility as defined under s. 560.9808 (1) (d).

(d) A place that provides lodging for individuals and in which all of the following conditions are met:

1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.

2. No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employee any of the following:

a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.

b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.

(e) An adult family home.

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(f) A residential care apartment complex.

(g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.

Note: Section 101.05, Stats., reads as follows:

"Exempt buildings and projects. (1) No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

"(2) A bed and breakfast establishment, as defined under s. 254.61 (1), is not subject to building codes adopted by the department under this subchapter.

"(3) No standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

"(4) No standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter applies to a rural school building if all of the following are satisfied:

"(a) The school building consists of one classroom.

"(b) The school building is used as a school that is operated by and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.

"(c) The teachings and beliefs of the bona fide religious denomination that operates the school prohibit the use of certain products, devices or designs that are necessary to comply with a standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter."

Under s. 254.16 (1) Stats., as referenced in 101.05, Stats., "bed and breakfast establishment" means any place of lodging that:

(a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;

(b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;

(c) Is the owner's personal residence;

(d) Is occupied by the owner at the time of rental;

(e) Was originally built and occupied as a single−family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single−family residence; and

(f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that this limit does not apply to any of the following:

1. A structural addition, including a renovation, made to a structure after May 11, 1990, within the dimensions of the original structure.

2. A structural addition, made to a structure that was originally constructed at least 50 years before an initial or renewal application for a permit under s. 254.64 (1) (b) is made and for which no use other than as a bed and breakfast establishment is proposed. The structural addition under this subdivision shall comply with the rules under s. 101.63 (1) and (1m).

(3) This code does not apply to all of the following types of buildings, structures or situations:

(a) A temporary building or structure used exclusively for construction purposes, not exceeding 2 stories in height, and not used as living quarters.

(b) 1. Buildings or structures located on Indian reservation land that are held either in trust by the United States, or in fee by the tribe or a tribal member.

2. Buildings or structures which are located on off−reservation Indian land that is held in trust by the United States – and which are held either in trust by the United States, or in fee by the tribe or a tribal member.

(c) Buildings and portions of buildings that are exempted by federal statutes or treaties.

(d) Portions of buildings leased to the federal government provided all of the following conditions are met:

1. A statement is recorded with the register of deeds that describes the steps necessary for compliance to this code if the space is converted to a nonexempt use.

2. The statement recorded with the register of deeds is recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located.

3. The owner of the building submits a copy of the recorded document to the department or its authorized representative.

(e) Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90 percent of the commodities were planted or produced on the farm premises.

(f) A one− or 2−family dwelling used as a foster home, treatment foster home, or group home, or as a child caring institution having a capacity for 8 or fewer children, all as defined in s. 48.02, Stats.

Note: The definitions in s. 48.02, Stats., limit foster homes to no more than 4 children unless all the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the department of health and family services, a group home or a child caring institution having a capacity for 8 or fewer children may be located in a one− and 2−family dwelling as a community living arrangement, as defined in s. 46.03 (22), Stats.

(g) A one− or 2−family dwelling in which a public or private day care center for 8 or fewer children is located.

(h) That portion of or space within a one− or 2−family dwelling in which a home occupation is located.

(4) In this section, "home occupation" means any business, profession, trade or employment conducted in a person's dwelling unit, that may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

(a) Explosives, fireworks or repair of motor vehicles.

(b) More than 25% of the habitable floor area of the dwelling unit.

(5) This code also applies to any existing building that is converted to a community−based residential facility for 9 to 20 residents.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 04−016: cr. (5) Register December 2004 No. 588, eff. 1−1−05; **CR 06−120: r. and recr. (3) (b), am. (3) (d) 1. and 2., Register February 2008 No. 626, eff. 3−1−08.**

Comm 61.03 Application. (1) STANDARDS. (a) The design and construction of public buildings and places of employment shall comply with s. Comm 61.05, except as provided in this code.

(b) The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

(c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. Comm 62.3600 (2), in lieu of corresponding, otherwise applicable requirements of this code.

(2) RETROACTIVITY. A rule of this code does not apply retroactively to public buildings and places of employment existing prior to the effective date of the rule unless specifically stated in the rule.

(3) CONFLICTS. (a) Where any rule written by the department differs from a requirement within a document referenced in this code, the rule written by the department shall govern.

(b) Where rules of the department specify conflicting requirements, types of materials or methods of construction, the most restrictive rule shall govern, except as provided in pars. (a) and (c).

Note: If the most restrictive of two or more conflicting requirements is not readily apparent, a determination of which is more restrictive can be obtained from the department.

(c) Where a rule prescribes a general requirement and another rule prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

(4) DEPARTMENT AUTHORITY. Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or standard.

(5) LOCAL ORDINANCES. (a) 1. Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive

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standards for public buildings and places of employment, provided the standards do not conflict with this code.

2. Nothing in this code affects the authority of a municipality to enact and enforce standards relative to land use, zoning or regulations under ss. 59.69, 60.61, 60.62, 61.35 and 62.23 (7), Stats.

(b) 1. Pursuant to s. 101.02 (7m), Stats., a city, village, town or county may not enact and enforce additional or more restrictive standards for multifamily dwellings, except as provided under s. 101.975, Stats., and that do not conflict with this code.

2. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance pertaining to multifamily dwellings not in conformance with this code. The department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

3. a. The department may grant a municipal variance only where all of the conditions in subds. 3. b. and c. are demonstrated.

b. The municipality demonstrates that the variance is necessary to protect the health, safety, and welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

c. The municipality demonstrates that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

d. Prior to making a determination on a municipal variance, the department shall solicit within the municipality and consider the statements of any interested persons as to whether the variance should be granted.

e. This subdivision shall be strictly construed in accordance with the goal of promoting statewide uniformity.

4. Pursuant s. 101.121, Stats., a city, village, town or county may not enact or enforce additional or more restrictive standards regarding issues addressed under this code that would apply to alteration or change of occupancy for a historic building.

(6) ALTERNATIVES. Nothing in this code is intended to prohibit or discourage the design and utilization of new building products, systems, components, or alternate practices, provided written approval from the department is obtained first.

Note: Subchapter V contains requirements for approval of building products and alternate standards.

(7) NEW BUILDINGS AND STRUCTURES. Buildings, structures and additions to buildings, structures and components, to be constructed or erected shall be designed, constructed and maintained in accordance with the rules of this code as the rules exist on one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the building, structure or addition are approved by the department or authorized representative.

(b) The date the local building permit is issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date construction is initiated, where pars. (a) and (b) do not apply.

(8) ALTERATIONS. Those portions, elements, systems or components of existing buildings and structures to be altered or modified, where the alteration or the modification affects a building element or component relating to subject matters regulated by this code, shall be designed, constructed and maintained in accordance with the rules of this code as the rules exist on one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the alteration or modification are approved by the department or authorized representative.

(b) The date the local building permit is issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date the alteration is initiated, where pars. (a) and (b) do not apply.

(9) REPLACEMENTS. Those building systems or components of existing buildings and structures to be replaced, where the replacement involves a building element or component relating to subject matters regulated by this code shall conform and be maintained in accordance with the rules of this code as the rules exist on one of the following:

(a) Pursuant to s. Comm 61.30, the date plans for the replacement are approved by the department or authorized representative.

(b) The date the local building permit is issued, if plan submission and approval is not required under s. Comm 61.30.

(c) The date the replacement is initiated, where pars. (a) and (b) do not apply.

(10) REPAIRS. Those portions, elements, systems or components of existing buildings and structures repaired shall conform and be maintained in accordance with the rules of this code as the rules exist on one of the following:

(a) The date plans for that portion, element, system or component was approved by the department or authorized representative.

(b) The date the local building permit was issued for that portion, element, system or component, if plan submission and approval was not required.

(c) The date construction was initiated for that portion, element, system or component, where pars. (a) and (b) do not apply.

(d) The date repair is initiated.

(11) CHANGE OF OCCUPANCY OR USE. Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with this code's requirements for the new division or group of occupancies, as these requirements exist on one of the following dates:

(a) Pursuant to s. Comm 61.30, the date when plans for the change in occupancy or use are approved by the department or authorized representative.

(b) The date a local building permit is issued, if plan submittal and approval is not required under s. Comm 61.30.

(c) The date construction is initiated, where pars. (a) and (b) do not apply.

(d) The date an occupancy permit is issued, where pars. (a) to (c) do not apply.

(12) TEMPORARY USE. A municipal fire or building code official may permit a building or structure to be used temporarily by the public, subject to all of the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

(b) Except as provided in par. (c), buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health and general welfare.

(c) The official may require additional safety requirements for a temporary use as a tradeoff for any safety provisions that may be lacking.

(d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

(13) EXISTING BUILDINGS AND STRUCTURES. (a) Unless otherwise specifically stated in this code, an existing building or struc-

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ture, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code provisions that applied when the building, structure, element, system, or component was constructed, or altered except when required by subsequent editions of the building code.

(b) Existing bleachers, grandstands and folding and telescopic seating shall comply with ICC 300−02.

(14) INTERNATIONAL FIRE CODE. The IFC, as referenced by the codes adopted under s. Comm 61.05, does not apply except as follows:

(a) Design and construction−related requirements shall apply that are addressed in IFC section 102.6; IFC chapters 2 to 4; IFC sections 501 to 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to 901.4.2, 901.4.4 to 909.18.9, and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31 to 33, 36, 37, and 39 to 44.

(b) Occupant loads addressed in IFC section 1003.2.2.10 shall apply but shall be established by the owner rather than by the code official.

(c) Construction−related inspections and reports shall apply that are addressed in IFC chapters 2 to 8; IFC sections 901 to 909.18.9 and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31, 32, 33, 36, 37, and 39 to 44 but may be performed or compiled by any qualified agency, rather than by a special inspector.

(d) All requirements that specify submittal and approval of either construction documents or acceptance tests and records, are applicable only at a local level, where required by a local code official.

(e) All requirements that specify obtaining a permit, are applicable only at a local level, where required by a local ordinance.

(f) Use and operation provisions shall apply which are a contingency of design and construction−related requirements and which are addressed in IFC chapters 2 to 4; IFC sections 501 and 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to 901.4.2, 901.4.4 to 909.18.9, and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31 to 33, 36, 37, and 39 to 44.

Note: The department and other state agencies may have additional rules that affect the design, construction, maintenance and use of public buildings and places of employment, including chs. Comm 5, Licenses, Certifications, and Registrations; Comm 7, Explosives and Fireworks; Comm 10, Flammable and Combustible Liquids; Comm 14, Fire Prevention; Comm 16, Electrical; Comm 18, Elevators, Escalators and Lift Devices; Comm 40, Gas Systems; Comm 41, Boilers and Pressure Vessels; Comm 43, Anhydrous Ammonia; Comm 45, Mechanical Refrigeration; Comm 75 to 79, Buildings Constructed Prior to 1914; Comm 81 to 87, Plumbing; Comm 90, Public Swimming Pools; and Comm 91, Sanitation. The department's Safety and Buildings Division administers all of these listed codes except ch. Comm 10, which is administered by the department's Environmental and Regulatory Services Division.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 01−139: am. (6) (c), (7) (c), (13) (a) 1. and 6. Register June 2002 No. 558, eff. 7−1−02; CR 04−016: am. (3), (5), (6) (intro.), (7) (intro.), (8) (intro.), (9) (intro.), (10) (b), (13) (a) 1. and 6., cr. (10) (a) 4. and (12) (b), renum. (12) to be (12) (a) and am., Register December 2004 No. 588, eff. 1−1−05; CR 05−113: cr. (4) (b) 6. Register December 2006 No. 612, eff. 4−1−07; **CR 06−120: r. and recr., Register February 2008 No. 626, eff. 3−1−08.**

Comm 61.04 Definitions. In this code:

(1) "Authorized representative" means any certified municipality or county as specified in s. Comm 61.60, and any appointed agent as specified in s. Comm 61.61.

(2) "Department" means the department of commerce.

(3) "Dwelling unit" has the meaning given in s. 101.61 (1), Stats., for the purpose of determining whether this code applies to a residential occupancy. For all other purposes, the meaning is as given in IBC section 202, IECC section 202, and IMC section 202.

Note: Section 101.61 (1), Stats., reads in part: " 'Dwelling unit' means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others."

(4) "HVAC" means heating, ventilating, and air conditioning.

(5) "IBC" and "International Building Code" mean the *International Building Code*®, as adopted under s. Comm 61.05 and modified in this code.

(6) "ICC Electrical Code" means ch. Comm 16.

(7) "IEBC" and "International Existing Building Code" mean the 2006 edition of the International Existing Building Code®, as adopted under s. Comm 61.05 and modified in this code.

(8) "IECC" and "International Energy Conservation Code" mean the *International Energy Conservation Code*®, as adopted under s. Comm 61.05 and modified in this code.

(9) "IFC" and "International Fire Code" mean the *International Fire Code*®.

(10) "IFGC" and "International Fuel Gas Code" mean the *International Fuel Gas Code*®, as adopted under s. Comm 61.05 and modified in this code.

(11) "IMC" and "International Mechanical Code" mean the *International Mechanical Code*®, as adopted under s. Comm 61.05 and modified in this code.

(12) "IPC" and "International Plumbing Code" mean chs. Comm 81 to 87.

(13) "IPSC" and "International Private Sewage Code" mean chs. Comm 81 to 87.

(14) "Multifamily dwelling" has the meaning given in s. 101.971 (2), Stats.

Note: Section 101.971 (2), Stats., reads as follows: " 'Multifamily dwelling' means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. 'Multifamily dwelling' does not include a facility licensed under ch. 50."

(15) "This code" means chs. Comm 60 to 66, which is the Wisconsin Commercial Building Code.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 04−016: (4) renum. from Comm 62.0202 (1) (j), am. (1), renum. (3) and (4) to be (5) and (6), cr. (3) Register December 2004 No. 588, eff. 1−1−05; CR 05−113: am. (6) Register December 2006 No. 612, eff. 4−1−07; **CR 06−120: renum. (4) to (6) to be (14), (4) and (15) and am. (15), cr. (7), renum. Comm 62.0202 (1) (c), (d) and (e) to (j) to be Comm 61.04 (5), (6) and (8) to (13) and am. (5) and (8) to (11), Register February 2008 No. 626, eff. 3−1−08.**

Comm 61.05 Adoption of the International Codes. **(1)** IBC. The *International Building Code*® – 2006, subject to the modifications specified in this chapter and ch. Comm 62 is hereby incorporated by reference into this code.

(2) IECC. The *International Energy Conservation Code*® – 2006, subject to the modifications specified in this chapter and in ch. Comm 63 is hereby incorporated by reference into this code.

(3) IMC. The *International Mechanical Code*® – 2006, subject to the modifications specified in this chapter and in ch. Comm 64 is hereby incorporated by reference into this code.

(4) IFGC. The *International Fuel Gas Code*® – 2006, subject to the modifications specified in this chapter and in ch. Comm 65 is hereby incorporated by reference into this code.

(5) IEBC. The *International Existing Building Code*® – 2006, subject to the modifications specified in this chapter and ch. Comm 66, is hereby incorporated by reference into this code.

Note: A copy of the *International Building Code*®, *International Energy Conservation Code*®, *International Mechanical Code*®, *International Fuel Gas Code*®, and *International Existing Building Code*® is on file in the offices of the department and the legislative reference bureau. Copies of the International Codes may be purchased from the International Code Council®, 4051 West Flossmoor Road, Country Club Hills, IL 60478−5795, (708) 799−2300, Website www.iccsafe.org.

Note: The references in chs. Comm 62 to 66 to individual ICC code sections typically are to a particular paragraph or set of paragraphs within a referenced ICC section, and are not intended to affect any subsequent subdivisions of the specified section unless stated otherwise. For example, the directive in s. Comm 62.0703 to substitute certain language for IBC section 703.2 is not intended to mean that IBC sections 703.2.1 through 703.2.3 are also being changed.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 01−109: cr. (5) Register June 2002 No. 558, eff. 7−1−02; **CR 06−120: am. (1) to (4), r. and recr. (5), Register February 2008 No. 626, eff. 3−1−08; corrections made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626.**

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

Comm 61.06 Fees. Fees for petitions for variance, product approvals, notice registrations, plan examination and approvals, and for inspections of buildings, and structures 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 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Subchapter II — Responsibilities, Appeals, Petitions and Penalties

Comm 61.115 Construction site soil erosion control. History: CR 01−139: cr. Register June 2002 No. 558, eff. 7−1−02; renum. from s. Comm 50.115 under s. 13.93 (2m) (b) 1., Stats., Register June 2002 No. 558; CR 04−016: am. (1) (intro.) and (2) Register December 2004 No. 588, eff. 1−1−05; CR 05−113: r. Register December 2006 No. 612, eff. 4−1−07.

Comm 61.20 Responsibilities. (1) OWNER. Compliance with this code does not relieve the owner of a public building or place of employment from compliance with the administrative rules established by other state jurisdictions.

Note: Pursuant to s. 101.11 (2) (a), Stats., no employer or owner, or other person shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.

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 required drawings and calculations have been examined and approved by the department.

Note: Section 145.195 (1), Stats., prohibits local issuance of a building permit for construction of any structure requiring connection to a private domestic sewage treatment and disposal system unless a system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install such a system have been obtained.

(2) DESIGN. (a) Pursuant to ch. 443, Stats., a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under ss. 443.14 and 443.15, Stats.

(b) Pursuant to ch. 443, Stats., a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system, or a plumbing system, for a public building, structure or place of employment shall be designed by an architect, engineer or a designer of engineering systems, except as provided under ss. 443.14 and 443.15, Stats.

Note: Sections 443.14 and 443.15 read:

443.14 Exempt persons. The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) An employee of a person holding a certificate of registration in this state who is engaged in the practice of architecture or professional engineering and an employee of a person temporarily exempted from registration, if the practice does not include responsible charge of architecture or professional engineering practice.

(2) Officers and employees of the federal government while engaged within this state in the practice of architecture, landscape architecture or professional engineering for the federal government.

(3) A public service company and its regular employees acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(4) Any person who practices architecture or professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural or professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect or professional engineer who is registered under this chapter in responsible charge of the company's or corporation's architectural or professional engineering work in this state.

(5) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

(7) This chapter does not require manufacturers or their material or equipment suppliers to register under this chapter in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

(8) The following persons doing surveying work are exempt from the provisions of this chapter:

(a) An employee of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employee shall not be in responsible charge of land surveying.

(b) Officers and employees of the federal government while engaged in land surveying for the federal government.

(c) Employees of this state while engaged in land surveying for the state.

(d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.

(9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A well driller, as defined in s. 280.01 (7), who is engaged in well drilling, as defined in s. 280.01 (8).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

443.15 Exempt buildings. (1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection with single−family dwellings, including, but not limited to, barns and private garages.

(b) Apartment buildings used exclusively as the residence of not more than 2 families.

(c) Buildings used exclusively for agricultural purposes.

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

(3) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.21 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing.

Note: Section 101.01 (8), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of alderpersons, 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.

Section 101.02 (7) (c) reads: "Upon receipt of such petition the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect."

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

(3) CONTESTED CASE HEARING. In addition to any other right provided by law, any interested person may file a written request for a contested case hearing, as specified in s. 227.42, Stats.

(4) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.22 Petition for variance. The department shall consider and may grant a variance to a provision of this code in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD−9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBD−9890 form is available from the Department's Website at www.commerce.wi.gov, through links to Safety and Buildings Division forms.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.23 Penalties. Penalties for violations shall be assessed in accordance with ss. 101.02 (12) and (13) (a), and 101.978, Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, 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 employee, 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 employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.978, Stats., reads, "Any person who violates this subchapter or any rules promulgated under this subchapter shall forfeit not less than $25 nor more than $500 for each offense. Each day of continued violation constitutes a separate offense."

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Subchapter III — Plan Review and Related Functions

Comm 61.30 Plan review and approval. (1) TYPES OF BUILDINGS. (a) Except as provided in par. (b), the construction of, the alteration of or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by department or its authorized representative in accordance with s. Comm 61.31.

(b) 1. Plans for community−based residential facilities serving 5 to 8 unrelated adults and the types of public buildings and places of employment and components thereof delineated in Table 61.30−1 do not need to be submitted and approved by the department or authorized representative.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not waive the obligation for these type of projects to conform to the standards of this code.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not prohibit a municipality from requiring the submission, review and approval of plans by the municipality nor does it supercede the necessity of obtaining local building permits prior to the commencement of the project.

Table 61.30−1
Buildings Exempt from Plan Review

Building Type or Occupancy	Building Description
Assembly Group A−2, A−3 Business Group B Factory Group F Mercantile Group M Storage Group S Utility and Miscellaneous Group U	Containing less than 25,000 cubic feet in volume

2. Plans for the types of public buildings and places of employment and components thereof delineated in Table 61.30−2 do not need to be submitted and approved by the department or authorized representative provided all of the following conditions are met:

a. The building or the component thereof is designed by a registered individual under ch. 443, Stats.

b. The project is supervised by an individual in accordance with s. Comm 61.40.

3. a. Where the exemption in subd. 2. is elected, a notice shall be filed with the department or its authorized representative prior to commencement of the project, that identifies the building location, the name and address of the building owner, and the name and Wisconsin registration number for the designer and supervising professional.

b. Where the exemption in subd. 2. is elected, the architect, engineer, designer, or owner shall keep at the building site one set of construction documents for the project. The construction documents shall be open to inspection by the department, its authorized representative or the municipality.

Table 61.30−2
Buildings Exempt from Plan Review if Registered

Building Type or Occupancy	Building Description
Assembly Group A−2, A−3 Business Group B Factory Group F Mercantile Group M Storage Group S Utility and Miscellaneous Group U	Containing 25,000 to less than 50,000 cubic feet in volume
Assembly Group A−1, A−4, A−5 Educational Group E High Hazard Group H Residential Group R	Containing less than 25,000 cubic feet in volume

(2) TYPES OF STRUCTURES. Plans for all of the following types of structures shall be submitted and approved by the department or authorized representative prior to commencement of the project:

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

(a) Assembly seating facilities to be located within a public building or place of employment.

(b) Assembly seating facilities more than 5 rows in height and not located within a public building or place of employment.

(c) Public mausoleum structures.

Note: Section 157.061 (9), Stats., reads as follows: " 'Mausoleum' " means a building, structure or part of a building or structure that is used or intended to be used for the burial of human remains."

(d) Crematoriums.

(3) TYPES OF BUILDING COMPONENTS. If the construction of, the alteration of or the addition to a public building or a place of employment involves a type of building component or system delineated in Table 61.30−3, the plans under sub. (1) (a) shall include, or separate plans for the component or system, shall be submitted and approved by the department or authorized representative prior to installation of the component.

(4) EXCLUSION FOR MINOR ALTERATIONS. This section does not apply for minor alterations where the building official agrees the nature of the work is such that review and approval of construction documents is not necessary to achieve compliance with this code.

Table 61.30−3

Building Components and Systems

Building Component or System	Building Type or Occupancy
Premanufactured and Pre−engineered structural components	Public buildings or places of employment
Heating, ventilating and air conditioning system	Public buildings or places of employment
Fire protection system	Atria public building or places of employment
	Public buildings exceeding 60 feet in height
	Educational Group E
	Institutional Group I−1, I−3
	Mercantile Group M buildings that combine retail areas with rack storage and have floor areas exceeding 50,000 square feet
	Residential Group R−1, R−2
	State−owned buildings except hospitals and nursing homes

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 01−139: cr. (2) (c), r. and recr. Table 61.30−3 Register June 2002 No. 558, eff. 7−1−02; CR 04−016: am. (1) (b) 1., 2. b. and Table 61.30−3, cr. (4) Register December 2004 No. 588, eff. 1−1−05; **CR 06−120: am. Table 1 and 2, cr. (2) (d), Register February 2008 No. 626, eff. 3−1−08.**

Comm 61.31 Plans. (1) SIGNING AND SEALING. (a) Except as provided in par. (b), construction documents submitted to the department or its authorized representative for review shall be prepared, signed and sealed in accordance with ch. 443, Stats., and s. A−E 2.02.

(b) Sprinkler construction documents that are required by s. Comm 61.34 (1) to be at an installation site shall comply with one of the following:

1. Be signed and sealed in accordance with s. A−E 2.02 by an architect, engineer or fire protection systems designer who is registered by the department of regulation and licensing.

2. Be 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.

Note: Pursuant to s. A−E 2.02 (4) and (5) read:

"A−E 2.02 (4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional geological, professional engineering, design or land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

"(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder."

(2) CONTENTS AND INFORMATION. (a) 1. Construction documents submitted to the department or its authorized representative for review shall be dimensioned and drawn to scale.

2. The scale used for the construction documents shall be indicated on the documents.

(b) 1. Except as provided in subd. 2., at least 4 sets of construction documents shall be submitted to the department or authorized representative for review.

2. a. At least one set of construction specifications shall be submitted to the department or authorized representative for review.

b. One complete set of plans may be submitted, provided it is accompanied with 3 copies of the cover sheet for the complete set, and provided all 4 cover sheets comply with sub. (1) (a).

(c) All construction documents submitted to the department or authorized representative for review shall be permanent copies of the original documents and the copies shall be bound into sets in a manner that enables the documents to be reviewed without removing the binding.

(d) Construction documents submitted to the department or its authorized representative for review shall be of sufficient clarity, character and detail to show how the proposed design will conform to this code.

(e) 1. Construction documents shall be accompanied by sufficient calculations or information to substantiate that the documents conform to this code.

2. When requested by the department or its authorized representative, additional data pertaining to the design, construction, materials and equipment shall be submitted to the department or the authorized representative to substantiate conformance to this code.

(3) APPLICATION FOR APPROVAL. (a) A plan review application form shall be included with the construction documents and information submitted to the department for examination and approval. Pursuant to s. Comm 2.07 (3), the department shall review and make a determination on an application for plan review under this chapter within 15 business days.

Note: The department forms required in this chapter are available from the Department's Website at www.commerce.wi.gov, through links to Safety and Buildings Division forms.

Note: Under s. 145.195, Stats., "No county, city, town or village may issue a building permit for construction of any structure requiring connection to a private domestic sewage treatment and disposal system unless a system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install such a system have been obtained." See ch. Comm 83 for applicable regulations.

(b) If, upon examination, the department determines that the construction documents or application for approval do not substantially conform to this code, the application for conditional approval will be denied, in writing.

(c) If, upon examination, the department determines that the construction documents and the application for approval substantially conform to this code, a conditional approval, in writing, will be granted and the plans will be stamped conditionally approved. All conditions stated in the conditional approval shall be complied with before or during construction.

Note: The plan examination and approval by the department does not constitute an approval to proceed with construction prior to obtaining any permits or approvals that are required by a local unit of government.

(4) REVISIONS TO APPROVED PLANS. (a) 1. All proposed revisions and modifications which involve rules under this code and which are made to construction documents that have previously been granted approval by the department or its authorized repre-

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

sentative, shall be submitted for review to the office that granted the approval.

2. All revisions and modifications to the plans shall be approved in writing by the department or its authorized representative 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 61.31 (1).

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 01−139: renum. (3) (intro.) to (b) to be (3) (a) to (c) Register June 2002 No. 558, eff. 7−1−02; CR 04−016: renum. (2) (b) 2. to be (2) (b) 2. a., cr. (2) (b) 2. b. Register December 2004 No. 588, eff. 1−1−05; CR 06−119: am. (3) (a) Register July 2007 No. 619, eff. 8−1−07.

Comm 61.32 Permission to start construction. (1) A building owner may request and the department or its authorized representative may grant permission to start construction for the footings and foundations upon submission of construction documents under s. Comm 61.31.

(2) A building owner who has been granted permission to start construction of the footings and foundations may proceed at the owner's 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 of the footings and foundations within 3 business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.33 Evidence of plan approval. Where plan approval is required by this code, one set of plans bearing the stamp of conditional approval and a copy of the specifications shall be kept at the building site. The plans and specifications shall be open to inspection by the department or its authorized representative.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.34 Sprinkler documents. (1) PLANS. (a) 1. Except as provided in subd. 2. or when fire protection systems are required to be submitted under s. Comm 61.30, where automatic fire sprinkler systems are to be installed or altered, sprinkler construction documents shall be present at the job site and made available, upon request, to the department, its authorized representative or local governmental agency exercising jurisdiction.

2. a. When a project involves the alteration or addition of 20 or fewer sprinkler heads to an existing automatic fire sprinkler system, sprinkler construction documents 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 fewer 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 authorized representative or local governmental agency exercising jurisdiction.

(b) 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.

(2) CONTRACTOR'S MATERIAL AND TEST CERTIFICATES. (a) Where automatic fire sprinkler systems have been installed or altered, completed contractor's material and test certificates shall be made available, upon request, to the department, its authorized representative or local governmental agency exercising jurisdiction.

(b) A sprinkler material and test certificate shall provide at least the information as enumerated in appropriate NFPA standard, NFPA 13 or NFPA 13R.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.35 Revocation of approval. The department may revoke any approval, issued under this code, for any false statements or misrepresentation of facts on which the approval was based.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.36 Expiration of plan approval and extension of plan approval. (1) EXPIRATION OF PLAN APPROVAL. (a) *Building shell.* Except as provided in par. (f) and sub. (2) (b), 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 one 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 one 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) *Fire protection systems only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for a fire protection system that does not include any associated building construction shall expire 2 years 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 those 2 years.

(f) *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. (a) Except as provided in par. (b), upon request and payment of the fee specified in ch. Comm 2, the expiration dates in sub. (1) (b) to (f) may be extended provided the request is submitted prior to expiration of the original approval.

Note: According to s. 66.0413, 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.

(b) Upon request to the secretary, the expiration dates in sub. (1) (a) and (b) may be extended at the discretion of the secretary for a one−time, 2−year period provided all of the following:

1. The approved plan is for multifamily dwelling containing less than 11 dwelling units.

2. The original plan was submitted for department review prior to January 1, 2011.

3. The request is submitted prior to expiration of the original approval.

Note: According to s. 66.0413, 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 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; **CR 06−120: renum. (2) to be (2) (a) and am., cr. (2) (b), Register February 2008 No. 626, eff. 3−1−08.**

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

Comm 61.37 Department limitation. A conditional approval of a plan by the department may not be construed as an assumption of any responsibility on the part of the department for the design or construction of the project.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02.

Comm 61.38 Construction documents for fire apparatus access.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; **CR 06−120: r., Register February 2008 No. 626, eff. 3−1−08.**

Comm 61.39 Registration of cross connection control assemblies. Cross connection control assemblies to be installed in water−based fire protection systems shall be registered with the department in accordance with ch. Comm 82.

History: CR 02−002: cr. Register April 2003 No. 568, eff. 5−1−03; CR 04−016: am. Register December 2004 No. 588, eff. 1−1−05.

Subchapter IV — Supervision and Inspections

Comm 61.40 Supervision. (1) GENERAL. (a) Except as provided in par. (b), the proposed construction of a project within the scope of this code 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, fire protection 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. If the supervising architect, engineer or designer is confronted with a nonconformance with the code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.

(b) 1. Except as provided in s. Comm 61.30 (1) (b) 2. b., a project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one of the following conditions:

a. The building contains less than 50,000 cubic feet total volume.

b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.

2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.

(2) DUTIES. 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.

(3) NAME OF SUPERVISING ARCHITECT, ENGINEER OR DESIGNER. Prior to the start of construction, the owner of the building or structure shall designate in writing to the authority that issued plan approval the name and Wisconsin registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

(4) 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 authority that issued plan approval 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: The department forms required in this chapter are available from the Department's Web site at www.commerce.wi.gov, through links to Safety and Buildings Division forms.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 01−139: am. (1) (b) 1. a. and b. Register June 2002 No. 558, eff. 7−1−02; CR 04−016: renum. from Comm 61.50 Register December 2004 No. 588, eff. 1−1−05.

Comm 61.41 Inspections. (1) ON−SITE. 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 this code.

Note: Under s. 101.14 (2) (b) and (c), Stats., fire department chiefs are responsible for periodically inspecting "every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires." Under s. 101.14 (1) (a) and (b) and (2) (a), Stats., the department and any deputy, including deputies who are chiefs of fire departments, may require correction of "any violation of any law or order [such as the orders in chs. Comm 60 to 66] relating to the fire hazard or the prevention of fire." See ch. Comm 14 for further requirements relating to fire inspections and fire prevention.

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

(b) *Wisconsin insignia for manufactured buildings.* Pursuant to s. 101.75, Stats., a Wisconsin insignia shall be installed on a manufactured dwelling unit approved by the department and inspected at the manufacturing plant. Each Wisconsin insignia shall be assigned and affixed to a specific manufactured multifamily dwelling, in the manner approved by the department, before the dwelling is shipped from the manufacturing plant. The serial number shall be located on the manufacturer's data plate.

(c) *Manufacturer's responsibilities.* 1. 'Insignia records.' The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias indicating the number of Wisconsin insignias which have been affixed to manufactured buildings, building components, or groups of components; which Wisconsin insignias have been applied to which manufactured building or building component; and the disposition of any damaged or rejected Wisconsin insignias. The records shall be maintained by the manufacturer or by the independent inspection agency for at least 10 years. A copy of the records shall be sent to the department upon request.

2. 'Lost or damaged insignia.' a. If Wisconsin insignias become lost or damaged, the department shall be notified immediately in writing by the manufacturer or dealer.

b. If a Wisconsin insignia becomes damaged, the insignia shall be returned to the department with the fee specified in ch. Comm 2 to obtain a new insignia.

(d) *Insignia suspension and revocation.* 1. The department may suspend or revoke its approval if it determines that the standards for the construction or manufacture and installation of a manufactured building do not meet this code, or if such standards are not being enforced as required by this chapter.

2. Upon suspension or revocation of the approval, no further insignias may be attached to any manufactured building or type of manufactured building with respect to which the approval was suspended or revoked.

3. Upon suspension or revocation of the approval, all insignias allocated to the manufacturer shall be returned to the department no later than 30 days from the effective date of the suspension or revocation.

(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 representative 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 representative.

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

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 00–179: cr. Register December 2001 No. 552, eff. 7–1–02; CR 01–139: renum. (2) (e) to be (3) Register June 2002 No. 558, eff. 7–1–02; CR 04–016: renum. from Comm 61.51 Register December 2004 No. 588, eff. 1–1–05.

Subchapter V — Product and Standard Review and Approval

Comm 61.50 Building product approvals. (1) VOLUNTARY APPROVAL. (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment, and products that meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this code.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

(3) EXPERIMENTAL APPROVAL. (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this code.

(b) The department may require the submission of any information deemed necessary for review.

(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department in accordance with s. Comm 61.31.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the project shall be attached to the submitted plans and approved plans.

b. The letter shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. If a supervising professional is not required for the project by s. Comm 61.40, a person responsible for construction of the project shall be designated in writing by the owner.

5. The supervising professional or person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person approved by the department, at time intervals as specified by the department, but not less than once a year. An inspection report shall be written.

2. The department may assess a fee for each inspection.

(f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

(g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, the determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party that provided any information on which the approval was based, or as a result of material, equipment or product failure.

2. The department may reexamine an approved material, equipment or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with this code or the intent of this code due to a change in the code or department interpretation of the code.

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. Comm 2.

(5) UNGRADED OR USED PRODUCTS. (a) 1. Except as provided in subd. 2., ungraded or used building products may be used or reused as long as the materials possess the essential properties necessary to achieve the level of performance required by this code for the intended use.

2. Ungraded or used products may not be utilized, if specifically prohibited under a specific referenced standard.

(b) The department or the municipality enforcing this code may require tests in accordance with sub. (1) or (2). Approval for use of ungraded or used materials may be issued under this section or may be issued for a specific project under s. Comm 61.31.

History: CR 00–179: cr. Register December 2001 No. 552, eff. 7–1–02; CR 04–016: renum. from Comm 61.60 and am. (3) (d) 4. Register December 2004 No. 588, eff. 1–1–05.

Comm 61.51 Alternate standards. (1) Alternate standards that are equivalent to or more stringent than the standards referenced in this code may used in lieu of the referenced standards when approved by the department or if written approval is issued by the department in accordance with sub. (2).

(2) (a) Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

(b) The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees and documents required to complete the review.

(3) Determination of approval shall be based on an analysis of the alternate standard and the standard referenced in this code, prepared by a qualified independent third party or the organization that published the standard contained in this code.

(4) The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(5) If the department determines that the alternate standard is not equivalent to or more stringent than the referenced standard, the request for approval shall be denied in writing.

(6) The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based.

(7) The department may reexamine an approved alternate standard and issue a revised approval at any time.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; reprinted to correct omission of (5) Register November 2002 No. 563; CR 04−016: renum. from Comm 61.61 Register December 2004 No. 588, eff. 1−1−05.

Subchapter VI — First Class City and Certified Municipality Approvals

Comm 61.60 Certified municipalities and counties.

(1) GENERAL. This section establishes the manner under which cities, villages, towns and counties may examine building plans and inspect buildings under s. 101.12 (3) (a), (am), (b) and (g), Stats.

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

1. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.

2. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.

3. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.

4. Receive from the department certification to perform plan examination and building inspection.

(b) While certified, a municipality or county shall comply with all of the following:

1. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.

2. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.

3. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

(c) Second class cities intending to perform the expanded plan examination and inspection specified in sub. (5) (b) shall comply with pars. (a) 1. to 4. and (b) 3., sub. (7) (b), and all of the following:

1. Employ at least one person who complies with all of the following:

a. Is registered under ch. 443, Stats., as an architect or professional engineer.

b. Is a certified commercial building inspector.

c. Performs or directly supervises the plan examinations specified in sub. (5) (b).

2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic−based format prescribed by the department.

(d) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (a) 1. to 4. and (b) 3., except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

2. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures that exceed the limits specified in sub. (5) (c), a municipality or county shall comply with subd.1. and all of the following:

a. Obtain authorization for these inspections from the department.

b. Use an inspection process that is based on the inspection process used by the department.

c. Retain inspection records in a manner that is accessible to the department.

d. Forward to the department any information requested by the department relative to the inspection of buildings.

3. A municipality or county may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.

(e) The department may revoke the certification or delegation of authority for any municipality or county where the plan examiners or inspectors do not meet the standards specified by the department or where other requirements of this section are not met.

Note: For any certified municipality or county, the department may review the competency of plan examiners on a regular basis, and review the correspondence and inspection reports, to determine if uniformity in code application decisions is being maintained, and to determine if the standards specified by the department are being met. Regular meetings and correspondence may be maintained between a certified municipality or county and the department in order to discuss and resolve any problems.

(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 this code.

2. The department shall administer and enforce this code in any municipality or county which has not assumed the responsibilities for plan examination and building inspection 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 certified municipalities and counties to administer and enforce this code 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 61.30 , 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) *Second class cities performing expanded plan examination.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state−owned buildings and structures, to be constructed within the

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limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings and structures in accordance with sub. (2) (c). Second class cities performing these examinations are not subject to the plan examination limits specified in par. (c).

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed−agent process in s. Comm 61.61.

(c) *Other municipalities and counties.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state−owned buildings and structures, to be constructed within the limits of a municipality or county that is not included in pars. (a) and (b) shall be submitted to either the department or 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 any of the following

1. A new building or structure containing less than 50,000 cubic feet of total volume.

2. a. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.

b. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

3. An alteration of a space involving less than 100,000 cubic feet of total volume.

(d) *Project waiver.* 1. A certified municipality or county may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.

2. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality or county, in which case plans and specifications shall be submitted to the certified municipality or county for review and approval.

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

b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. Comm 61.51 shall include the department's plan approval application form specified in s. Comm 61.31, unless a municipally supplied form is submitted.

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. a. Building plans submitted to a municipality or county for examination shall include the information specified in subd. 3. b. and s. Comm 61.31.

b. Plans that are submitted to a municipality under par. (c) by use of the volumes specified in par. (c) 1. to 3. shall include calculations showing the total volume.

4. After plans and specifications for a project have been submitted to a municipality or county under this section, or to a department office, any subsequent submittal for the purpose of complying with this code shall be submitted to that same office, except as provided in subds. 6. to 9.

5. Except as provided in subds. 6. to 9., plans and specifications for all components of a project, including but not limited to trusses, precast concrete, laminated wood, or heating, ventilating and air conditioning, shall be submitted to the same office.

6. For an individual building in a multiple−building complex, the submitter may choose whether to submit plans and specifications to a municipality or county having jurisdiction for examination, or to any of the department's offices, even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to petitions, application forms, preliminaries, staff notes and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality or county, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.

7. For multiple−tenant or −owner buildings, including but not limited to shopping centers or office buildings, the plans and specifications for the initial tenant or owner in each space, and the alteration plans and specifications for changing a previously approved space may be submitted either to the municipality or county or to a department office, provided the requirements in s. Comm 61.31 (2) (d) are met.

8. Decisions as to whether plans and specifications for building additions may be submitted to offices other than where the previous approvals occurred shall be handled between the municipality or county, department and submitter on a case−by−case basis. These submittals shall comply with s. Comm 61.31 (2) (e).

9. Departmental review of plans and specifications under this subsection does not satisfy any need for municipal review of these plans and specifications for conformance with local requirements adopted under s. Comm 61.03 (4) that are in addition to or more stringent than chs. Comm 61 to 65, and 75 to 79.

(f) *Plan approval.* 1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to this code or other ordinances and regulations, an approval shall be issued in accordance with all of the following:

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, and all calculations and correspondence shall be retained in their original form or as readable microfilm− or electronic−based copies for at least 4 years by the municipality or county, and all other approved 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. A copy of the notice shall be provided to the department of health and family services for health care facilities, and to the department of corrections for jails and places of detention.

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.

(g) *Denial of plan approval.* If the municipality or county determines that the plans submitted do not substantially conform to this code or other legal ordinances and regulations, a denial for plan approval shall be issued in accordance with all of the following:

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.

(h) *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.

Removed by Register January 2009 No. 637. For current adm. code see: http://docs.legis.wisconsin.gov/code/admin_code.

(6) INSPECTION. Inspections shall be conducted by a 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 this code, in accordance with all of following:

(a) All inspections, for the purpose of administration and enforcement of this code, 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 61.41.

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

(b) A second class city that is certified to perform the expanded plan examination specified in sub. (5) (b) shall submit to the department the fees specified in s. Comm 2.31 (1) (g).

Note: A list of municipalities and counties providing plan examination and building inspection under this section is available from the Department's Website at www.commerce.wi.gov, through links to Safety and Buildings Division programs.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 04−016: renum. from Comm 61.70 and am. (5) (e) 1. b. Register December 2004 No. 588, eff. 1−1−05; **CR 06−120: r. (2) (a) 2. to 4., renum. (2) (a) 5. to 7. to be 2. to 4., Register February 2008 No. 626, eff. 3−1−08; corrections in (2) (c) (intro.) and (d) 1. made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626.**

Comm 61.61 Appointed agents. (1) GENERAL. This section establishes the manner under which a city, village, town or county may examine building plans and inspect buildings as an appointed agent for the department relative to s. 101.02 (5) (b), Stats.

(2) CONDITIONS OF PARTICIPATION. (a) Before assuming any of the department's plan examination or building inspection responsibilities that are not listed in s. Comm 61.60 (5), the applicant shall comply with all of the following:

1. Submit a written request to the department, at least 30 days prior to the date upon which the applicant desires to assume agent responsibilities for plan examination or building inspection.

2. Include in the request a description of the desired responsibilities, such as plan examination for buildings that are not within the applicant's jurisdiction, or plan examination for building additions or alterations that are beyond the limits specified in s. Comm 61.60 (5) (c).

3. Include in the request a description of the qualifications the applicant has for assuming the desired responsibilities.

4. Receive from the department a written statement prescribing the responsibilities that are to be assumed.

(b) While appointed, an agent shall comply with all of the following:

1. Apply the corresponding requirements in s. Comm 61.60 (5) (d) to (h) and (6).

2. Submit to the department the fees specified in s. Comm 2.31 (1) (h).

3. Provide a monthly report to the department of all projects completed under this section, in an electronic−based format prescribed by the department.

4. Notify the department, in writing, at least 30 days prior to the date upon which the appointed agent intends to relinquish the responsibilities assumed under this section.

(3) REVOCATION. The department may revoke the appointment of an agent where the plan examiners or inspectors of the agent do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: A list of municipalities and counties providing plan examination and building inspection under this section is available from the Department's Website at www.commerce.wi.gov, through links to Safety and Buildings Division programs.

History: CR 00−179: cr. Register December 2001 No. 552, eff. 7−1−02; CR 04−016: renum. from Comm 61.71 and am. (2) (a) (intro.), 2., and (b) 1. Register December 2004 No. 588, eff. 1−1−05.