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COMM 61-666 A  
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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February <sup>21</sup> 21, 2001

Secretary Brenda Blanchard  
Department of Commerce  
201 West Washington Avenue  
Madison, Wisconsin

Re: CR 00-179, relating to: construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings

Dear Secretary Blanchard:

On February 20, 2001, the Joint Committee for Review of Administrative Rules held a public hearing on the department's proposed revisions to the fire code portion of the state building code. This hearing was unusual in that the JCRAR generally refrains from being involved in the rule making process when a rule is still in the draft stage. However, we held a hearing on the draft fire code rules because of the large number of complaints voiced to members of the committee and to other legislators.

Certain members of the committee are concerned that the department is proposing to adopt the International Fire Code written by the International Code Council without comparing the IFC to the fire code written by the National Fire Protection Association.

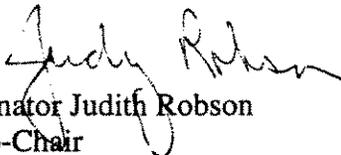
These members believe that it is impossible to know which code will better prevent fires, reduce property damage and save lives in Wisconsin. We have neither the technical knowledge necessary to read the code, nor the practical experience to know whether the written words will have a positive effect when implemented.

However, when fire fighters, fire inspectors and fire chiefs all tell us that they are very concerned about the code the department is preparing to adopt, prudence requires us to listen. The fire fighting community with the exception of the City of Madison is speaking with a unified voice. The members of fire fighting community are concerned that their request for a comparison of the ICC and NFPA fire codes has been ignored by the department. Numerous witnesses at the JCRAR hearing testified that the department should conduct a comparison of the ICC fire code and the NFPA fire code before revising the state fire code.

It is the sentiment of these members of the JCRAR that the department should conduct a side by side review of the two codes prior to implementing the new ICC fire code. We therefore formally request that the department undertake such a review. Moreover, to be meaningful, this review should be completed and available to interested parties prior to the submission of CR 00-179 to the legislature for approval.

Thank you for your cooperation on this important matter.

Sincerely,

  
Senator Judith Robson  
Co-Chair

  
Representative Glenn Grothman  
Co-Chair

**Draft Rules Comm 61- Comm 66**

**ORDER OF THE  
DEPARTMENT OF COMMERCE**

**CREATING RULES**

The Wisconsin Department of Commerce proposes an order to repeal Comm 4, Comm 14, Comm 16.46, Comm 50 to 64, Comm 50 to 64 Appendices A and B, Comm 69, and Comm 73; to renumber Comm 50 to 64 Appendix C and Comm 65; to create Comm 61 to 65 and Comm 61 to 65 Appendix A; and to repeal and recreate Comm 66, relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

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**ANALYSIS OF PROPOSED RULES**

**Statutory Authority and Statutes Interpreted**

Statutory Authority: ss. 101.02 (1) and (15), 101.025, 101.027, 101.13, 101.132, 101.135, 101.14 (1) and (4), and 101.973 (1), Stats.

Statutes Interpreted: ss. 101.02 (1), (6), (7), (7m), and (15); 101.025; 101.027; 101.11; 101.12; 101.13; 101.132; 101.135; 101.14 (1), (4), and (4m); 101.73; and 101.973 (1), Stats.

**Overview**

Under the statutes cited, the Department protects public health, safety, and welfare by promulgating fire prevention requirements and construction requirements for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings. These requirements are currently contained in chapters Comm 14, Comm 50 to 64, and Comm 66, respectively. These requirements began and evolved over the past ninety years.

Following enactment of the "Safe Place" statutes in Wisconsin in 1911, Wisconsin became the first state in this country to adopt a state building code. In the early 1920's, building inspectors in other states began forming what eventually became three regional model code groups, to develop and offer model codes for adoption at state and local levels. In developing its building codes over the past century, Wisconsin has traditionally relied on the model codes, on input from affected parties, and on various consensus standards produced by nationally recognized technical societies.

In the mid 1990's, the three model code groups joined together for the purpose of replacing their codes with a single set of jointly-developed model codes for building construction. Publication of this set was completed in 2000, by the International Code Council®.

Development and publication of the ICC codes has intensified the desire of several parties in the construction industry to replace Wisconsin's building construction codes with model codes that are used elsewhere in this country. Having the same building construction requirements would make it easier for designers, manufacturers, and suppliers who work in numerous states to provide products and services in Wisconsin and to comply with the various technical design requirements.

The ICC codes contain state-of-the art minimum requirements for the built environment, developed with input from experts across the nation. The suite of ICC codes has been developed to be an integrated set of requirements. Commonly, these requirements considerably expand upon the detail that is currently contained in Wisconsin's fire prevention and building construction codes.

Adoption of the ICC codes is a major initiative that will require extensive preparation of Department staff, partners, and customers. Adopting the ICC codes will enable national or regional organizations to conduct training courses in Wisconsin, rather than have Wisconsin provide its own training.

The ICC codes that are proposed for adoption in this rule package are as follows:

*International Building Code®*  
*International Energy Conservation Code™*  
*International Mechanical Code®*  
*International Fuel Gas Code®*  
*International Fire Code®*

These ICC codes can be purchased from the following organizations: Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page [www.bocai.org](http://www.bocai.org); International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page [www.icbo.org](http://www.icbo.org); and Southern Building Code Congress, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page [www.sbcci.org](http://www.sbcci.org).

This proposed adoption includes modifications to the ICC codes. These modifications were developed during the past three years through a comparative analysis with Wisconsin's current requirements, and in consultation with the following advisory councils. The proposed rules are supported by these councils. A listing of the members and the corresponding representation for the councils is included later in this analysis.

Commercial Building Code Council  
Multifamily Dwelling Code Council  
Fire Safety Code Council  
Means of Egress and Accessibility Code Council  
Elevator Code Council  
Structural Review Code Council  
Energy Conservation Code Council  
Heating, Ventilating, and Air Conditioning Code Council

This rule package proposes to adopt the above ICC codes and corresponding modifications in the following chapters of the Wisconsin Administrative Code:

- Comm 61 – Administration and Enforcement; which includes adoption of the IBC, IECC, IMC, and IFGC.
- Comm 62 – Buildings and Structures, which includes Wisconsin modifications of the IBC
- Comm 63 – Energy Conservation; which includes Wisconsin modifications of the IECC
- Comm 64 – Heating, Ventilating and Air Conditioning; which includes Wisconsin modifications of the IMC
- Comm 65 – Fuel Gas Appliances; which includes Wisconsin modifications of the IFGC
- Comm 66 – Fire Prevention; which includes Wisconsin modifications of the IFC

In the above Comm chapters that contain modifications to the ICC codes, each modification is preceded by one of the following seven generalized directive statements. The intended meanings of these seven directive statements are included here.

1. This is a department rule in addition to the requirements in IBC section XXXX:  
Means: All text in this section has been adopted without modification, but Wisconsin has some additional requirements.
2. This is a department alternative to the requirements in IBC section XXXX:  
Means: The new text provides flexibility and may be used in place of the IBC text.
3. Substitute the following wording for the requirements in IBC section XXXX:  
Means: New text is completely replacing existing text.
4. This is a department informational note to be used under IBC section XXXX:  
Means: The only addition to this IBC section is a note which may be a cross-reference or an example or which conveys a statutory requirement.

5. The requirements in IBC section XXXX are not included as part of this code.  
Means: The section has not been adopted; no text is replacing or substituting for this section.
6. This is a department exception to the requirements in IBC section XXXX:  
Means: An exception is being added to the section where none exists.
7. This is an additional department exception to the requirements in IBC section XXXX:  
Means: A numbered exception is being added where one or more exceptions already exist.

The references in the Comm chapters to individual IBC sections typically are to a particular paragraph or set of paragraphs within a referenced IBC section, and are not intended to affect any subsequent subdivisions of the specified section unless stated otherwise. For example, a directive to substitute certain language for IBC section 415.7.3 is not intended to mean that IBC sections 415.7.3.1 through 415.7.3.5 are also being changed.

In the Comm chapters that include modifications to the ICC codes, individual code sections generally are numbered to correspond with the section numbering in the ICC codes. For example, section Comm 62.0202 corresponds to IBC section 202, and Comm 62.3408 corresponds to IBC section 3408.

This rule package includes a proposal to subsume the current Uniform Multifamily Dwelling Code, Comm 66, into the Commercial Building Code. This proposal is intended to discontinue repeating the administrative requirements of the Commercial Code in a Multifamily Code.

These chapters include affirmation that the Department will retain its authority to interpret all of the incorporated requirements, including those from the ICC codes, and to issue variances to those requirements.

This rule package does not include rule changes for updating several other Comm code chapters that currently reference or relate to chapters Comm 51 to 64, such as Comm 2, 3, 5, 18, 34, 41, 45, 70, 75-79, 81-87, and 90. A separate, subsequent rule package with a simultaneous effective date is expected to contain this updating.

## **Council Members and Representation**

The members and representation of the councils advising the Department on this rule package are as follows:

Commercial Building Code Council: Warren Bauer, representing the American Institute of Architects – Wisconsin Society; Curt Hastings, representing the Associated General Contractors of Wisconsin; Tim Ihlenfeld, representing laborers and craftworkers in the Wisconsin State AFL-CIO; Joe Jameson, representing building inspectors and the League of Wisconsin Municipalities; David Kakatsch, representing the City of Milwaukee and certified municipalities; David Keller, representing building owners and the Wisconsin Realtors Association; Terry Kennedy, representing the Wisconsin Society of Professional Engineers; Bill King, representing building owners and the Wisconsin Department of Administration; Dennis Krutz, representing insurance organizations; Ed Ruckriegel, representing the City of Madison Fire Department; Michael Shoys, representing building owners and Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin State Fire Chiefs' Association; and Fred Stier, representing the Associated Builders and Contractors of Wisconsin and the Wisconsin Builders Association.

Multifamily Dwelling Code Council: Charles Aldrian, representing architects, engineers, and designers; Beth Gonnering, representing building contractors and developers; Ed Gray, representing labor organizations for the building trades; Richard Paur, representing municipal inspectors in large counties; Phil Kalscheur, representing manufacturers and suppliers of cement products; Linda Keegan, representing the public; Harry Macco, representing building contractors and developers; Carl Mastaglio, representing the public and advocating fair housing; Bruce McMiller, representing building inspectors in small counties; Larry Plumer, representing the fire services; William Roehr, representing labor organizations for the building trades; Ed Ruckriegel, representing the fire services; C. Frederick Tolson, representing manufacturers and suppliers of gypsum products; and Kerry Vondross, representing manufacturers and suppliers of concrete block products.

Fire Safety Code Council: David L. Berenz, representing the Wisconsin State AFL-CIO; Dan Burazin, representing the Associated General Contractors of Greater Milwaukee, Inc.; Larry Burton, representing the Wisconsin Insurance Alliance; J. C. Carver, representing the City of Madison Fire Department; Gregg Cleveland, representing the Wisconsin State Fire Chiefs' Association; Steven Fritsche, representing the City of Milwaukee; Tom Jahn, representing the Wisconsin Society of Fire Protection Engineers; Gerard J. Rabas, representing Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin Fire Inspectors Association; Robert W. Stedman, representing the City of Waukesha Fire Department; and David M. Wheaton, representing the Wisconsin Building Inspectors Association.

Means of Egress and Accessibility Code Council: Larry Earll, representing the Wisconsin Department of Administration; Cleo Eliason, representing barrier-free accessibility and the Easter Seal Society of Wisconsin, Inc.; Steven Howard, representing the Wisconsin State Fire Chiefs' Association; Mary Lawson, representing the American Institute of Architects – Wisconsin Society; Larry Palank, representing general contractors and the Associated General Contractors of Greater Milwaukee, Inc.; Richard Pomo, representing barrier-free accessibility

Architects – Wisconsin Society; Monica Sommerfeldt, representing the Wisconsin Builders Association; David M. Wheaton, representing inspectors and the Wisconsin Building Inspectors Association.

Elevator Code Council: Warren R. Bauer, representing the American Institute of Architects – Wisconsin Society; Ken Bavery, representing the Wisconsin State Fire Chiefs' Association; David Koch, representing elevator manufacturers/suppliers and the National Association of Elevator Contractors; Bruce Lammi, representing engineers and the Wisconsin Society of Professional Engineers; Steve Lex, representing the Wisconsin State AFL-CIO; Jeff Lund, representing lift manufacturers/suppliers and the Waupaca Elevator Company; William Page, representing lift manufacturers/suppliers and the Accessibility Equipment Manufacturers Association; David M. Rakowski, representing Northwestern Elevator Company, Inc.; John Zalewski, representing inspectors and the City of Milwaukee; Andrew M. Zielke, representing elevator manufacturers/suppliers and the National Elevator Industry, Inc.

Structural Review Code Council: Professor Steven Cramer, representing the University of Wisconsin – Madison Department of Civil and Environmental Engineering; Chuck Hanson, representing the American Society of Civil Engineers; Kirk Haverland, representing the Wisconsin Society of Professional Engineers; David Hyzer, representing the American Institute of Architects – Wisconsin Society; Lynn Lauersdorf, representing the Wisconsin Department of Administration; Professor Michael Oliva, representing the University of Wisconsin – Madison Department of Civil and Environmental Engineering; Robert Schumacher, representing the American Society of Civil Engineers; Alan Wagner, representing the American Society of Civil Engineers; and Michael West, representing the American Society of Civil Engineers.

Energy Conservation Code Council: Ross DePaola, representing the Wisconsin Environmental Decade; Thomas F. Flickinger, representing the Wisconsin Association of Consulting Engineers; Jay F. Jorgensen, representing the Wisconsin Chapter of the American Society of Heating, Refrigerating, and Air Conditioning Engineers; Timothy J. Kritter, representing the Associated Builders and Contractors of Wisconsin; William F. McKee, representing the Associated General Contractors of Wisconsin; Dave J. Osborne, representing the Wisconsin Builders Association; Gerald W. Schulz, representing the Wisconsin Chapter of the National Electrical Contractors Association; Harry A. Sulzer, representing the League of Wisconsin Municipalities; Robert D. Wiedenhofer, representing the Sheet Metal and Air Conditioning Contractors Association of Wisconsin.

Heating, Ventilating, and Air Conditioning Code Council: Michael J. Broge, representing the Wisconsin Association of Consulting Engineers; Timothy J. Gasperetti, representing the Building Owners and Managers Association of Milwaukee; Michael Mamayek, representing the Plumbing and Mechanical Contractors of Southeast Wisconsin; Ken Pavlik, representing the Wisconsin Builders Association; Richard J. Pearson, representing the Wisconsin Chapter of the American Society of Heating, Refrigerating, and Air Conditioning Engineers; Robert Pertzborn, representing the Wisconsin Association of Plumbing, Heating and Cooling Contractors; David Stockland, representing the Associated Builders and Contractors of Wisconsin; Harry A. Sulzer, representing the League of Wisconsin Municipalities; and Robert D. Wiedenhofer, representing the Sheet Metal and Air Conditioning Contractors Association of Wisconsin.

## Chapter-by-Chapter Analysis

### *Chapter Comm 61*

The first chapter of the proposed revised Wisconsin Commercial Building Code will be numbered chapter Comm 61. This first chapter of the code will delineate the administrative and enforcement processes and procedures, currently found in chapter Comm 50, that the Department will utilize and people are to follow in designing and constructing buildings. The chapter covers such matters as the scope and application of the code, plan review, product review, inspection, appeals and Department authorization of plan review and inspection agents. In comparison to chapter Comm 50 the new chapter has been reorganized, but has been revised very little in substance. Although one subject of significant revision reflects the combining of the Commercial Building Code and the Multifamily Dwelling Code into one book. Provisions have been incorporated to address the uniform application of the code for multifamily dwellings as well as building permits for such structures. Most of the other revisions are intended as clarifications, with an emphasis towards the Department's statutory responsibilities and role. The chapter is laid out as follows:

- Chapter Comm 61 – Administration and Enforcement
- Subchapter I – Scope and Application
- Subchapter II – Responsibilities, Appeals, Petitions and Penalties
- Subchapter III – Plan Review
- Subchapter IV – Multifamily Building Permits
- Subchapter V – Supervision and Inspection
- Subchapter VI – Product and Standard Review and Approval
- Subchapter VII – First Class City and Certified Municipality Approvals

### *Chapter Comm 62*

Chapter Comm 62 is proposed to primarily contain the Wisconsin modifications of the 2000 *International Building Code*<sup>®</sup>, as adopted in chapter Comm 61.

The following listing is a summary of the concerns identified by the Department and the various advisory councils relating to the use and application of the IBC and recommendations for changes and additions to or omissions from the IBC.

1. Chapter 1 of the IBC, and numerous other sections of the IBC, contain extensive administrative and enforcement requirements that generally have been developed by municipal officials, for use by municipal officials in other states which do not have Wisconsin's emphasis on state-level enforcement and administration. Numerous modifications were developed by Division staff to orient these requirements to this emphasis, and to maintain other current administrative and enforcement procedures in Wisconsin, including those relating to regulation of existing or historic buildings. [See sections Comm 62.0100 (1); Comm 62.0202; Comm 62.0400 (1); Comm 62.0401; Comm 62.0402; Comm 62.0403 (2); Comm 62.0414; Comm 62.0415; Comm 62.0703; Comm 62.0712; Comm 62.0901 (1); Comm 62.0902; Comm 62.0903 (1), (4), and (5); Comm

62.0907 (1) and (3); Comm 62.0909; Comm 62.1407; Comm 62.1506; Comm 62.1603 (2); Comm 62.1604; Comm 62.1607; Comm 62.1612; Comm 62.1621; Comm 62.1802; Comm 62.1805; Comm 62.1809; Comm 62.1905; Comm 62.1914; Comm 62.1916; Comm 62.2101; Comm 62.2105; Comm 62.2108; Comm 62.2208; Comm 62.2303; Comm 62.2503; Comm 62.3102; Comm 62.3103; Comm 62.3104 (2); Comm 62.3109; Comm 62.3400 (1); and Comm 62.3406.]

2. Section 115 of the IBC contains detailed requirements for unsafe buildings and structures, and includes directives for how local building officials are to address these buildings and structures. Text is proposed that would apply these requirements to all public buildings and structures and places of employment, which exist before, on, or after the effective date of the proposed rules. [Comm 62.0100 (2)]
3. The proposal contains three modifications to the IBC for retaining Wisconsin's current electrical code, plumbing code, and private sewage code, rather than adopting the ICC codes for these three subjects. [Comm 62.0202 (1) (d), (i), and (j)]
4. Several sections of the Wisconsin Statutes contain building construction criteria that supercede or are in addition to various IBC requirements. Several modifications to the IBC are proposed for maintaining compliance with these statutory criteria, which include use and occupancy classifications [Comm 62.0310], recycling space [Comm 62.0400 (2)], employee restrooms [Comm 62.0400 (3)], sixty-foot high-rise fire sprinkler thresholds [Comm 62.0403 (1)], retroactive fire sprinkler requirements for University of Wisconsin dormitories [Comm 62.0403 (1)], firewall identification [Comm 62.0705], fire hose threads [Comm 62.0901 (2)], thresholds for fire sprinklers or two-hour fire resistance in multifamily dwellings [Comm 62.903 (2)], mandatory fire sprinklers for all newly constructed University of Wisconsin dormitories [Comm 62.0903 (3)], retroactive fire alarm and detection system requirements [Comm 62.0907 (2)], barrier-free accessibility [Comm 62.1101 (1), Comm 62.1107 (1) and (3), and Comm 62.1109], smoking area signage [Comm 62.1109 (2) Note], prohibition of pay toilets [Comm 62.2902 (7)] protection of adjoining property [Comm 62.3300 (2)], barrier-free accessibility for fair housing in existing structures [Comm 62.3400 (1) and Comm 62.3408], community-based residential facilities for 9-20 unrelated adults [Comm 62.3400 (2)], and statewide requirements for historic buildings [Comm 62.3406].
5. Proposed text would continue Wisconsin's current alternatives for isolating fuel-fired appliances in parking garages. [Comm 62.0406]
6. Several modifications to the IBC were developed to retain current flexibility for achieving minimum levels of fire safety, which include fire separation distance to a no-build easement [Comm 62.0702], fire-resistance clarification for connections between buildings [Comm 62.0704], alternatives for fire-resistive floor, ceiling, and roof construction [Comm 62.0719], fire resistance for cellulose insulation [Comm 62.0720], and manual wet fire sprinkler systems [Comm 62.0904].
7. Although text is proposed that replaces the IBC fire sprinkler thresholds in multifamily dwelling buildings with Wisconsin's statutory thresholds for these fire sprinklers or two-hour fire resistance, a related section of the IBC, 705.1, is not proposed to be changed for

these thresholds. Section 705.1 specifies that each portion of a building separated by one or more fire walls which comply with the section must be considered a separate building. Consequently, instead of using unpierced four-hour-rated fire walls to separate a large multifamily building into smaller buildings that individually are not required to have fire sprinklers or two-hour fire resistance, as Wisconsin currently allows, two-hour-rated fire walls with various protected openings could be used, for example, in wood-frame construction, in lieu of providing fire sprinklers in these multifamily buildings. Also, the IBC's building area and height limits would apply individually, but not cumulatively, to each portion that is separated in this fashion by these fire walls. [Comm 62.0903 (2)]

8. Chapter 10 of the IBC contains the means of egress requirements for all buildings, including specific occupancy requirements. The means of egress requirements in the IBC consist of three separate and distinct parts, which are the exit access, the exit, and the exit discharge. While the current Wisconsin Commercial Building Code uses these same terms, they have not been applied consistently, especially in the occupancy chapters. It is anticipated that the overall impact of the means of egress chapter will be very small for most public buildings and places of employment. A few minor modifications are proposed relating to determination of occupant load for outdoor areas, guard tower exiting, and safe dispersal areas for buildings located more than 100 feet to a public way. [Comm 62.1003, 62.1005, and 62.1006]
9. There are a number of IBC means of egress requirements that differ from the means of egress requirements currently applied to multifamily housing. This rule package maintains the IBC language without modification. The criteria that differ from the current Multifamily Dwelling Code requirements include the following:
  - The IBC requires all raised platforms greater than 30 inches above the floor to be protected with guardrails with a height of 42 inches (current requirement is 36 inches). This requirement applies to raised platform areas within the dwelling unit as well as those in the common-use areas of the building. [IBC 1003.2.12.1]
  - Open guards must have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to 34 inches above the floor. From a height of 34 inches to 42 inches above the floor, a sphere not more than 8 inches must not pass through the openings (current requirement is 6-inch sphere). [IBC 1003.2.12.2]
  - In the IBC, the stair tread must be at least 11 inches in depth and the riser height is limited to 7 inches (current requirements of 9 inches by 8 inches). These stairway tread and riser dimensions apply to stairways within the dwelling units and in all the common use areas. [IBC 1003.3.3.3]
  - The IBC does not recognize the use of a "rescue/jump" platform as a means of egress component for any occupancy, including dwelling units. However, the IBC does provide options for one exit under IBC 1005.2.2.

- The current Multifamily code requires at least 2 ways out of every sleeping room. One of the means of egress may be a window. The IBC, in addition to the means of egress required to be provided, also mandates that basements and sleeping rooms below the fourth story have at least one exterior emergency and rescue opening. [IBC 1009.1]
10. The IBC chapter 11 accessibility requirements are substantially equivalent to the federal Americans With Disabilities Act Accessibility Guidelines. Currently, the federal Access Board is rewriting the ADAAG standards to be consistent with the IBC format. Chapter Comm 69 currently uses the ADAAG standards as the base accessibility construction standards; therefore users of the code are familiar with the standards in the IBC, except for the new format. A number of minor changes are proposed to clarify the application of the code to certain occupancies, such as government-owned facilities, and to require parking signs to comply with Wisconsin Department of Transportation requirements. [Comm 62.1104]
  11. The accessibility requirements in the 2000 edition of the IBC relating to multifamily housing are not substantially equivalent to the federal fair housing law, so a number of changes are proposed to establish construction requirements that are substantially equivalent to the federal law as well as the state fair housing law. These changes include specifying that any building which is separated into smaller buildings by fire walls under the provisions of IBC section 705 must be considered one building when determining compliance with the fair housing criteria. [Comm 62.1101, Comm 62.1106, and Comm 62.1107]
  12. The current multifamily accessibility requirements require that at least one bathroom be designed for a higher level of accessibility, with all other bathrooms complying with the basic level of accessibility. This requirement is not part of the federal or state fair housing laws or the IBC accessibility requirements. This rule package proposes to discontinue this requirement and to instead use the IBC and ICC/ANSI A117.1 bathroom design requirements without modification. [IBC 1107.5.4 and ICC/ANSI A117.1 1003.11.3.1, 1003.11.3.2]
  13. Minor changes are proposed for clarifying the requirements for temperature control in interior environments and for drainage of interior courts. [Comm 62.1203 and Comm 62.1205]
  14. Based on Wisconsin's potential for extreme climate, and due to concern for the structural deterioration and associated health and welfare problems that can result from migration of moist, interior air into outside walls, air barrier requirements are proposed for exterior walls. [Comm 62.1403 and Comm 62.0202 (a)]
  15. Reference to the Urban Wildland Interface Code is deleted because adoption of that code is not included in this rule package. [Comm 62.1505]
  16. Several modifications to the IBC were developed by the Structural Review Council to clarify or simplify, but not weaken, the structural requirements, particularly for smaller

buildings. These modifications include posting of live loads [Comm 62.1603 (1)], ground snow load alternatives [Comm 62.1608 (1)], an alternative snow exposure factor [Comm 62.1608 (2)], a wind load alternative [Comm 62.1609], a soil lateral load alternative [Comm 62.1610], clarification of earthquake loads [Comm 62.1614], alternative earthquake loads [Comm 62.1615], refinement of allowable pile and pier loads [Comm 62.1807 (3)], an alternative pile and pier load test [Comm 62.1807 (4)], a driven-pile alternative [Comm 62.1808], clarification of cast stone masonry [Comm 62.2103].

17. Proposed text excludes the IBC requirements for structural tests and special inspections, except for joist hangers and roof tiles, due to belief that these requirements are substantially met by continuing Wisconsin's current construction oversight by registered professionals. [Comm 62.1700 (and Comm 61.50)]
18. Three modifications developed by the Structural Review Council would improve inadequacies in the IBC. These modifications address piles and piers in subsiding areas [Comm 62.1807 (1), (2), and (5)], empirical design of masonry [Comm 62.2109], and moisture barriers for nondurable wood bearing on exterior masonry or concrete [Comm 62.2304].
19. Several modifications provide alternative or minor additional plumbing requirements. These modifications address privacy and access to toilet rooms [Comm 62.1209], waiver of toilet rooms for unattended gasoline stations [Comm 62.1209 (2) (b)], maintenance of toilet rooms [Comm 62.2900 (1) and (2)], permanent and portable outdoor toilets [Comm 62.2900 (3)], enclosure of toilet fixtures [Comm 62.2900 (4)], substitution of urinals for water closets [Comm 62.2902 (1) (a)], cross-references to plumbing fixture requirements by other agencies [Comm 62.2902 (1) (b) and (5)], lavatories for toilet rooms [Comm 62.2902 (3)], signage for toilet rooms [Comm 62.2902 (4)], remote toilet rooms for small retail stores [Comm 62.2902 (4)], and direct access to toilet rooms for customers in stores [Comm 62.2902 (6)].
20. Three modifications are proposed for continuing Wisconsin's current practice of not applying or enforcing requirements for the design or installation of conveyors and personnel or material hoists. [Comm 62.3001]
21. Proposed text requires that where ventilation openings are provided in hoistway walls, the openings must have guards securely fastened to the hoistway, to prevent creation of a shear point for maintenance and elevator inspectors. [Comm 62.3004 (1)]
22. Floor drains, sumps, and sump pumps are permitted by the IBC in a hoistway shaft if they are directly connected to the storm or clear water drain system. Proposed text clarifies that a connection to a sanitary system is prohibited and that plumbing systems not used in connection with the operation of the elevator may not be located in the elevator equipment rooms. [Comm 62.3004 (2) and Comm 62.3006 (2)]
23. Proposed text clarifies that where elevator machine rooms serve pressurized elevator hoistways and are not directly connected to the hoistway, the machine rooms are not required to be pressurized. [Comm 62.3006 (1)]

24. Proposed text clarifies that buildings connected by pedestrian access structures are considered separate structures. [Comm 62.3104]
25. Proposed text would continue Wisconsin's current practice of not regulating encroachments into a public right-of-way. [Comm 62.3200]
26. Proposed text would continue Wisconsin's current practice of not regulating safeguards during private-sector construction, except for maintaining egress, preventing water accumulation, and protecting adjoining property. [Comm 62.3300]
27. Three National Fire Protection Association standards that are adopted in the IBC are proposed to be replaced with more recent versions which are currently adopted in Wisconsin. [Comm 62.3500]
28. Proposed text would continue Wisconsin's current practice of not regulating employee qualifications, boards of appeals, agricultural buildings, fire districts, supplemental barrier-free accessibility, rodent proofing, flood-resistant construction, signs, and patio covers. [Comm 62.3600]

### *Chapter Comm 63*

The *International Energy Conservation Code*<sup>™</sup> contains energy conservation requirements relating to the design of building envelopes for adequate thermal resistance and low air leakage, and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment, which will enable the effective use of energy in new and altered building construction. The IECC is divided into chapters that apply to low-rise residential buildings ( $\leq 3$  stories in height), and to commercial buildings, which includes high-rise residential buildings (4 stories or more in height), and non-residential buildings of any height.

The IECC is applied based on the occupancy classification of the building (residential or commercial) and how compliance with the energy conservation requirements will be demonstrated. The intent is that any of the options chosen will provide the same levels of energy conservation. The following is how the IECC is to be applied:

- Chapter 4, 5 or 6 of the IECC may be used for low-rise residential buildings.
- Chapter 7 or 8 of the IECC may be used for high-rise residential buildings and all commercial buildings.

IECC chapter 7 requires commercial buildings to comply with ASHRAE/EIS, Energy Code for Commercial and High-rise Residential Buildings. The existing chapter Comm 63 is basically the ASHRAE 90.1 Standard with various modifications and additions to improve energy conservation, and application and code enforcement. Therefore, the existing chapter Comm 63 with the improvements is substantially equivalent to chapter 7 of the IECC. It is proposed to maintain the existing Comm 63 requirements and locate them in subchapter III of the new proposed chapter Comm 63. Commercial buildings may be designed for compliance with the

energy conservation requirements in chapter Comm 63, subchapter III as one option, or with the requirements in IECC chapter 8 as the other option. It is also the intent of these rule changes to ensure that either option chosen will result in equivalent energy conservation.

The following listing is a summary of the major concerns identified by the Department and the Energy Conservation Specialty Council relating to the use and application of the IECC and recommendations for changes and additions to or omissions from the IECC.

1. In general, the IECC requirements are substantially equivalent to the energy conservation requirements specified in the existing chapter Comm 63 for commercial buildings. However, the IECC has more stringent energy conservation requirements for low-rise residential buildings, especially the building envelope requirements. To evaluate how the IECC requirements would impact the design of residential buildings, the Department performed a survey of current construction plans for residential buildings located throughout the state to see if the buildings complied with the stricter IECC requirements. The results showed that 90% of the new construction plans surveyed already met the stricter building envelope requirements and most designers and owners would not be affected adversely by using the IECC requirements. These changes are viewed as useful and beneficial to the owners of residential buildings.
2. Approved vapor retarders are required on all frame walls, floor and ceilings, instead of permitting the option to ventilate these areas. This change is necessary for both infiltration and condensation control in Wisconsin's severe climate. [See sections Comm 63.0502, Comm 63.0802 (2), and Comm 63.1011 (4)]
3. Floors over outdoor air are required to have the same U-values as floors over unheated spaces. The minimum levels of insulation in the IECC are not cost effective for the owner. All other insulation levels were determined to be cost effective using a life-cycle cost economics analysis. A review of residential plans received by the Department indicated that 90% of new construction already meets the IECC thermal envelope requirements. [Comm 63.0502]
4. The heating load calculations are to be determined in accordance with the requirements in s. Comm 63.1023. Both Comm 63.1023 and IECC section 503.3.1 follow the ASHRAE Handbook of Fundamentals; however, Comm 63.1023 includes specific parameters for areas such as indoor and outdoor design conditions, envelope conditions and lighting loads not included in the ASHRAE Handbook. Comm 63.1023 provides better direction to the users in the application of the code. [Comm 63.0503 and Comm 63.1023]
5. Interior design temperatures are to be maintained as specified in chapter Comm 64, Heating, Ventilating and Air Conditioning Code. [Comm 63.0003 (3)]
6. Adjustments for local exterior design conditions are to be determined through local weather resources, including computer programs for equipment sizing. [Comm 63.0302 (1)]
7. Pipe insulation for both commercial and residential buildings is to be provided in accordance with ASHRAE 90.1, Table 403.2.9.1. The new table for pipe insulation will be

applied in all the options available for showing compliance with the energy conservation requirements. Table 63.1029 translates the inches of insulation required into R-values. This reduces the need for all parties involved from performing cumbersome calculations. [Comm Table 63.1029]

8. Supply ducts located in the plenum and within the building envelope are to be insulated to R-4 in addition to the requirements for unconditioned areas and outdoor areas. Moisture damage to building materials may occur from condensation from uninsulated ducts within a plenum. There is little, if any, additional cost to go from uninsulated sheet metal material to an R-4 insulated duct material. [Comm 63.0503 (2) (b) and Comm 63.0803 (2) (e)]
9. The IECC requires ducts in unconditioned areas to be insulated to R-5; however, the typically available R-5 ductwrap is only R-4.6 after it is installed in accordance with the manufacturer's instructions. This discrepancy has caused problems in the application and enforcement of the code. It is proposed to require ducts in these areas to be insulated to R-4. This requirement will be applicable in all options used to show compliance with the energy conservation requirements. [Comm 63.0503 (2) (b) and Comm 63.0803 (2) (e)]
10. Recessed lighting installed in the building envelope must be sealed to reduce infiltration. [Comm 63.1011 (3), Comm 63.0602 (2), and Comm 63.0802 (4)]
11. Automatic dampers are required on all outdoor air intakes. The IECC allows gravity or automatic dampers to be used. Experience indicates that gravity dampers are opened by wind subjecting occupants to drafts and results in higher energy costs to owners. [Comm 63.0503 (2) (c) and Comm 63.0803 (2) (d) and (3) (b)]
12. Light power budgets and controls requirements are to comply with Comm 63, subchapter III, Part 5, even if the IECC chapter 8 option is chosen. The lighting requirements in Comm 63 are in an improved format and provide for the most efficient use of lighting for energy conservation. [Comm 63.0504 (4) and Comm 63.0805]
13. Owners of commercial buildings are given options for showing compliance with the energy conservation code. One option is to show compliance with ASHRAE 90.1. Since chapter Comm 63, subchapter III is essentially ASHRAE 90.1 with various amendments for improving energy conservation, application and enforcement, it is proposed to substitute language for IECC chapter 7 to require compliance with Comm 63. [Comm 63.0701]
14. A modification was made to Table 63.1049 relating to interior lighting power allowances for merchandising display lighting. It is proposed to allow the smaller of the actual wattage of the lighting equipment for displays or a  $0.8 \text{ W/ft}^2$  times the floor area of the display area to be added to the interior lighting power. [Table 63.1049, Part b]
15. In commercial buildings, each fan system is required to have economizer controls that comply with s. Comm 63.1031. The IECC does not provide for the most efficient use of that equipment and the owner would be missing opportunities to save energy and money. This requirement for the use of economizers will not be applied to low-rise residential buildings. [Comm 63.0803 (2) (c) and Comm 63.0803 (3) (b) and (d)]

16. Currently, under chapter Comm 63 off-hour or set-back HVAC controls are required in both residential and commercial buildings. However, in the IECC off-hour controls are required only in commercial facilities. Since it was the goal the Department to stay as close as possible to the IECC requirements and limit Wisconsin based requirements, it was decided not to apply the off-hour controls to residential buildings.
17. The IECC energy conserving requirements for residential pool water heaters will not be applied. They are inconsistent with requirements for commercial facilities, the on-off switch requirements are covered by other codes; the pool cover requirement is too vague to enforce and the need for a time switch to allow for lower time-of-day utility rates should be based on consumer economics. [Comm 63.0504 (3)]

(A more detailed comparison of the current and proposed requirements for chapter Comm 63 is available at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us). or can be obtained from Roberta Ward at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us) or at 608/266-8741 and 608/264-8777, TTY.)

### *Chapter Comm 64*

This rule revision, which repeals and recreates chapter Comm 64, relating to heating, ventilating and air conditioning, includes adoption of the 2000 *International Mechanical Code*<sup>®</sup>, with various omissions, additions or substitutions.

The following listing is a summary of the major concerns identified by the Department and the HVAC Specialty Council relating to the use and application of the IMC and recommendations for changes and additions to or omissions from the IMC.

1. The proposal is to continue to have the designer or installer provide the owner or operator with written instructions on the operation and maintenance of the equipment. The IMC is silent on this issue and experience proves that properly maintained equipment is less costly to operate and increases the life of the equipment. [See section Comm 64.0102]
2. The IMC requires that all appliances be listed and labeled unless approved as a modification; the proposal is to retain the current provisions for approval of unlisted equipment. [Comm 64.0301]
3. The proposal is to maintain the equipment testing and balancing provisions of the current code to assure proper operation of equipment. [Comm 64.0304 (1)]
4. The proposal is to keep indoor design temperatures below 68°F for some occupancies as currently allowed. Current provisions allow spot heating, and waiving of heating requirements for seasonal occupancies. Such allowances are in recognition high costs of operation during the Wisconsin heating season. [Comm 64.0309]
5. The proposal is to recognize that natural ventilation of some occupancies in Wisconsin may be ineffective and may thus compromise indoor air quality. Under the IMC, natural ventilation is allowed as an option in all spaces, except for: smoking lounges, toilet rooms,

multifamily parking structures and public locker rooms. Current requirements for mechanical ventilation in many more occupancies are proposed to be maintained. [Comm 64.0401 (1)]

6. The proposal maintains current requirements for required building exhaust ventilating systems to operate continuously when people are in the building. An option is also proposed to allow rooms with 2 or fewer toilet fixtures to be exhausted only when such rooms are occupied. The exhaust fan could then be interconnected with the light switch. [Comm 64.0401 (2)]
7. The proposal also is to continue allowing current exceptions for reducing clearances for intake and exhaust openings that have been found to not compromise indoor air quality, but can reduce installation costs. [Comm 64.0401 (4)]
8. This proposal is to allow an option to use an engineered system that will produce the same indoor air quality as following the outdoor air ventilation rates as prescribed in the code. [Comm 64.0403 (2)]
9. A revised IMC Table 403.3 is proposed which includes the following: requires the same outdoor air requirements for similar occupancies; makes additional entries for common occupancies from the current Table Comm 64.05; reduces outside air to 7.5 cfm/person in most occupancies as under the current code; requires the use of AIA Guidelines for Hospitals and Nursing Home Occupancies; and garage ventilation is reduced from 1.5 cfm/sf to 0.5 cfm/sf of exhaust. [Table 64.0403]
10. Some occupancy requirements are proposed to be maintained from the current code: natural ventilation may be used in smaller toilet rooms or janitor closets; and pool ventilation may be reduced with humidity control. [Comm 64.0403]
11. The proposal does not adopt IMC 403.3.2 that requires the amount of outside air to be based on a complex set of room by room calculations. It is replaced with current provisions that allow the amount of outside air to be based on the total number of occupants served by the system, rather than separate calculations for each room. The minimum air change rate is also retained. This is necessary when the outside air is based on the total number of occupants served by the system. The proposal provides for the movement of 'cleaner' air from areas of low occupancy to those of high occupancy. The air movement also increases filter effectiveness. For VAV systems, a minimum movement is needed. [Comm 64.0403 (6)]
12. Wisconsin experienced failure in automatic sensing devices installed in place of continuous exhaust in parking garages. The proposal includes additional provisions including the requirement to operate exhaust for at least five hours per day to assure effective exhaust results. [Comm 64.0404]
13. The proposal is to delete the requirement for an exhaust system where contamination may be simply "irritating." The current code provision does not require a system to accommodate those individuals who may have high sensitivity to contaminants. Where

contamination is injurious to health or safety, an exhaust system must be installed. [Comm 64.0502]

14. The IMC has additional, more detailed requirements for commercial kitchen exhaust than the current chapter Comm 64. The proposal is to provide a performance requirement for alternatives to welded seams and joints which will provide more flexibility in installation and lower costs. [Comm 64.0500, Comm 64.0506, and Comm 64.0507]
15. Another proposal relating to commercial kitchen exhaust is to require commercial kitchen fans for use in grease-laden air to be so listed. [Comm 64.0506]
16. The proposal is to allow the reduction in the clearances between heaters and duct lining when the lining is so listed. [Comm 64.0604]
17. The proposal adds a requirement for some healthcare facilities to comply with AIA (American Institute of Architects) guidelines for filtration. [Comm 64.0605]
18. The definition of 'unusually tight construction' has been modified for chs. Comm 64 and 65 to reflect current Wisconsin building construction standards. In referencing this modification, the requirement for outside air for combustion has also been modified to allow greater use of inside air for combustion purposes (with restrictions). [Comm 64.0702]
19. The IMC prohibits the use of unvented, permanently installed liquid- and solid-fueled equipment. As under the current code, both installed and portable unvented equipment is prohibited under the proposal. [Comm 64.0801]
20. The proposal is to make the chapter internally consistent and consistent with the International Fuel Gas Code (IFGC), chapter Comm 65 for the following situations: location of combustion air openings, setback between intakes and exhausts and contaminant sources. [Comm 64.0710 and Comm 64.0918]
21. The proposal substitutes chapter Comm 41 for IMC boiler and hydronic piping requirements. Only minor revisions are proposed for the IMC requirements for water heaters used in space heating systems. The IMC, unlike the current chapter Comm 64, does not limit the use of such water heaters to 100,000 Btu/hour input. [Comm 64.1001 and Comm 64.1201]
22. The proposal substitutes chapter Comm 45 for IMC refrigeration requirements. [Comm 64.1101]
23. The proposal does not include IMC fuel oil requirements; these requirements are contained in chapter Comm 10. [Comm 64.1301]
24. The IBC requirements for fire resistive construction such as equipment enclosure, fire rated resistive damper placement, and air movement in rated corridors, may impact HVAC system design and installation.

25. In addition to the AIA Standard R673, standards, either newer than that adopted in the IMC or not adopted in the IMC, are adopted; they are: NFPA 13-1999, Installation of Sprinkler Systems; and NFPA 54-1999, National Fuel Gas Code.

(A more detailed comparison of the 2000 IMC and IFGC, the current chapter Comm 64, and this proposal is available at <http://www.commerce.state.wi.us/SB/SB-RuleChanges.html> or can be obtained from Roberta Ward at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us) or at telephone 608/266-8741 and 608/264-8777, TTY.)

### *Chapter Comm 65*

This rule revision, which creates chapter Comm 65, relating to Fuel Gas Appliances, includes adoption of the 2000 *International Fuel Gas Code*<sup>®</sup>, with various omissions, additions or substitutions.

The following listing is a summary of the major concerns identified by the Department and the HVAC Specialty Council relating to the use and application of the IFGC and recommendations for changes and additions to or omissions from the IFGC.

1. Like the *International Mechanical Code*<sup>®</sup>, the IFGC requires that all appliances be listed and labeled unless approved as a modification. The proposal is to retain current code provisions which outline the Wisconsin process and the information and testing needed for this review. The IFGC is silent on what rule applies when the manufacturer's instructions may be in conflict with rule provisions. The proposal is to duplicate the provision in chapter Comm 64 and provide consistency for all fuel types. The IFGC is also silent on the clearances, guarding, appliance marking, and piping supports; the proposal is to duplicate the provisions proposed in chapter Comm 64. As in chapter Comm 64, a requirement for written instructions on operation and maintenance is proposed. [See sections Comm 65.0301 and 65.0304]
2. Current Wisconsin provisions prohibit the use of unvented space heaters because of the tight construction of Wisconsin buildings; this prohibition is proposed for both chapters Comm 64 and 65. [Comm 65.0303 (2) and 65.0620]
3. As in chapter Comm 64, the proposal is to retain current provisions that recognize Wisconsin's severe climate in that heat exchangers and burners must be made of corrosion resistant material. [Comm 65.0303 (1)]
4. As in chapter Comm 64, the equipment testing and balancing provisions are proposed such that these two chapters will be consistent for all fuel types. [Comm 65.0305]
5. The proposal is to continue some current Wisconsin provisions for use of indoor air for combustion in "tight" construction, consistent with provisions for other fuel types under chapter Comm 64. [Comm 65.0304]

6. The 2000 IFGC does not include the various provisions previously contained in 1998 IMC with regard to combustion air; the proposal is to maintain these requirements and be consistent for all fuel types. [Comm 65.0304]
7. The IFGC is also silent on various requirements for safe installation of combustion air ducts and outside air intake openings. The proposal is to duplicate these provisions from chapter Comm 64. [Comm 65.0304 and Comm 65.0620]
8. The proposal is to be consistent with chapter Comm 64 and not require platforms for fan only installations. [Comm 65.0306]
9. The current requirements for gas piping (using the NFPA 54 standard) are proposed to be retained. [Comm 65.0400]
10. The proposal is to not allow the installation of a number of unvented appliances as under the current code. Products of combustion in buildings may cause concern for safety and health and structural damage. [Comm 65.0501]
11. The proposal is to be consistent for all fuel types in termination of venting system and setback distances between outside air intakes and containment sources. [Comm 65.0503]
12. The proposal is also consistent for all fuel types for requirements for suspended duct furnaces. [Comm 65.0609]
13. Also, the American Institute of Architects (AIA), R673-1996-97, (Guidelines for Construction and Equipment of Hospital and Medical Facilities) as is used by DHFS is adopted in this chapter.

(A more detailed comparison of the 2000 IMC and IFGC, the current chapter Comm 64, and this proposal is available at <http://www.commerce.state.wi.us/SB/SB-RuleChanges.html> or can be obtained from Roberta Ward at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us) or at telephone 608/266-8741 and 608/264-8777, TTY.)

## Chapter Comm 66

The Department has the responsibility to supervise every public building and place of employment, including the fire safety aspects, in order to protect the life, health, safety and welfare of every employee, frequenter, tenant and firefighter. The changes contained in this proposal, including adoption of the *International Fire Code*<sup>®</sup> (IFC), are intended to update code requirements and adopted national standards relating to building construction, building equipment, commodity storage and isolation, fire prevention, fire detection, and fire suppression as one part of that responsibility.

The IFC is divided into the following 45 chapters that cover fire safety hazards in the areas of general fire safety requirements, hazardous structures, hazardous operations and hazardous materials:

1. Administration	24. Tents & Other Membrane Structures
2. Definitions	25. Tire Rebuilding & Tire Storage
3. General Precautions Against Fire	26. Welding & Other Hot Work
4. Emergency Planning & Preparedness	27. Hazardous Mat'ls-General Provisions
5. Fire Service Features	28. Aerosols
6. Building Services & Systems	29. Combustible Fibers
7. Fire-Resistance-Rated Construction	30. Compressed Gases
8. Interior Finish, Decorative Mat'l & Furnishings	31. Corrosive Materials
9. Fire Protection Systems	32. Cryogenic Fluids
10. Means of Egress	33. Explosives & Fireworks
11. Aviation Facilities	34. Flammable & Combustible Liquids
12. Dry Cleaning	35. Flammable Gases
13. Combustible Dust-Producing Operations	36. Flammable Solids
14. Fire Safety During Construction & Demolition	37. Highly Toxic & Toxic Materials
15. Flammable Finishes	38. Liquefied Petroleum Gases
16. Fruit & Crop Ripening	39. Organic Peroxides
17. Fumigation & Thermal Insecticidal Fogging	40. Oxidizers
18. Semiconductor Fabrication Facilities	41. Pyrophoric Materials
19. Lumber Yards & Woodworking Facilities	42. Pyroxylin (Cellulose Nitrate) Plastics
20. Manufacture of Organic Coatings	43. Unstable (Reactive) Materials
21. Industrial Ovens	44. Water-Reactive Solids & Liquids
22. Service Stations & Repair Garages	45. Referenced Standards
23. High-Piled Combustible Storage	

The IFC includes topics that are currently covered under several other Wisconsin administrative code chapters. Adoption of the IFC will facilitate the process of updating these requirements in unison on a regular basis. The IFC is designed to work together with the *International Building Code*, the *International Mechanical Code*, the *International Energy Efficiency Code*, and the *International Fuel Gas Code*.

In this proposal, 8 chapters of the IFC are omitted. These 8 IFC chapters are: IFC 11 - Aviation Facilities, IFC 12 - Dry Cleaning, IFC 22 - Service Stations and Repair Garages, IFC

30 - Compressed Gases, IFC 33 - Explosives and Fireworks, IFC 34 - Flammable and Combustible Liquids, IFC 35 - Flammable Gases, and IFC 38 - Liquid Petroleum Gases. These 8 chapters cover topics that are currently covered by other rules administered by Commerce. The department is planning to update the topics covered by these 8 IFC chapters, with the effective date coordinated with the rest of this proposal.

Chapter 45 of the IFC incorporates many national standards by reference into the code. These include 88 standards produced by the National Fire Protection Association, many of which are already familiar to users of Wisconsin's codes.

In general, the IFC requirements are at least equivalent and in most cases, more detailed than the fire safety requirements contained in the current editions of the corresponding Wisconsin Administrative Code chapters.

Adoption of the IFC will expand the scope and application of fire safety regulations in Wisconsin. There are many fire hazards addressed in the IFC that have not been covered in Comm 14, the Fire Prevention Code, in the past. The IFC provides guidance for the building owner and the fire code official to ensure that fire hazards are identified and appropriate fire prevention procedures, and fire protection features, are provided based upon the specific hazard. The IFC is structured to manage the risks associated with fire and explosions within buildings, structures and upon the premises. The application of the IFC as proposed in the rules will provide for safe operations and processes in both new and existing properties.

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*File reference: IBC/Analysis*

REMARKS BY  
MARTHA KERNER, EXECUTIVE ASSISTANT  
DEPARTMENT OF COMMERCE  
JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES  
FEBRUARY 20, 2001

GOOD MORNING. I AM PLEASED TO HAVE THIS OPPORTUNITY TO COME BEFORE THE COMMITTEE TO DISCUSS THE PROPOSED RULE PACKAGE CONCERNING THE ADOPTION OF THE INTERNATIONAL CODE COUNCIL'S BUILDING AND FIRE SAFETY CODES.

LET ME BEGIN BY PROVIDING YOU WITH A SHORT UPDATE OF WHERE THE DEPARTMENT IS IN THE PROCESS WITH RESPECT TO THE RULE, FOLLOWED BY A BRIEF HISTORY OF THE DEPARTMENT'S APPROACH TO CODE DEVELOPMENT.



THE RULE PACKAGE UNDER CONSIDERATION INCLUDES FIVE (5) CODES DEVELOPED BY THE INTERNATIONAL CODE COUNCIL.... OR THE ICC. THEY ARE:

- ◆ INTERNATIONAL BUILDING CODE
- ◆ INTERNATIONAL ENERGY CONSERVATION CODE
- ◆ INTERNATIONAL MECHANICAL CODE
- ◆ INTERNATIONAL FUEL GAS CODE
- ◆ INTERNATIONAL FIRE CODE

IN JANUARY, THE DEPARTMENT HELD FOUR (4) PUBLIC HEARINGS THROUGHOUT THE STATE.... IN RICE LAKE, GREEN BAY, WAUKESHA, AND MADISON.

THE PUBLIC COMMENT PERIOD ENDED ON FEBRUARY 9<sup>TH</sup>. CURRENTLY WE ARE REVIEWING THE COMMENTS AND PREPARING RESPONSES TO THOSE COMMENTS.

WISCONSIN HISTORICALLY HAS BEEN VERY PROGRESSIVE IN THE AREA OF CODE DEVELOPMENT.... AND DEVELOPED THE NATION'S FIRST STATE BUILDING CODE IN 1914.

UNTIL RECENTLY, THERE WERE THREE COMPETING NATIONAL CODES BEING USED THROUGHOUT THE COUNTRY, AS WELL AS INDIVIDUAL STATE CODES SUCH AS THE ONE USED IN WISCONSIN. NEW YORK AND WISCONSIN ARE THE ONLY STATES IN THE NATION THAT ARE STILL USING STATE-WRITTEN CODES, AND NEW YORK IS MOVING TO THE ICC CODES ALSO.

ABOUT SIX YEARS AGO, THE THREE NATIONAL CODE GROUPS DECIDED TO WORK TOGETHER AS A SINGLE ORGANIZATION CALLED THE INTERNATIONAL CODE COUNCIL AND DEVELOP AN INTEGRATED SUITE OF CODES. AROUND THE SAME TIME, THE DEPARTMENT OF COMMERCE BEGAN TO EVALUATE

MOVING FROM ITS STATE-WRITTEN CODE TO A NATIONAL CODE..... AND BECAME AN ACTIVE PARTICIPANT IN THE DEVELOPMENT OF THE ICC CODES.

IN PUBLIC COMMENT, WE'VE HEARD THAT THE ICC CODES OFFER THE FOLLOWING ADVANTAGES:

- ◆ THEY INCORPORATE THE LATEST SAFETY STANDARDS.
- ◆ THEY ARE AN IMPROVEMENT OVER WISCONSIN'S CURRENT STATE-WRITTEN CODE BECAUSE THEY PROVIDE ENHANCED PUBLIC, WORKER AND FIREFIGHTER SAFETY, RECOGNITION OF CURRENT BEST PRACTICES, AND EASE OF USE BY OUR CUSTOMERS.
- ◆ AND THEY CAN BE APPLIED NATIONALLY AND INTERNATIONALLY.... THE PROPOSED CODES PROMOTE DESIGN AND CONSTRUCTION EFFICIENCIES, AND ARE INTEGRATED TO ELIMINATE CONFLICTING PROVISIONS AND CONFUSION. ALSO, THE ADOPTION OF SIMILAR CODES IS ADVANTAGEOUS TO STATES BECAUSE SIMILAR REGULATIONS

FOSTER INTERSTATE COMMERCE. OUR NEIGHBORING STATES OF MINNESOTA AND MICHIGAN ARE ADOPTING THE ICC CODES. ILLINOIS IS A "HOME RULE" STATE THAT ALLOWS MUNICIPALITIES TO ADOPT THEIR OWN CODES... AND THE CHICAGO IS ALSO IN THE PROCESS OF CHANGING TO AN ICC CODE.

FOR THE PAST SEVERAL YEARS, DEPARTMENT STAFF AND MEMBERS OF EIGHT (8) CITIZEN ADVISORY CODE COUNCILS HAVE BEEN EVALUATING THE USE OF NATIONAL MODEL BUILDING AND FIRE CODES. ALL EIGHT (8) ADVISORY COUNCILS HAVE RECOMMENDED THAT THE ICC CODES BE ADOPTED. THE COUNCILS ARE:

- COMMERCIAL BUILDING CODE COUNCIL
- MULTIFAMILY DWELLING CODE COUNCIL
- MEANS OF EGRESS AND ACCESSIBILITY CODE COUNCIL
- ELEVATOR CODE COUNCIL
- STRUCTURAL REVIEW CODE COUNCIL
- ENERGY CONSERVATION CODE COUNCIL

- HEATING, VENTILATING AND AIR CONDITIONING CODE COUNCIL
- FIRE SAFETY COUNCIL

THESE COUNCILS INCLUDE A CROSS SECTION OF FORTY (40) OF OUR STATE'S BUILDING AND SAFETY ORGANIZATIONS IN THEIR MEMBERSHIP, WITH NO SINGLE INTEREST HAVING MAJORITY REPRESENTATION ON ANY INDIVIDUAL COUNCIL.

SINCE THE ICC CODES WERE DEVELOPED, OTHER NATIONAL ORGANIZATIONS SUCH AS THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) HAVE ANNOUNCED THAT THEY INTEND TO DEVELOP A SUITE OF BUILDING CODES ALSO.

HOWEVER, THE ICC HAS ALREADY UNDERGONE ITS DEVELOPMENT PROCESS, ITS ADVANTAGES ARE AVAILABLE TO WISCONSIN NOW.

BY CONTRAST, IT WILL TAKE A MINIMUM OF THREE YEARS FOR THE DEVELOPMENT AND ADOPTION OF AN ALTERNATIVE NATIONAL SUITE OF CODES THAT MAY OR MAY NOT OFFER THE SAME ADVANTAGES.

FOR EXAMPLE, THE ICC CODES DO NOT APPLY RETROACTIVELY. MANY GROUPS, SUCH AS 1,000 FRIENDS OF WISCONSIN, SUPPORT CODES THAT PROVIDE FLEXIBILITY IN THE REHABILITATION AND REUSE OF EXISTING BUILDINGS. THEY OPPOSE THE RETROACTIVE APPLICATION OF CODES BECAUSE THIS WOULD REDUCE THE ECONOMIC VALUE OF THE EXISTING BUILDING STOCK RELATIVE TO NEW CONSTRUCTION ON "GREENFIELD" SITES.

THE ICC CODES ARE ALSO "MINIMUM" CODES. MUNICIPALITIES MAY ADD LOCAL CODE PROVISIONS BY ORDINANCE COVERING MULTIFAMILY DWELLINGS BUILT BEFORE 1995 AND ALL COMMERCIAL STRUCTURES. IN OTHER WORDS, MUNICIPALITIES COULD ADOPT NFPA CODES IN ADDITION TO THE ICC FIRE CODE IF THEY SO DESIRED.

WHEN SPEAKING SPECIFICALLY ABOUT THE ICC FIRE CODE, ALL THE INTERESTED PARTIES AGREE THAT IT IS SUPERIOR TO THE EXISTING STATE CODE BECAUSE IT SPECIFIES IN DETAIL SAFE PRACTICES FOR THE USE OF EXISTING BUILDINGS AND THE STORAGE AND HANDLING OF COMMODITIES AND MATERIALS WITHIN THE BUILDING.

AT ONE POINT DURING THE CODE DEVELOPMENT PROCESS, OUR ADVISORY COUNCILS HAD RECOMMENDED A COMPARISON BETWEEN THE EXISTING NFPA FIRE CODE AND THE ICC FIRE CODE.... AND DEPARTMENT STAFF BEGAN THE COMPARISON. THEN, THE NFPA ANNOUNCED THAT THEY INTENDED TO COMPLETELY REWRITE THEIR FIRE CODE AS PART OF THE DEVELOPMENT OF A NATIONAL SUITE OF CODES. FURTHERMORE, THE FIRE SERVICE ORGANIZATIONS INDICATED THAT THEY FAVORED THE NFPA CODES REGARDLESS OF THE OUTCOME OF THE COMPARISON.

THESE EVENTS LED TO SUSPENSION OF THE COMPARISON BETWEEN THE NFPA FIRE CODE AND THE ICC FIRE CODE.... AND A RECOMMENDATION FROM OUR ADVISORY COUNCILS TO SUPPORT THE ICC FIRE CODE.

IT IS IMPORTANT TO NOTE THAT SECTION 101.14(4)(c) 1, WISCONSIN STATUTES, DIRECTS THE DEPARTMENT TO USE THE CODE DEVELOPED BY AN ORGANIZATION KNOWN AS BOCA.... BUILDING OFFICIALS AND CODE ADMINISTRATORS... AS THE BASIS FOR THE STATE'S CODE GOVERNING FIRE DETECTION, PREVENTION, AND SUPPRESSION IN PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT.

THE ICC CODE IS THE CONTINUATION OF THE BOCA CODE... SO THE DEPARTMENT WOULD REMAIN WITHIN THE LAW BY USING THIS CODE.

RECENTLY, THE DEPARTMENT HAS BEEN MEETING WITH GROUPS SUCH AS THE WISCONSIN FIRE AND EMS LEGISLATIVE LEADERSHIP COALITION...THE

WISCONSIN REALTORS ASSOCIATION...THE WISCONSIN ASSOCIATION OF CONSULTING ENGINEERS...THE WISCONSIN ASSOCIATION OF ARCHITECTS...THE MUNICIPAL BUILDING INSPECTORS ASSOCIATION...AND ASSOCIATED BUILDERS AND CONTRACTORS.

AND WE CONTINUE TO BE OPEN TO COMMENTS AND SUGGESTIONS AS WE MOVE THROUGH THE REVIEW PROCESS.

NEXT MONTH, THE DEPARTMENT WILL DISCUSS THE COMMENTS RECEIVED FROM THE PUBLIC HEARINGS AND FROM OTHER INTEREST GROUPS WITH TWO OF OUR ADVISORY COUNCILS...THE COMMERCIAL BUILDING CODE COUNCIL AND THE MULTIFAMILY DWELLING CODE COUNCIL.... AND DETERMINE OUR NEXT COURSE OF ACTION.

AGAIN, THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMITTEE TODAY. WE ARE HAPPY TO TAKE YOUR QUESTIONS.



**AGC** of Wisconsin

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## **AGC of Wisconsin Testimony in Support of Proposed Wisconsin Commercial Building Code Changes**

February 20, 2001

AGC of Wisconsin supports the recommendation made by the Wisconsin Commercial Building Code Council and the Safety and Buildings Division to adopt the amended suite of International Commercial Codes (ICC) in Wisconsin. AGC feels that this new set of codes will be more cost effective and efficient for contractors and consumers, while at the same time enhancing building safety for Wisconsin's citizens and fire fighters over our current code.

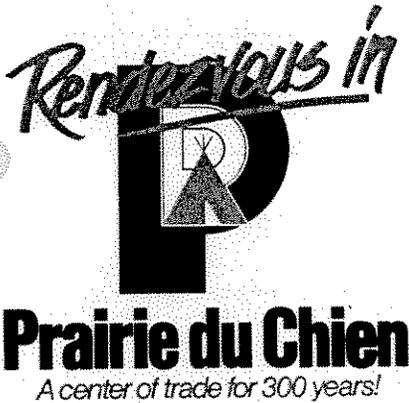
AGC of Wisconsin had a representative on the Committee that spent 3-years studying and discussing every aspect of the proposed new code. Where the standard ICC provisions did come up to Wisconsin standards, we developed our own standards. These local changes were affectionately known as "Wisconsinisms." Everyone on the Committee, including the fire services, had an opportunity to give their input to these changes. No one on the Committee, not contractors, architects, municipal officials or the fire services, got everything they wanted. But we worked together to develop standards that everyone could live with.

If there are new specific issues that were not discussed during these regular committee meetings, I am sure the Building Code Committees and Dept. of Commerce would be glad to look at them. But we don't think that all of the work that these people put in to develop a compromise package should be thrown out at this late stage.

Adoption of this code will help us to maintain Wisconsin's reputation as being leader in building code innovation and development. In this fast changing world, it is critically important for us to be able to utilize the very latest in construction equipment, materials and techniques. For contractors, it is also important to maintain the consistency of a unified set of building codes. The International Fire Code was specifically developed to integrate seamlessly with the rest of the ICC codes. Using the same terminology and reference system makes the ICC suite of codes more efficient and easy to use.

For all of these reasons, AGC of Wisconsin opposes any recommendations to delay or prevent the currently proposed building code proposal from being adopted.

Thank you for your consideration.



# Fire Department City of Prairie du Chien

720 Blackhawk Avenue  
Prairie du Chien, Wisconsin 53821  
Phone: (608) 326-4365



Mark Hoppenjan  
Fire Chief

## Joint Committee for the Review of Administrative Rules Public Hearing February 20, 2001

Ladies and Gentlemen:

My name is Mark Hoppenjan; I am the Fire Chief of the City of Prairie du Chien Fire Department and the views represented here are the views of my department.

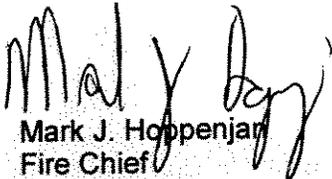
At this time we oppose the adoption of the International Code Councils Suite of codes for the following reasons:

- A true and accurate comparison has yet to be completed. The ICC was compared to the current building codes used by the State of Wisconsin which most will agree need to be updated. I am sure the ICC Suite of codes was by far the better of the two codes however, that comparison would be like comparing apples to oranges. A true comparison would have included another performance based code such as NFPA's 5000™.
- The Department of Commerce has stated that a comparison of the NFPA Code would delay the adoption of a new building code until the year 2006. I do not see how this would be when the last comparison took just over three years. NFPA 5000™ is available now in draft form and could be used to start the comparison. The final NFPA 5000™ document is scheduled to be completed by the fall of 2003 and could be ready for adoption in the State by 2004. The ICC Suite was in the draft form when the original comparison was started so the argument Commerce can not use a draft document, as a comparison is false.
- Finally, the Department of Commerce added a new position to the Commercial Code Council the first part of November 2000 this position was apparently created to give the Department of Commerce the needed votes to get this proposed rule passed. Weather or not this is the case I do not feel a change in the structure of this Council was appropriate at that time. This could not have been done if the Department of Commerce still had the Statutorily created Wisconsin Fire Prevention Council that was disbanded in 1996. When this

CC  
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Council was disbanded an advisory council was created which can and has been manipulated by the Department of Commerce to meet their needs.

It therefore is the contention of the City of Prairie du Chien Fire Department that the State of Wisconsin does needs to adopt a new building code and fire code however, we feel the process must be stopped and a fair and complete comparison must be made between the ICC suite and the NFPA suite of codes to insure the Citizens and Firefighters of Wisconsin work in the safest building available.



Mark J. Hoppenjan  
Fire Chief  
City of Prairie du Chien  
02/20/01



## **Associated Builders & Contractors of Wisconsin, Inc.**

2601 Crossroads Drive, Suite 140 \* Madison, WI 53718 \* 608-244-5883 \* FAX 608-244-2401

January 15, 2001

Sam Rockenweiler

Department of Commerce, Program Development Bureau

P.O. Box 2689

Madison, WI 53701-2689

Dear Mr. Rockenweiler:

Associated Builders and Contractors of Wisconsin supports the adoption in Wisconsin of the five model codes developed through the International Code Council (International Building Code, International Energy Conservation, International Mechanical Code, International Fuel Gas Code, and the International Fire Code).

When the three national model building codes came together in the mid-nineties to develop a true national code, it made sense for the Safety and Buildings Division to again revisit the issue of adoption in Wisconsin.

Last year the decision to adopt these model codes was endorsed by all eight advisory councils representing many professional organizations including the construction industry, architects, and, engineers.

The adoption of these model codes as the basis for the state's commercial building code will improve public safety by providing integrated code development with the latest national and international standards. As a result, Wisconsin residents will be involved in the ongoing development of model codes.



Architecture | Engineering | Planning

February 15, 2001

WRITER'S DIRECT DIAL (414) 278-3301

Representative Glenn Grothman  
Wisconsin Assembly  
P.O. Box 8952  
Madison, Wisconsin 53707-8952

Re: International Building Code

Dear Representative Grothman:

I am writing to urge you to support the passage of the proposed International Building Code. This proposed building code is scheduled for a public hearing on Tuesday, February 20, 2001. Your support and communication with the Joint Committee for Review of Administrative Rules is essential for this legislation.

As an architect who practices in several states, a uniform building code is long overdue. Regional codes act as a restraint to full understanding of the health, safety and welfare issues confronting the building trade. This code has been researched and found to be similar to the Wisconsin Building Code and is supported by the American Institute of Architects as well as several contractor, builder and realtor organizations. Adoption of this model code would also reduce the cost of construction and enable designers to creatively meet the needs of the general public.

Thank you for your consideration of this issue.

Sincerely,

HAMMEL, GREEN AND ABRAHAMSON, INC.

Cherie K. Claussen, AIA  
Vice President and Regional Office Director

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## **Associated Builders & Contractors of Wisconsin, Inc.**

2601 Crossroads Drive, Suite 140 \* Madison, WI 53718 \* 608-244-5883 \* FAX 608-244-2401

February 20, 2001

State Senator Judith Robson, Co-Chair, JCRAR  
Wisconsin State Capitol  
Room 15 South  
Madison, WI 53707-7882

State Representative Glenn Grothman, Co-Chair, JCRAR  
Wisconsin State Capitol  
Room 15 North  
Madison, WI 53708-8952

### **RE: Adoption of Model Building Codes**

Dear Sen. Robson and Rep. Grothman:

Associated Builders and Contractors of Wisconsin supports the adoption in Wisconsin of the five model codes developed through the International Code Council (International Building Code, International Energy Conservation, International Mechanical Code, International Fuel Gas Code, and the International Fire Code).

#### **1. ICC Codes are Widely Used**

- ✓ Three national building code organizations (BOCA, ICBO and SBCCI) joined together in 1994 to develop a single suite of integrated codes under the ICC banner.
- ✓ The vast majority of states and municipalities that adopt building codes use those codes written by ICC organizations.

#### **2. ICC codes are an improvement over the current code, their adoption has been well considered, and they should be adopted without delay.**

- ✓ The ICC code incorporates the latest integrated national and international building and fire safety standards.
- ✓ Eight advisory councils were involved in reviewing the five codes during the period 1997 to 2000. All eight advisory councils voted to proceed with the adoption of the five codes without delay.

- ✓ Wisconsin can enjoy the full advantages of the ICC code now. It will take a minimum of four years for the development and adoption of an alternative national code that may or may not offer the same advantages.

### **3. Municipalities may Adopt Additional Fire Codes**

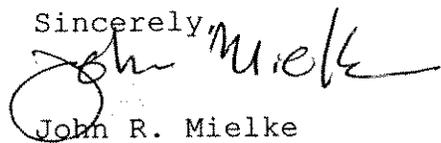
- ✓ Both the ICC Code and the state's existing commercial building and fire prevention codes are "minimum" codes.
- ✓ Municipalities may develop local code provisions by ordinance as long as those provisions do not contradict state codes.
- ✓ Municipalities could adopt National Fire Protection Association (NFPA) codes in addition to the ICC fire code if they so desired.

### **4. ABC is strongly opposed to the retroactive application of as proscribed by the NFPA codes**

- ✓ This would be contrary to the department's position that the construction of a building is regulated by the state building code in effect at the time of construction.

Thank you for the opportunity to provide our position on the issue. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



John R. Mielke  
Director of Government Relations

# AIA Wisconsin

A Society of The American Institute of Architects

August 31, 2000



Mr. David M. Wheaton  
Chief Building Inspector  
City of Wauwatosa  
7725 W. North Ave.  
Wauwatosa, WI 53213-0068

RE: WISCONSIN'S TRANSITION TO INTERNATIONAL BUILDING CODE

Dear Mr. Wheaton:

AIA Wisconsin, the state society of The American Institute of Architects, strongly supports the efforts by the Safety & Buildings Division of the Department of Commerce and its advisory code councils to build consensus for the adoption of the *International Building Code* with as few "Wisconsinisms" as possible. Building consensus among the various groups interested and involved in this important state code transition process is a hard job; and we've been impressed with the commitment to this task and the progress made so far.

I am writing to encourage your help as a member of the Fire Safety Code Council in keeping Wisconsin's transition to the *International Building Code* on track. The adoption of the *IBC* in Wisconsin will have many benefits; and it should not be delayed. Much time and effort over the past two years has gone into the state's review of the *IBC* and associated codes.

AIA Wisconsin, which represents 1,300 architects and allied professionals in private practice, business, industry, government and education, also would like to enlist your support in recommending the adoption of the *International Fire Code* in conjunction with the *IBC*. This would result in a well-integrated and consistent code package that would greatly reduce the number of otherwise necessary "Wisconsinisms," enhance code understanding, compliance and enforcement, facilitate future code updates and strengthen state fire code requirements.

The *IFC* is designed to work with and complement the *IBC*. It just makes sense to adopt it at the same time as part of the suite of International Code Council codes. We are not aware of any technical objections to the adoption of the *IFC* in Wisconsin. Municipalities still would have the option to approve more stringent fire code provisions if they so desire.

On behalf of the members of AIA Wisconsin, thank you for your consideration of our position in support of the adoption of the *International Building Code* without undue delay and our recommendation that the *International Fire Code* be adopted with the *IBC*. We look forward to working with you on code issues of mutual interest and concern.

Cordially,

AIA Wisconsin

William M. Babcock  
Executive Director

321 S. Hamilton Street  
Madison, WI 53703-4000  
608.257.8477 Telephone  
608.257.0242 Fax  
aiaw@aiaw.org Email



# MADISON FIRE DEPARTMENT

325 W. JOHNSON ST. MADISON, WISCONSIN 53703-2295

DEBRA H. AMESQUA  
FIRE CHIEF

September 1, 2000

TELEPHONE: 608/266-4420  
FAX: 608/267-1100  
INTERNET: fire@ci.madison.wi.us

William M. Babcock, Executive Director  
AIA Wisconsin  
321 S. Hamilton St  
Madison WI 53703-4000

RE: AIA Wisconsin Position on IBC & IFC (Reply)

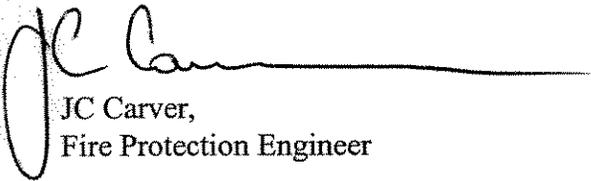
Dear Mr. Babcock:

I have read your letter regarding AIA's support and recommendation for the adoption of the International Fire Code in conjunction with the International Building Code. It is the belief of the City of Madison Fire Department and the City's Building Department that the State move in this direction also.

I will share your letter with Fire Marshal Edwin J. Ruckriegel and with my alternate to the Fire Safety Code Council, Daniel Meneguini.

Again, I thank you for your input.

Sincerely,

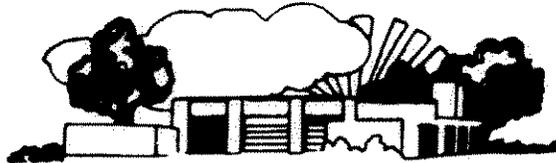
  
JC Carver,  
Fire Protection Engineer

---

cc: Edwin J. Ruckriegel, Fire Marshal — MFD

Telephones:  
Emergency 911

Business 545-7946  
FAX 545-8875



Roland J. Poppy  
Fire Chief

Russell R. Spahn  
Assistant Fire Chief

## GREENFIELD FIRE DEPARTMENT

September 4, 2000

4333 So. 92nd. Street  
Greenfield, Wisconsin 53228

William M. Babcock, Executive Director, AIA Wisconsin  
321 S. Hamilton Street  
Madison, WI 53703-4000

RE: AIA letter dated August, 31, 2000

Dear Executive Director Babcock:

I truly appreciate the AIA support of the Fire Safety Code Council. However, it is misdirected toward myself and the Wisconsin Fire Inspector's Association whom I represent on the Council. The AIA is merely interested in the International Fire Code because it makes their job easier. The Fire Inspectors Associations interest in a fire code is life safety, which traditionally does not come easy for the fire service. The fire service has had to fight government officials and organizations like the AIA over the past 100 years to prove that quality codes can save lives and that minimum codes are established at the expense of people's lives. The code your organization is interested in save you money and make your life easier. That philosophy and lack of concern for other people's lives disgusts me and every member of my profession.

I have fought too many fires in poorly designed buildings, and carried out too many fire victims to know the difference between a good fire code and the AIA's choice of a fire code. Your comment stating that, "Municipalities still would have the option to approve more stringent fire code provisions if they so desire.", tells me that you would like the easy way out. I am interested in a quality fire code for the entire state of Wisconsin, not one that most, if not all the municipalities will challenge.

Your letter of August 31, 2000 was an insult to my intelligence and the commitment that I made to the Fire Safety Code Council. The Council's aim is to compare and choose the best fire safety code based on its merits, not because the AIA tells us which one to take.

Sincerely,

A handwritten signature in cursive script that reads "Russ Spahn".

Russ Spahn  
Assistant Fire Chief  
Fire Safety Code Council Member, Wisconsin Fire Inspector's Assn.



**AGC** of Wisconsin

4814 East Broadway, Madison, WI 53716 · (608) 221-3821 · Fax: (608) 221-4446

## **AGC of Wisconsin Testimony in Support of Proposed Wisconsin Commercial Building Code Changes**

February 20, 2001

AGC of Wisconsin supports the recommendation made by the Wisconsin Commercial Building Code Council and the Safety and Buildings Division to adopt the amended suite of International Commercial Codes (ICC) in Wisconsin. AGC feels that this new set of codes will be more cost effective and efficient for contractors and consumers, while at the same time enhancing building safety for Wisconsin's citizens and fire fighters over our current code.

AGC of Wisconsin had a representative on the Committee that spent 3-years studying and discussing every aspect of the proposed new code. Where the standard ICC provisions did not come up to Wisconsin standards, we developed our own standards. These local changes were affectionately known as "Wisconsinisms." Everyone on the Committee, including the fire services, had an opportunity to give their input to these changes. No one on the Committee, not contractors, architects, municipal officials or the fire services, got everything they wanted. But we worked together to develop standards that everyone could live with.

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Adoption of this code will help us to maintain Wisconsin's reputation as being leader in building code innovation and development. In this fast changing world, it is critically important for us to be able to utilize the very latest in construction equipment, materials and techniques. For contractors, it is also important to maintain the consistency of a unified set of building codes. The International Fire Code was specifically developed to integrate seamlessly with the rest of the ICC codes. Using the same terminology and reference system makes the ICC suite of codes more efficient and easy to use.

For all of these reasons, AGC of Wisconsin opposes any recommendations to delay or prevent the currently proposed building code proposal from being adopted.

Thank you for your consideration.

February 20, 2001

My name is Gene Endthoff, I am the Director of Codes for the National Fire Sprinkler Association. My address is 429 South Locust Street in Sycamore, IL. I have over 20 years experience in the development of model building codes as the representative to all the model code hearings. *INCLUDING NFPA 101 & NFPA 1*

Over the last three years I have been directly involved in the development of the new International Building Code. The International Building Code is in reality the best of three model building codes and the NFPA Life Safety Code. It has been through 6 drafts and 2 full code change cycles and the approved by both fire and building officials from across the nation. It is the latest edition of the model codes and the only up to date building code available. It is currently recognized by the ~~IB~~, FEMA, HUD and other national organizations as having the latest in building protection against natural disasters such as tornados.

The Insurance industry recognizes <sup>it</sup> for compliance with the new BCEGS Building Code Effectiveness Grading Schedule that will have a direct impact on local insurance costs.

The IBC contains many advantages over your current construction requirements. It will improve fire safety while reducing construction costs. It has over 100 design options that will make building a non-sprinklered building economically foolish. As more of your buildings are sprinklered municipal costs can be reduced which is important for the taxpayers of the state.

Wisconsin needs this new code now; the decision to wait for three years is not in your best interests. Adopt the IBC now and if in three years a new and better code is available change to that code. Don't wait the IBC is available it has been recommended for adoption by your code review committees and can work for you now.

Thank You

# AIA Wisconsin

A Society of The American Institute of Architects



**Public Hearing on Proposed State Building Code, Comm 61-66**  
Joint Committee for Review of Administrative Rules  
Senator Robson and Representative Grothman, Co-Chairs  
February 20, 2001

Co-Chairs and Committee Members:

I am William Babcock, Executive Director of AIA Wisconsin, the state society of The American Institute of Architects (AIA).

AIA Wisconsin supports the adoption of the International Building Code and the related family of international model codes as the state building code in Wisconsin. We believe the adoption of the proposed administrative rules, Comm 61-66, will improve state building code requirements, enhance code understanding, compliance and enforcement, facilitate future code updates and benefit the citizens of Wisconsin. For these reasons and others, the adoption of the proposed state building code rules should not be delayed.

AIA Wisconsin members believe it is important for the state building code to be contemporary, comprehensive and coordinated. The suite of integrated model codes developed by the International Code Council (ICC) is the only one that currently meets these criteria. The existing Wisconsin state building code has not gone through a comprehensive review and updating for about ten years; and the patchwork of modifications over the years has made it more difficult to understand and interpret the current code as well as to accommodate new and improved building materials, technologies, systems and design solutions. The development of a comprehensive model building code by the National Fire Protection Association (NFPA) remains years away from completion; and it may or may not end up being compatible with ICC model code provisions.

AIA Wisconsin members also believe it is important for the administrative rule-making process to encourage broad public and professional input and active participation in the development of the proposed state building code. This certainly has been the case for the development of proposed Comm 61-66. Building consensus among the various groups interested in the state building code is not an easy task. AIA Wisconsin has commended the staff of the Safety & Buildings Division and the members of the advisory code councils for their thorough and conscientious review and evaluation of the proposed state building code provisions over the past three years.

321 S. Hamilton Street  
Madison, WI 53703-4000  
608.257.8477 Telephone  
608.257.0242 Fax  
aiaw@aiaaw.org Email

**Public Hearing on Proposed State Building Code, Comm 61-66**

February 20, 2001

Page 2

As an example of how open and inclusive the code development process has been, a copy of a letter that AIA Wisconsin sent last August to every member of the Fire Safety Code Council is attached. It outlines AIA Wisconsin's support for the adoption of the International Fire Code (IFC) as part of the proposed state building code package. While AIA Wisconsin did not have a representative on the Fire Safety Code Council, we still had an opportunity to present our position and to request that it be considered by the members of this advisory council. The two letters received in reply also are attached for your reference and to illustrate the divergent opinions of the fire service representatives.

The IFC provisions in proposed Comm 66 would improve, strengthen and expand Wisconsin's current fire prevention code requirements. In addition, the IFC is designed to work with and complement the proposed building code. We are not aware of any technical objectives to the adoption of the proposed IFC provisions in Wisconsin. It is our understanding that some fire service representatives prefer NFPA codes because they could be applied retroactively to existing buildings. However, Wisconsin traditionally has not required existing buildings to comply with new code requirements because of the significant adverse economic impact that would be imposed on building owners.

On behalf of the members of AIA Wisconsin, I encourage you to support the adoption of the proposed state building code without delay. The result will be a contemporary, coordinated and comprehensive building code that provides greater protection to the public.

## Fire Service Involvement in Commerce Advisory Groups

February 16, 2001

Since 1997, the Department of Commerce has been working with advisory code councils considering the adoption of national model codes. Additionally, during the same period of time, other code councils and task groups met to discuss other fire safety related projects and code revisions.

Below is a table showing Commerce advisory code councils and task groups that have fire service representatives on them. The number of fire service members in each advisory group and the number of meetings is also shown. Thirty-nine fire service representatives have been involved and participated in the current code development process since January 1997. 108 meetings of code councils and task groups have been held since January 1997.

Council/Task Group Name	# of Fire Service Participants	# of Meetings since Jan. 1997
Commercial Building Code Council	2 of 14 members	21
Elevator Code Council	1 of 10 members	13
Explosive Materials Code Council	1 of 7 members	6
Fire Department Dues Task Group	6 of 7 members	7
Fire Department Health and Safety Code Council	7 of 7 members	3
Fire Incident Reporting Task Group	6 of 12 members	3
Fire Protection Systems Plan Review Task Group	4 of 8 members	2
Fire Safety Code Council	5 of 11 members	20
Flammable and Combustible Liquids Code Council	2 of 10 members	3
Gas Systems Code Council	2 of 11 members	4
Means of Egress Code Council	1 of 9 members	6
Multifamily Dwelling Code Council	2 of 14 members	20
Totals of all groups	39 of 120 members	108

## **Council Members and Representation**

The members and representation of the councils advising the Department on this rule package are as follows:

Commercial Building Code Council: Warren Bauer, representing the American Institute of Architects – Wisconsin Society; Curt Hastings, representing the Associated General Contractors of Wisconsin; Tim Ihlenfeld, representing laborers and craftworkers in the Wisconsin State AFL-CIO; Joe Jameson, representing building inspectors and the League of Wisconsin Municipalities; David Kakatsch, representing the City of Milwaukee and certified municipalities; David Keller, representing building owners and the Wisconsin Realtors Association; Terry Kennedy, representing the Wisconsin Society of Professional Engineers; Bill King, representing building owners and the Wisconsin Department of Administration; Dennis Krutz, representing insurance organizations; Ed Ruckriegel, representing the City of Madison Fire Department; Michael Shoys, representing building owners and Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin State Fire Chiefs' Association; and Fred Stier, representing the Associated Builders and Contractors of Wisconsin and the Wisconsin Builders Association.

Multifamily Dwelling Code Council: Charles Aldrian, representing architects, engineers, and designers; Beth Gonnering, representing building contractors and developers; Ed Gray, representing labor organizations for the building trades; Richard Paur, representing municipal inspectors in large counties; Phil Kalscheur, representing manufacturers and suppliers of cement products; Linda Keegan, representing the public; Harry Macco, representing building contractors and developers; Carl Mastaglio, representing the public and advocating fair housing; Bruce McMiller, representing building inspectors in small counties; Larry Plumer, representing the fire services; William Roehr, representing labor organizations for the building trades; Ed Ruckriegel, representing the fire services; C. Frederick Tolson, representing manufacturers and suppliers of gypsum products; and Kerry Vondross, representing manufacturers and suppliers of concrete block products.

Fire Safety Code Council: David L. Berenz, representing the Wisconsin State AFL-CIO; Dan Burazin, representing the Associated General Contractors of Greater Milwaukee, Inc.; Larry Burton, representing the Wisconsin Insurance Alliance; J. C. Carver, representing the City of Madison Fire Department; Gregg Cleveland, representing the Wisconsin State Fire Chiefs' Association; Steven Fritsche, representing the City of Milwaukee; Tom Jahn, representing the Wisconsin Society of Fire Protection Engineers; Gerard J. Rabas, representing Wisconsin Manufacturers & Commerce; Russ Spahn, representing the Wisconsin Fire Inspectors Association; Robert W. Stedman, representing the City of Waukesha Fire Department; and David M. Wheaton, representing the Wisconsin Building Inspectors Association.

Means of Egress and Accessibility Code Council: Larry Earll, representing the Wisconsin Department of Administration; Cleo Eliason, representing barrier-free accessibility and the Easter Seal Society of Wisconsin, Inc.; Steven Howard, representing the Wisconsin State Fire Chiefs' Association; Mary Lawson, representing the American Institute of Architects – Wisconsin Society; Larry Palank, representing general contractors and the Associated General Contractors of Greater Milwaukee, Inc.; Richard Pomo, representing barrier-free accessibility