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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 01-110

AN ORDER to repeal Comm 70.17 (11) and (17) and 70.39 (1) (a) 2.; to renumber Comm 70.17 (12) to (16) and (18) to (24) and 70.39 (1) (a) 3. and 4.; to amend Comm 70.02 (2) (e) and (i), 70.07 (5) (b) and (c), 70.17 (2), (5) and (13), 70.20, Table 70.23, 70.27, 70.28, 70.29 (3), 70.30 (3) (a), 70.37 (1) (d) and (2) (a), 70.38 (1) (a) and (b), 70.39 (1) (a) 3. and (2) (a), 70.42, 70.48 (1) (b) and 70.59 (1) (a); and to repeal and recreate Comm 70.03 (2), 70.04, 70.05, 70.06, 70.07 (1) and (3), 70.08, 70.17 (17), 70.21, 70.22, 70.26 (3) (d) and 70.40 (3), relating to historic buildings.

Submitted by **DEPARTMENT OF COMMERCE**

09-24-01 RECEIVED BY LEGISLATIVE COUNCIL.

10-22-01 REPORT SENT TO AGENCY.

RNS:MCP:jal;tlu

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**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



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### CLEARINGHOUSE RULE 01-110

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

- a. The acronym "IBC" is used in s. Comm 70.02 (2) (e). This term should be defined.
- b. In s. Comm 70.06 (1) (intro.), "as follows:" should replace "in accordance with pars. (a) or (b)."
- c. In s. Comm 70.17 (5), "~~Change~~" should replace "~~Changed~~" in order to accurately reflect the current term. Also, the new defined term should be underscored.
- d. It is inappropriate drafting style to repeal a provision and renumber other provisions in the same SECTION. See SECTIONS 11 and 25. Also, while SECTION 11 repeals s. Comm 70.11 (17), SECTION 13 repeals and recreates the same subsection. Finally, will the current definition of "remodeled" be needed in sub. (18), since a definition of "remodel" is created in sub. (17)?
- e. In s. Comm 70.21 (1) (intro.), "as follows:" should replace "as described in pars. (a) to (c)."
- f. In Table 70.22-6, hyphens should not be used in "2 hours" and "1 hour."
- g. "NA" is defined after Table 70.23. Should this be drafted as a note? Rather than using "NA," could "not applicable" simply be placed in the table?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The phrase "totally preserved" is used in s. Comm 70.06 (2). Is the distinction between a building that is "totally preserved" and one that is "preserved" clear?

b. The language of s. Comm 70.29 (3) could be modified to provide that "fire escapes shall *conform with* the prevailing code."

c. Are "loses" and "hydration" the proper terms, and consistent with each other, in s. Comm 70.40 (3) (b)?



State of Wisconsin \ Department of Commerce

# HEARING DRAFT of PROPOSED RULES

**Rule No.:** Chapter Comm 70

**Relating to:** Historic Buildings

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**COMM 70-HISTORIC CODE  
RULE SUMMARY**

The Wisconsin Department of Commerce proposed an order to repeal ss. Comm 70.17 (11) and (17), and Comm 70.39 (1) (a) 2.; to renumber ss. Comm 70.17 (12) to (16) and (18) to (24), and Comm 70.39 (1) (a) 3. and 4.; to amend ss. Comm 70.02 (2) (e) and (i), Comm 70.07 (5) (b) and (c), Comm 70.17 (2), Comm 70.17 (5), Comm 70.17 (13), Comm 70.20, Table Comm 70.23, Comm 70.27, Comm 70.28, Comm 70.29 (3), Comm 70.30 (3) (a), Comm 70.37 (1) (d), Comm 70.37 (2) (a), Comm 70.38 (1) (a) and (b), Comm 70.39 (1) (a) 3., Comm 70.39 (2) (a), Comm 70.42, Comm 70.48 (1) (b), and Comm 70.59 (1) (a); and to repeal and recreate ss. Comm 70.03 (2), Comm 70.04, Comm 70.05, Comm 70.06, Comm 70.07 (1) and (3), Comm 70.08, Comm 70.17 (17), Comm 70.21, Comm 70.22, Comm 70.26 (3) (d), and Comm 70.40 (3), relating to historic buildings.

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**Analysis of Proposed Rules**

**Statutory Authority and Statutes Interpreted**

Statutory Authority: Sections 101.02 (1) and (15), and 101.121, Stats.

Statutes Interpreted: Section 101.121, Stats.

The Department is currently promulgating a revised state Commercial Building Code, chapters Comm 61 to 65, under Clearinghouse Rule 00-179. That code includes the adoption by reference of the 2000 editions of the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC).

The primary reason for revising the requirements in chapter Comm 70, Historic Building Code is to update cross-references to the Commercial Building Code, chapters Comm 61 to 65, including specific references to the adopted international codes. Changes are also proposed to eliminate duplicative and conflicting requirements by using terminology consistent with the IBC, and to clarify existing requirements relating to the building evaluation method. This proposed rule package on historic buildings has a projected effective date of July 1, 2002, which will coincide with the projected effective date of the revised Commercial Building Code.

The following major changes are being proposed to the current chapter Comm 70:

1. Revised the requirements relating to the application of other codes to qualified historic buildings to coincide with the requirements in 101.121 (4), Stats. [Comm 70.04]
2. Modified plan examination and plan submittal requirements to be consistent with proposed chapter Comm 61 relating to administration and enforcement of the Commercial Building Code. [Comm 70.07 (1) and (3)]

3. Consolidated requirements relating to approval application forms and types of approvals given by the Department by cross-referencing chapter Comm 61 and to clarify submittal requirements. [Comm 70.07 (5) and Comm 70.08]
  
4. Modified the building safety parameters specified in sections Comm 70.22 (1) to (17) to cross-reference the applicable IBC code sections and to clarify language for use with the IBC. The code text was changed to require the comparison to the "prevailing code", which is the IBC, and to list the appropriate IBC sections in informational notes. The following major changes are being proposed:
  - a. Modified several sections to use terminology that is consistent with the IBC. (Changing "class of construction" to "type of construction", "building setback" to "building fire separation distance", and "firestopping" to "fireblocking and draftstopping".) [Comm 70.22 (1) and (3)]
  - b. Eliminated a duplicative requirement allowing an increase in building area when a building is sprinklered. This increase is already covered in the IBC. [Comm 70.22 (2)]
  - c. Changed the attic compartmentalization area from 3200 square feet to 3000 square feet to be consistent with the IBC. [Comm 70.22 (4)]
  - d. Eliminated the requirement that dead ends could not be created since the IBC would permit certain dead ends. [Comm 70.22 (13)]
  - e. Eliminated the reference in Table 70.22-17 to "unseparated hazardous areas" since these areas are considered "incidental use areas" and are considered within the context of code compliance under the IBC. [Comm Table 70.22-17, line 6]
  
5. Changed the methods for determining the fire-resistance rating of materials by using IBC chapter 7 and coordinated the cross-references to specific IBC sections, such as IBC section 703.3 for methods for determining fire resistance of materials. The IBC chapter 7 requirements include very detailed prescriptive fire-resistance ratings for materials such as clay, shale, slate and limestone units. If the fire-resistance could not be determined using these Tables, other methods or standards recognized by the Department could still be used. [Comm 70.40 (3) (a)]
  
6. Modified various code sections to cross-reference the correct code requirements in the IBC. [Comm 70.02 (2), definitions under 70.17, 70.27, 70.28, 70.29 (3), 70.37 (1) and (2) (a), 70.38 (1) (a) and (b), 70.39 (1) (a) 2., and 70.42]
  
7. Modified the alternate atrium requirements relating to smoke removal to comply with the mechanical smoke exhaust requirements in the IBC. [Comm 70.26 (3) (d)]

**CHAPTER Comm 70**  
**HISTORIC BUILDING CODE**

SECTION 1. Comm 70.02 (2) (e) and (i) are amended to read:

**Comm 70.02 (2) (e)** ~~Chapter Comm 56 occupancies, except libraries, museums and art galleries~~ Educational occupancies specified in IBC section 305.1;

(i) Other buildings as specified in s. Comm ~~50.04~~ 61.02 (4).

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general*

SECTION 2. Comm 70.03 (2) is repealed and recreated to read:

**Comm 70.03 (2) OCCUPANCY CHANGES.** When a qualified historic building is changed to an occupancy different than what the building was originally constructed as, the owner may elect to be subject to this chapter or the prevailing code.

SECTION 3. Comm 70.04 is repealed and recreated to read:

**Comm 70.04 Impact of other codes on qualified historic buildings.** The owner of a qualified historic building who elects to be subject to this chapter is not required to comply with any provision of any other building code, including any county or municipal building code, or of any other local ordinance or regulation, if that provision concerns a matter dealt with in the historic building code.

SECTION 4. Comm 70.05 is repealed and recreated to read:

**Comm 70.05 Verification of a qualified historic building.** When an owner elects to be subject to the requirements in this chapter, a verification of historic status form shall be completed and submitted to the department or an authorized representative with the plans and specifications as specified in s. Comm 70.07 (3). The verification of historic status form shall be signed by the state historic preservation officer or an authorized municipal official verifying the building is a qualified historic building.

**Note:** A copy of the verification of historic status form, SBD-7728, is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and at 608/264-8777 (TTY), or at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 5. Comm 70.06 is repealed and recreated to read:

**Comm 70.06 Application of historic building code.** (1) GENERAL. Except as specified in sub. (2), when an owner elects to be subject to this chapter, it shall be applied in accordance with pars. (a) or (b).

*had intro.*

(a) A qualified historic building that is altered, remodeled, reproduced, or changed in occupancy shall comply with the requirements in subchs. IV to X.



(b) A qualified historic building that is preserved, reconstituted, repaired or restored shall comply with the requirements of subchs. V to X.

(2) HISTORICAL EXHIBITS. Any qualified historic building that is ~~totally~~ preserved and used solely as an historical exhibit shall comply with the requirements in subch. IX. *clear what this means?*

SECTION 6. Comm 70.07 (1) and (3) are repealed and recreated to read:

**Comm 70.07 (1) PLAN SUBMITTAL.** If a qualified historic building is altered, remodeled, or changed to a new occupancy, plans and specifications shall be submitted to the department or an authorized representative as specified in s. Comm 61.30.

**(3) PLANS, SPECIFICATIONS AND DATA.** Plans and specifications shall be submitted and prepared in accordance with ss. Comm 61.30 and 61.31.

SECTION 7. Comm 70.07 (5) (b) and (c) are amended to read:

**Comm 70.07 (5) (b) Verification form.** A verification of historic status form as specified in s. Comm 70.05 shall be submitted ~~and signed by the state historic preservation officer or an authorized municipal official verifying that the building is a qualified historic building to the~~ department or an authorized representative with plans and specifications required in sub. (3). *Jessie*

**(c) Building evaluation form.** When the building evaluation method is used, a completed building evaluation form as specified in s. Comm 70.23 shall be submitted to the department or an authorized representative with plans and specifications required in sub. (3).

**Note:** Copies of the department plan approval application form SB-118-SBD-118, verification of historic status form SBD-7728, and building evaluation form SDB-10725-E are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53701-7162, or at telephone 608/264-1818 and 608/264-8777 (TTY). Some of the department forms are also available at the Safety and Buildings' web site at www.commerce.state.wi.us.

SECTION 8. Comm 70.08 is repealed and recreated to read:

**Comm 70.08 Approvals.** The department or an authorized representative shall review and make a determination on an application for plan review in accordance with s. Comm 61.31.

SECTION 9. Comm 70.17 (2) is amended to read:

**Comm 70.17 (2)** "Authorized representative" means any certified municipality or county as specified in s. Comm ~~50.21~~ 61.70, and any appointed agent as specified in s. Comm ~~50.22~~ 61.71.

SECTION 10. Comm 70.17 (5) is amended to read:

(5) ~~"Changed in use"~~ **"Changed in occupancy"** means the process of adapting a building to ~~accomplish a use an occupancy~~ accomplish a use an occupancy other than that for which it was originally designed ~~but does not mean a change of use within an occupancy chapter.~~

~~Note: For example a factory occupancy being converted to an assembly occupancy or a one and 2 family dwelling (exempt from department code regulations) converted to a mercantile occupancy.~~

SECTION 11. Comm 70.17 (11) and (17) are repealed and Comm 70.17 (12) to (16) and (18) to (24) are renumbered Comm 70.17 (11) to (23).

SECTION 12. Comm 70.17 (13) is amended to read:

**Comm 70.17 (13)** "Prevailing code" means the most current edition of chs. Comm ~~50-64~~ 50-64 building and heating, ventilating and air conditioning code Comm 61 to 65, the Wisconsin Commercial Building Code.

Note: The Wisconsin Commercial Building Code, chs Comm 61 to 65, adopts by reference the International Building Code® (IBC), the International Energy Conservation Code™ (IECC), the International Mechanical Code® (IMC) and the International Fuel Gas Code® (IFGC). Comm 14, Fire Prevention Code, may have rules that may affect the maintenance and use of a qualified historic building.

SECTION 13. Comm 70.17 (17) is repealed and recreated to read:

**Comm 70.17 (17)** "Remodel" has the meaning given in s. 101.132 (1) (h), Stats.

**Note:** Section 101.132 (1) (h), Stats. reads: " 'Remodel' means to substantially improve, alter, extend or otherwise change the structure of a building or change the location of exits, but does not include maintenance, redecoration, reroofing or alteration of mechanical or electrical systems."

SECTION 14: Comm 70.20 is amended to read:

**Comm 70.20 Scope and application.** This subchapter provides an alternative method for determining code compliance for a qualified historic building being remodeled, altered or changed in use occupancy. When the building evaluation method is used, the method shall be used in its entirety to evaluate a qualified historic building.

SECTION 15. Comm 70.21 and 70.22 are repealed and recreated to read:

**Comm 70.21 Building evaluation method. (1) GENERAL.** The building evaluation method evaluates the degree of life safety of a qualified historic building by comparing the 17 building safety parameters specified in s. Comm 70.22 with the requirements of the prevailing code. The degree of life safety is measured in terms of fire safety, means of egress and general safety as described in pars. (a) to (c). *as follows:*

(a) *Fire safety.* The category of fire safety includes the building safety parameters affecting the structural fire resistance, automatic fire detection, fire alarm, and fire suppression features of a qualified historic building.

(b) *Means of egress.* The category of means of egress includes those building safety parameters affecting safe evacuation from a qualified historic building.

(c) *General safety.* The category of general safety includes all of the building safety parameters under fire safety and means of egress.

(2) **DETERMINING NUMERICAL VALUES.** A single numerical value shall be determined for each of the building safety parameters specified in s. Comm 70.22. After a numerical value has been determined for a building safety parameter, that value shall be entered for each of the applicable life safety categories in the corresponding row in Table Comm 70.23. The values shall be entered in accordance with all of the following:

(a) A numerical value may not be interpolated and, except for zero, shall be listed with a positive or negative sign.

(b) Where a building parameter does not apply, a value of zero shall be assigned.

(3) **BUILDING SAFETY SCORE.** (a) The numerical values entered in Table Comm 70.23 shall be algebraically totaled within each life safety column, and the total shall be listed as a safety score in each column.

(b) Where the safety score in each life safety column is equal to or greater than zero, the qualified historic building is in compliance with this chapter.

(c) Where the safety score in any of the life safety columns is less than zero, the building is not in compliance with this chapter, for the proposed occupancy. Additional safety measures may be proposed by the owner to bring any negative safety score to a value which is equal to or greater than zero.

**Comm 70.22 Building safety parameters.** A qualified historic building shall be evaluated in accordance with all of the following building safety parameters:

(1) **NUMBER OF STORIES.** (a) *Determining types of construction.* The type of construction shall be determined by comparing the actual building elements to those specified in the prevailing code. The type of construction shall be based on that which most closely represents the type of construction described in the prevailing code. A single numerical value shall be established from Table Comm 70.22-1 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IBC chapter 6 as adopted in the prevailing code for types of construction requirements.

(b) *Different types of construction.* Buildings with different types of construction shall be separated with a type of construction separation specified in the prevailing code unless the lowest type of construction is used as the basis for the evaluation.

(c) *Allowable number of stories.* The allowable number of stories for the type of construction shall be determined in accordance with the prevailing code.

Note: See s. Comm 62.0500 and IBC chapter 5 as adopted in the prevailing code for allowable height and areas.

**TABLE 70.22-1  
Number of Stories**

<b>Number of Stories</b>	<b>Numerical Value (per story)</b>
Each story above the maximum number of stories allowed	-5
Complies with prevailing code	0
Each story below the maximum number of stories	+5 (maximum value, +10)

(2) **BUILDING AREA.** (a) *Allowable area.* Except as specified in par. (b), the allowable building area shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-2 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See s. Comm 62.0500 and IBC chapter 5 as adopted in the prevailing code for allowable building area.

(b) *Number of stories.* When the building has more stories than permitted by the prevailing code, the maximum number of stories allowed for that type of construction shall be used to determine the maximum allowable area requirements for the building.

**TABLE 70.22-2**

**Building Area**

<b>Building Area</b>	<b>Numerical Value</b>
More than 150% of the allowed area	-5
111% - 120% of allowed	-2
90% to 110% of allowed area, or where code does not have area limitations	0
80% - 89% of allowed	+2
70% - 79% of allowed	+3
50% - 69% of allowed	+4
Less than 50% of the area allowed	+5

(3) **FIRE RESISTANCE RATING AND FIRE SEPARATION DISTANCE.** The fire resistance rating requirements for exterior walls based on the fire separation distance shall be determined in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-3 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0702 and IBC section 702 for definition of fire separation distance, s. Comm 62.0704 and IBC section 704 for exterior wall construction and rating, and IBC section 602 for fire-resistance rating requirements for building elements, as adopted in the prevailing code.

**TABLE 70.22-3**

**Building Fire Separation Distance**

<b>Building Fire Separation Distance</b>	<b>Numerical Value</b>
Distance and rating less than allowed under the prevailing code	-2
Complies with prevailing code	0
Greater than the prevailing code	+2

(4) **ATTIC COMPARTMENTALIZATION.** The attic area shall be evaluated in accordance with the attic draftstopping requirements specified in the prevailing code. A single numerical value shall be established from Table Comm 70.22-4 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 716.4 as adopted in the prevailing code for attic draftstopping requirements.

**TABLE 70.22-4**  
**Attic Compartmentalization**

<b>Attic Compartmentalization</b>	<b>Numerical Value</b>
No compartments provided but required	-5
Compartments are not more than 10% over the code permitted areas	-3
Complies with prevailing code	0
Compartments are less than 25% of the code permitted areas	+3

(5) **FIREBLOCKING AND DRAFTSTOPPING.** The fireblocking and draftstopping requirements shall be determined in accordance with the prevailing code. If the existing wall material is removed and the wall cavity is exposed, fireblocking and draftstopping shall be provided in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-5 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 716.2 as adopted in the prevailing code for fireblocking and draftstopping requirements.

**TABLE 70.22-5**  
**Fireblocking and Draftstopping**

<b>Fireblocking and draftstopping</b>	<b>Numerical Value</b>
No verification of fireblocking or draftstopping	-5
Fireblocking and draftstopping provided at basement and attic levels and wherever accessible	-3
Complies with prevailing code	0

(6) **MIXED OCCUPANCIES.** The separation of different occupancies shall be evaluated in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-6 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 302.3 as adopted in the prevailing code for separation of occupancy requirements.

**TABLE 70.22-6**  
**Occupancy Separation**

Occupancy Separations	Numerical Value
No separation provided, but required	-5
Provided, but <del>2</del> -hours less than required	-4
Provided, but <del>1</del> -hour less than required	-2
Complies with prevailing code for fire resistive ratings or no separation is required <sup>1</sup>	0
Provided and 1 or more hours greater than required	+2

<sup>1</sup> Where a 3-hour separation is required and a 4-hour separation is provided, the value shall be zero.

(7) **VERTICAL OPENINGS.** (a) *Fire resistance ratings.* Except as specified in par. (b), the fire-resistance rating of enclosures of stairway exits, hoistways and other shafts or openings between 2 or more floors shall be evaluated in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-7 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IBC section 707 as adopted in the prevailing code for shaft and vertical exit enclosure requirements.

(b) *Exception.* Atriums from 3 levels to not more than 8 levels may not be considered in the evaluation of vertical openings, but shall comply with s. Comm 70.26.

**TABLE 70.22-7**  
**Vertical Openings**

Vertical Openings	Numerical Value (per shaft or opening)
No enclosure	-3
Enclosure with no rating	-2
Enclosure provided but 1-hour below the required protection level	-1
Complies with prevailing code	0
1-hour required, but 2-hour provided	+1

(8) **HEATING, VENTILATING, AND AIR CONDITIONING.** The number of floors served by an individual heating, ventilating, and air conditioning (HVAC) system shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-8 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IMC section 607 as adopted in the prevailing code for ducts and air transfer openings.

**TABLE 70.22-8  
HVAC Systems**

<b>HVAC Systems</b>	<b>Numerical Value</b>
Greater than 5-floor levels served by undampened duct system, combustibles in air plenums, or corridors used as air plenums.	-5
3 to 5-floor levels served by undampened duct system	-2
2-floor levels served by undampened duct system	-1
Complies with prevailing code or provided with fire dampers	0
Multi-level buildings having 1-floor level HVAC system or central system with no ducts serving other floor levels	+5

(9) **SMOKE DETECTION.** The smoke detection system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-9 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0907 and IBC section 907 as adopted in the prevailing code for fire alarm and detection systems.

**TABLE 70.22-9  
Smoke Detection**

<b>Smoke Detection</b>	<b>Numerical Value</b>
Complies with prevailing code	0
Elevator lobby only and not required by prevailing code	+1
HVAC return only and not required by prevailing code	+2
HVAC return and elevator lobby and not required by prevailing code	+3
All corridors, in addition to those required by the code, including elevator lobbies <sup>1</sup>	+4
Total space with interconnection of smoke detectors and building fire alarm system and not required by prevailing code	+5

<sup>1</sup>If required detectors meet the requirements for corridor protection, enter zero.

(10) **FIRE ALARMS.** The fire alarm system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-10 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0907 and IBC section 907 as adopted in the prevailing code for fire alarm and detection systems.



**TABLE 70.22-10  
Fire Alarms**

<b>Fire Alarms</b>	<b>Numerical Value</b>
Manual fire alarm system required, but not provided	-5
Manual fire alarm system required and provided, but does not comply with prevailing code	-2
Complies with the prevailing code	0
Manual fire alarm system provided but not required <sup>1</sup>	+1
Manual fire alarm and voice alarm or manual fire alarm with public address system provided, but not required <sup>2</sup>	+3
Central control station <sup>3</sup>	+4
Central control station and interconnected to a remote control station which is permanently monitored <sup>3</sup>	+5

<sup>1</sup>If a numerical value of (+5) is taken under (9) smoke detection, the numerical value for this section is zero.

<sup>2</sup>Voice alarm and public address system shall be activated from a location, which is occupied by an employee during all periods of building occupancy.

<sup>3</sup>Fire department may require systems to be interconnected with the fire department.

(11) **SMOKE CONTROL.** The ability of a natural or mechanical venting, exhaust or pressurization systems to control the movement of smoke from a fire shall be determined in accordance with Table 70.22-11 for the entire building based on the worst case condition. If a building is 2 stories or less in height, the numerical value is zero. A single numerical value shall be established from Table Comm 70.22-11 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0909 and IBC section 909 as adopted in the prevailing code for smoke control requirements.

**TABLE 70.22-11  
Smoke Control**

<b>Smoke Control</b>	<b>Numerical Value</b>
Operable windows, that are operable without special keys or tools, are provided throughout the entire building, but not required	+2
Automatic smoke vents provided throughout entire building, but not required	+3
One smokeproof stairway enclosure provided and building has operable windows throughout, but neither required	+5
All stairways provided are pressurized, but not required	+7
Engineered smoke control and removal system provided that covers the entire building, but not required	+10

(12) EXIT CAPACITY. (a) *General.* Except as specified in par. (b), the means of egress by number and capacity of exits shall be determined in accordance with the prevailing code. If exiting differs on various floor levels, the worst case floor shall be used. A single numerical value shall be established from Table Comm 70.22-12 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See ss. Comm 62.1003 to Comm 62.1006 and IBC chapter 10 as adopted in the prevailing code for means of egress requirements.

(b) *Exceptions.* The minimum number of exits shall be provided as specified in the prevailing code for the applicable occupancy classification.

TABLE 70.22-12

Exit Capacity

Exit Capacity	Number Value (per exit)
Complies with prevailing code	0
Horizontal exits are provided in addition to the required exits <sup>1</sup>	+2
Exits to grade or enclosed stairways exceed the minimum number of exits <sup>2</sup>	+3
Eliminate a fire escape exit and provide a code complying enclosed stairway exit serving 3 or more levels	+5

<sup>1</sup>No more than one-half the exits may be horizontal exits.

<sup>2</sup>Exits shall be at least 20 feet apart.

(13) DEAD ENDS. The length of exit access travel distance in which the building occupants are confined to a single direction of egress shall be evaluated in accordance with Table 70.22-13. A single numerical value shall be established from Table Comm 70.22-13 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

TABLE 70.22-13

Dead Ends

Dead Ends	Numerical Value (per dead end)
Dead ends exceed the maximum permitted distance in prevailing code	-5
Complies with prevailing code	0

(14) MAXIMUM TRAVEL DISTANCE TO AN EXIT. (a) *General.* Except as specified in par. (b), the length of travel to a required exit shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-14 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IBC section 1004 as adopted in the prevailing code for travel distance requirements.

(b) *Exceptions.* Travel distances that exceed 25% above the required limitations are not permitted.

**TABLE 70.22-14**  
**Maximum Travel Distance**

Maximum Travel Distance	Numerical Value
111% - 125% of limit allowed	-5
90% - 110% of prevailing code limit	0
50% - 89% of limit allowed <sup>1</sup>	+3
Less than 50% of limit allowed <sup>1</sup>	+5

<sup>1</sup>For residential occupancies no credit may be taken for reduced exit distance.

(15) **EMERGENCY POWER.** The availability of emergency power for emergency lighting shall be evaluated in accordance with the prevailing code and ch. Comm 16. A single numerical value shall be established from Table Comm 70.22-15 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 2702 as adopted in the prevailing code for emergency and standby power systems.

**TABLE 70.22-15**  
**Emergency Power**

Emergency Power	Numerical Value
Emergency power required, but not provided	-5
Complies with prevailing code	0
Emergency power provided, but not required <sup>1</sup>	+2

<sup>1</sup>Does not apply to buildings 2 stories or less in height.

(16) **ELEVATOR CONTROL.** The elevator equipment and controls that are available to the fire department to rescue building occupants from upper floors during a fire shall be evaluated in accordance with ch. Comm 18. A single numerical value shall be established from Table Comm 70.22-16 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**TABLE 70.22-16**  
**Elevator Control**

Elevator Control	Numerical Value
No elevators in buildings 3 stories or more in height	-3
No elevator in buildings 2 stories or less in height	0
Elevator with fire department control in buildings 3 stories or less in height	+1
Elevator with automatic recall in buildings 3 stories or more in height	+4
Elevator with fire department control and automatic recall in buildings 3 stories or more in height	+5

(17) SPRINKLERS. (a) *General.* Except as specified in par. (b), the sprinkler system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-17 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See ss. Comm 62.0901 to Comm 62.0909 and IBC chapter 9 as adopted in the prevailing code for sprinkler requirements.

(b) *Exceptions.* If the building area evaluation was based on sprinkler protection as allowed by sub. (2) (b) 2., the numerical value under this section is zero.

**TABLE 70.22-17**  
**Sprinklers**

<b>Sprinklers</b>	<b>Numerical Value</b>
System required but not provided <sup>1</sup>	-5
Existing sprinkler system is required but does not meet prevailing code <sup>2</sup>	-1
Sprinkler system is not required and not provided	0
Sprinkler system required and provided in accordance with the prevailing code	0
Existing sprinkler system is not required and does not meet prevailing code <sup>2</sup>	+1
Sprinklers provided in exit access, but not required	+3
Partial sprinkler system is provided throughout at least 75% of the building, but not required	+5
If sprinkler system is required, and regular sprinkler heads are replaced with quick response heads	+5
Complete sprinkler system provided throughout entire building, but not required	+7
Complete sprinkler system complying with NFPA 13 for quick response heads is provided throughout the entire building, but not required <sup>3</sup>	+10

<sup>1</sup>If -5 was entered under sub. (2), numerical value is zero.

<sup>2</sup>Does not apply to partial systems.

<sup>3</sup>If -5 was entered under sub. (2), numerical value is +5.

SECTION 16. Table Comm 70.23 is amended to read:

**TABLE 70.23**  
(Partial Table)  
**Building Evaluation Form**

<u>Building</u> Safety Parameters	<u>Life Safety Categories</u>			Comments
	Fire Safety	Means of Egress	General Safety	
5. <u>Firestopping</u> <u>Fireblocking and</u> <u>draftstopping</u>		NA		

NA as used in this Table means "Not applicable."

SECTION 17. Comm 70.26 (3) (d) is repealed and recreated to read:

**Comm 70.26 (3) (d) Mechanical smoke exhaust.** A mechanical smoke exhaust system shall comply with the prevailing code.

Note: See IBC section 910.4 as adopted in the prevailing code for mechanical smoke exhaust requirements.

*MTA →  
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SECTION 18. Comm 70.27 is amended to read:

**Comm 70.27 Roof coverings.** Existing roof coverings not in conformance with the ratings specified in Table 51.03-A of the prevailing code may be allowed to remain on the building. Repairs may be made up to 50% of the entire roof surface with materials that match the existing roof coverings. If more than 50% of the entire roof surface needs to be repaired, the roof covering shall conform to the requirements of the prevailing code. Where wood shingles are used to preserve the historic features, the shingles shall be of a fire treated type and of a class C rating.

Note: See IBC section 1507 as adopted in the prevailing code for roof covering requirements.

SECTION 19. Comm 70.28 is amended to read:

**Comm 70.28 Illuminated exit signs.** Exit signs shall be provided in accordance with ~~Comm 51.15 (5)~~ the prevailing code.

Note: See IBC section 1003.2.10 as adopted in the prevailing code for exit sign requirements.

SECTION 20. Comm 70.29 (3) is amended to read:

**Comm 70.29 (3) EXITS DOORS TO FIRE ESCAPES.** Every fire escape shall be accessible from a public passageway, or shall be directly accessible from each occupied room. Exits Doors to fire escapes shall be standard exit doors as specified in ~~s. Comm 51.15~~ the prevailing code, except that doors to "A" fire escapes may be reduced to not less than 2 feet 6-inches wide. Access to a required fire escape platform may be provided with an interior stairs complying with ~~s. Comm 51.16~~ the prevailing code.

Note: See IBC section 1003 as adopted in the prevailing code for door and stairway requirements.

SECTION 21. Comm 70.30 (3) (a) is amended to read:

**Comm 70.30 (3) (a) Extensions.** The 12-inch handrail extension as specified in ~~s. Comm 51.16 (4)~~ the prevailing code at the bottom and top of stairways does not apply to existing stairways.

Note: See IBC section 1003.3.3.11.5 as adopted in the prevailing code for handrail requirements.

SECTION 22. Comm 70.37 (1) (d) is amended to read:

**Comm 70.37 (1) (d) Changed in use occupancy.**

SECTION 23. Comm 70.37 (2) (a) is amended to read:

**Comm 70.37 (2) (a) Structurally separated.** New additions, which are structurally separated from the existing qualified historic structure, shall comply with the loading requirements of ~~eh. Comm 53~~ prevailing code.

Note: See IBC chapter 16 as adopted in the prevailing code for loading requirements.

SECTION 24. Comm 70.38 (1) (a) and (b) are amended to read:

**Comm 70.38 (1) (a) Less than 25%.** When a qualified historic building is remodeled or changed in use occupancy, which affects less than 25% of the total area of the building, a structural analysis shall be performed on that portion being remodeled.

**(b) 25% or more.** When a qualified historic building is remodeled or changed in use occupancy, which affects 25% or more of the total area of the building, a complete structural analysis shall be performed on the entire building.

SECTION 25. Comm 70.39 (1) (a) 2. is repealed and Comm 70.39 (1) (a) 3. and 4. are renumbered Comm (1) (a) 2. and 3.

4,  
is OK -  
this is a hypothesis  
in mind

SECTION 26. Comm 70.39 (1) (a) 3 is amended to read:

Comm 70.39 (1) (a) 3. The permitted reductions specified in subs. 1. ~~3.~~ and 2. are not to be used cumulatively.

SECTION 27. Comm 70.39 (2) (a) is amended to read:

Comm 70.39 (2) (a) The historic building has been determined to support the imposed floor roof loads; and

SECTION 28. Comm 70.40 (3) is repealed and recreated to read:

Comm 70.40 (3) (a) *Determination of fire resistance.* 1. Except as specified in subd. 2., the fire-resistance rating of archaic or existing building materials, elements or assemblies shall be determined in accordance with the prevailing code.

Note: See s. Comm 62.0703 and IBC section 703.3 as adopted in the prevailing code for fire-resistance rating requirements.

2. Fire-resistance rating may be determined by an actual testing of the material by an approved testing laboratory, or by other methods or standards recognized by the department.

(b) *Penetrations.* All penetrations in the building element, or assembly, for electrical, plumbing and heating, ventilating and air conditioning systems shall be packed with noncombustible cementitious materials and so fixed that the packing material will not fall out when it loses water by hydration. *is this what hydration means?*

(c) *New materials.* The fire-resistance of any new materials, elements or assemblies shall comply with the prevailing code.

SECTION 29. Comm 70.42 is amended to read:

Comm 70.42 *Accessibility requirements.* All qualified historic buildings being altered, or remodeled, added to or changed in use occupancy shall comply with the requirements of ~~ch.~~ Comm 69.21 and ADAAG 4.1.7 the prevailing code.

Note: See s. Comm 62.3408 and IBC section 3408 as adopted in the prevailing code for existing building requirements.

SECTION 30. Comm 70.48 (1) (b) is amended to read:

Comm 70.48 (1) (b) Qualified historic buildings ~~which undergo any change of occupancy or use which would~~ that are changed in occupancy and increase the energy consumption; or

SECTION 31. Comm 70.59 (1) (a) is amended to read:

**Comm 70.59 (1) (a) ~~Change of use~~ Changed in occupancy.** If a qualified historic building is changed in use occupancy, a load calculation of the building shall be performed for the proposed use occupancy. If the load calculation exceeds the actual service provided, the service shall be upgraded to meet the new load.

\*\*\*\*\*

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on July 1, 2002.

\*\*\*\*\*

H:/historic/Comm 70 public hrg draft.doc





P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD#: (608) 264-8777  
www.commerce.state.wi.us

Scott McCallum, Governor  
Philip Edw. Albert, Acting Secretary

September 24, 2001

Ronald Sklansky, Director  
Administrative Rules Clearinghouse  
Wisconsin Legislative Council  
1 East Main Street, Suite 401  
Madison, WI 53703

Dear Mr. Sklansky:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES  
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 70

RELATING TO Historic Buildings

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are being forwarded to you for review. Also attached are copies of an agency rule report, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a white background.

Philip Edw. Albert  
Acting Secretary

STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1) and (15) and 101.121, Stats., the Department of Commerce will hold public hearings on proposed rules relating to Historic buildings.

The public hearings will be held as follows:

**Date and Time:**

Friday, November 9, 2001  
10:00 a.m.

**Location:**

Third Floor, Conference Room #3C  
Tommy G. Thompson Commerce Center  
201 West Washington Ave  
Madison, WI

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **November 23, 2001**, to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing. Written comments should be submitted to Diane Meredith, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689.

These hearings are held in accessible facilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division web site at [www.commerce.state.wi.us/SB/SB-HomePage](http://www.commerce.state.wi.us/SB/SB-HomePage). Paper copies may be obtained without cost from Roberta Ward, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, Email [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us), telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearings.

# RULE REPORT

## Department of Commerce

Rule No.: Chapter Comm 70

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Relating to: Historic Buildings

---

*Agency contact person for substantive questions:*

Name Jim Quast

Title Program Manager

Telephone Number 266-9292

*Agency contact person for internal processing:*

Name Diane Meredith

Title Code Consultant

Telephone Number 266-8982

1. Agency statutory authority under which the agency intends to promulgate the rule(s).

Sections 101.02 (1) and (15), and 101.121

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).

None Known

3. Citation of court decisions which are applicable to the proposed rule(s).

None Known

4. Description of the proposed rule(s).

The Division is currently promulgating administrative rules in chapters Comm 61 to 65 (Clearinghouse Rule 00-179) as the revised Wisconsin Commercial Building Code. Those rules include the adoption by reference of the 2000 editions of the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC).

The primary reason for revising the requirements in chapter Comm 70, Historic Building Code, is to update cross-references to the Wisconsin Commercial Building Code, including specific references to the adopted international codes. Changes are also proposed to eliminate duplicative and conflicting requirements by using terminology consistent with the IBC, and to clarify existing requirements relating to the building evaluation method. This proposed rule package on historic buildings has a projected effective date of July 1, 2002, which coincides with the projected effective date of the revised Wisconsin Commercial Building Code.

5. Reason for the proposed rule(s).

The reason for the changes is to ensure chapter Comm 70, Historic Building Code, and chapters Comm 61 to 65, Wisconsin Commercial Building Code, have compatible code requirements, and to clarify existing requirements relating to the building evaluation method.

FISCAL ESTIMATE  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chapter Comm 70  
Amendment No. if Applicable

Subject  
Historic Buildings

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be Possible to Absorb Within Agency's Budget  Yes  No
- Decrease Costs

Local:  No local government costs

- 1.  Increase Costs  
 Permissive  Mandatory
- 2.  Decrease Costs  
 Permissive  Mandatory

- 3.  Increase Revenues  
 Permissive  Mandatory
- 4.  Decrease Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:
- Towns  Villages  Cities
  - Counties  Others \_\_\_\_\_
  - School Districts  WTCS Districts

Fund Sources Affected  
 GPR  FED  PRO  PRS  SEG  SEG-S

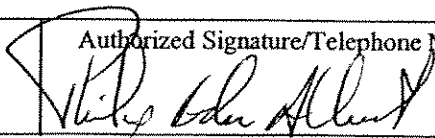
Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The Safety and Buildings Division is responsible for administering and enforcing chapters Comm 61 to 65, Wisconsin Commercial Building Code. The proposed rule changes to ch. Comm 70 are updating cross-references and clarifying code language, which do not contain any changes in the Division's fees charged for administering and enforcing the Wisconsin Commercial Building Code. The proposed rules will not generate any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Long-Range Fiscal Implications  
None known

Agency/Prepared by: (Name & Phone No.)  
Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.  


Date  
9/24/01

**FISCAL ESTIMATE WORKSHEET**  
Detailed Estimate of Annual Fiscal Effect  
DOA-2047(R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chapter Comm 70

Amendment No.

Subject  
Historic Buildings


**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**  
None known

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	( 0 FTE)	( - 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	<b>\$ 0</b>	<b>\$ -0</b>
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ -0</b>

**NET ANNUALIZED FISCAL IMPACT**

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)  
Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.  


Date  
9/24/01

# RULE REPORT

## Department of Commerce

Rule No.: Chapter Comm 70

Relating to: Historic Buildings

*Agency contact person for substantive questions:*

Name Jim Quast

Title Program Manager

Telephone Number 266-9292

*Agency contact person for internal processing:*

Name Diane Meredith

Title Code Consultant

Telephone Number 266-8982

1. Agency statutory authority under which the agency intends to promulgate the rule(s).  
Sections 101.02 (1) and (15), and 101.121
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).  
None Known
3. Citation of court decisions which are applicable to the proposed rule(s).  
None Known

4. Description of the proposed rule(s).

The Division has adopted chapters Comm 61 to 65 (Clearinghouse Rule 00-179) as the revised Wisconsin Commercial Building Code. Those rules include the adoption by reference of the 2000 editions of the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC).

The primary reason for revising the requirements in chapter Comm 70, Historic Building Code, is to update cross-references to the Wisconsin Commercial Building Code, including specific references to the adopted international codes. Changes are also proposed to eliminate duplicative and conflicting requirements by using terminology consistent with the IBC, and to clarify existing requirements relating to the building evaluation method. This proposed rule package on historic buildings has a projected effective date of July 1, 2002, which coincides with the effective date of the revised Wisconsin Commercial Building Code.

5. Reason for the proposed rule(s).

The reason for the changes is to ensure chapter Comm 70, Historic Building Code, and chapters Comm 61 to 65, Wisconsin Commercial Building Code, have compatible code requirements, and to clarify existing requirements relating to the building evaluation method.



**FISCAL ESTIMATE WORKSHEET**  
Detailed Estimate of Annual Fiscal Effect  
DOA-2047(R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chapter Comm 70

Amendment No.

Subject  
Historic Buildings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
None known

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	( 0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	<b>\$ 0</b>	<b>\$ -0</b>
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ -0</b>

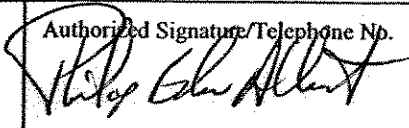
NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.



Date

9/24/01

**FISCAL ESTIMATE**  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chapter Comm 70  
Amendment No. if Applicable

**Subject**  
Historic Buildings

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- |  |   |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation        |   |

- Increase Costs - May be Possible to Absorb Within Agency's Budget  Yes  No
- Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

- Towns  Villages  Cities  
 Counties  Others \_\_\_\_\_  
 School Districts  WICS Districts

2.  Decrease Costs  
 Permissive  Mandatory

4.  Decrease Revenues  
 Permissive  Mandatory

Fund Sources Affected  
 GPR  FED  PRO  PRS  SEG  SEG-S

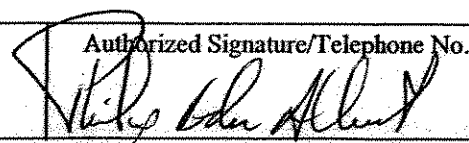
Affected Ch. 20 Appropriations

**Assumptions Used in Arriving at Fiscal Estimate**

The Safety and Buildings Division is responsible for administering and enforcing chapters Comm 61 to 65, Wisconsin Commercial Building Code. The proposed rule changes to ch. Comm 70 are updating cross-references and clarifying code language, which do not contain any changes in the Division's fees charged for administering and enforcing the Wisconsin Commercial Building Code. The proposed rules will not generate any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Long-Range Fiscal Implications  
None known

Agency/Prepared by: (Name & Phone No.)  
Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.  


Date  
9/24/01

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Comm 70

DATE: November 9, 2001

RELATING TO: Historic Buildings

TIME: 10:00 a.m.

LOCATION: 201 West Washington Ave., Room #3C

CITY: Madison

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;">                     No one attended this hearing                 </div>					

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 01-110		Hearing Location: Madison	
Rule Number: Comm 70		Hearing Date: November 9, 2001	
Relating to: Historic buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		No one presented any comments/recommendations	

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 01-110

RULE NO.: Chapter Comm 70

RELATING TO: Historic Buildings

Agency contact person for substantive questions.

Name: Jim Quast

Title: Program Manager

Telephone No. 266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

7. Review rules for permit action deadline [s. 227.15(2)(h)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

## Response to Legislative Council Rules Clearinghouse Comments

**Clearinghouse Rule 01-110:** Comm 70 relating to historic buildings.

Review of rules for form, style, and placement in administrative code [s. 227.15 (2) (c), Stats.]:

**2. g.** The change to Table Comm 70.23 represents only a portion of the entire table relating to the building evaluation form. The abbreviation "NA" is used in numerous areas within the table and it would be better to explain the meaning in the footnote for application to other areas within the table.



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Scott McCallum, Governor  
Philip Edw. Albert, Secretary

February 13, 2002

Donald J. Schneider  
Senate Chief Clerk  
Room 501  
119 Martin Luther King Blvd  
Madison, Wisconsin 53703

John A. Scocos  
Assembly Chief Clerk  
Room 402  
1 East Main Street  
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE  
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 01-110

RULE NO.: Chapter Comm 70

RELATING TO: Historic Buildings

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written in a cursive style.

Philip Edw. Albert  
Secretary





P.O. Box 7970  
Madison, Wisconsin 53707  
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Scott McCallum, Governor  
Philip Edw. Albert, Secretary

February 13, 2002

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53702

Representative Scott Jensen  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 01-110

RULE NO.: Chapter Comm 70

RELATING TO: Historic Buildings

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
  - a) Rule Report.
  - b) Public Hearing Attendance Record.
  - c) Public Hearing Comment and Agency Response Form.
  - d) Legislative Council Rules Clearinghouse Report.
  - e) Response to Legislative Council Rules Clearinghouse Report.
  - f) Fiscal Estimate.
  - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a white background.

Philip Edw. Albert  
Secretary

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 01-110

RULE NO.: Chapter Comm 70

RELATING TO: Historic Buildings

Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The building evaluation method for qualified historic buildings is being updated to correct cross-references to the revised Wisconsin Commercial Building Code, chapters Comm 61 to 65, which will take effect July 1, 2002. The impact of these rules on small businesses is minimal, if any.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

No issues were raised at hearings



State of Wisconsin \ Department of Commerce

# **RULES in FINAL DRAFT FORM**

**Rule No.:** Chapter Comm 70

**Relating to:** Historic Buildings

**Clearinghouse Rule No.:** 01-110

**COMM 70-HISTORIC CODE  
RULE SUMMARY**

The Wisconsin Department of Commerce proposed an order to repeal ss. Comm 70.17 (11), Comm 70.29 (3) and Comm 70.39 (1) (a) 2.; to renumber ss. Comm 70.17 (9) and (10), Comm 70.29 (4) and Comm 70.39 (1) (a) 3. and 4.; to amend ss. Comm 70.02 (2) (e) and (i), Comm 70.07 (5) (b) and (c), Comm 70.17 (2), Comm 70.17 (5), Comm 70.17 (14), Comm 70.20, Table Comm 70.23, Comm 70.27, Comm 70.28, Comm 70.30 (3) (a), Comm 70.37 (1) (d), Comm 70.37 (2) (a), Comm 70.38 (1) (a) and (b), Comm 70.39 (1) (a) 3., Comm 70.39 (2) (a), Comm 70.42, Comm 70.48 (1) (b), Comm 70.59 (1) (a) and Comm 70, subch. XI "title"; to repeal and recreate ss. Comm 70.03 (2), Comm 70.04, Comm 70.05, Comm 70.06, Comm 70.07 (1) and (3), Comm 70.08, Comm 70.17 (18), Comm 70.21, Comm 70.22, Comm 70.26 (3) (d), Comm 70.29 (1) and Comm 70.40 (3); and to create s. Comm 70.17 (9), relating to historic buildings.

\*\*\*\*\*

**Analysis of Proposed Rules**

**Statutory Authority and Statutes Interpreted**

Statutory Authority: Sections 101.02 (1) and (15), and 101.121, Stats.

Statutes Interpreted: Section 101.121, Stats.

The Department has adopted a revised state Commercial Building Code, chapters Comm 61 to 65, under Clearinghouse Rule 00-179. That code includes the adoption by reference of the 2000 editions of the *International Building Code*<sup>®</sup> (IBC), the *International Energy Conservation Code*<sup>™</sup> (IECC), the *International Mechanical Code*<sup>®</sup> (IMC) and the *International Fuel Gas Code*<sup>®</sup> (IFGC).

The primary reason for revising the requirements in chapter Comm 70, Historic Building Code is to update cross-references to the Commercial Building Code, chapters Comm 61 to 65, including specific references to the adopted international codes. Changes are also proposed to eliminate duplicative and conflicting requirements by using terminology consistent with the IBC, and to clarify existing requirements relating to the building evaluation method. This proposed rule package on historic buildings has a projected effective date of July 1, 2002, which will coincide with the effective date of the revised Commercial Building Code.

The following major changes are being proposed to the current chapter Comm 70:

1. Revised the requirements relating to the application of other codes to qualified historic buildings to coincide with the requirements in 101.121 (4), Stats. [Comm 70.04]
2. Modified plan examination and plan submittal requirements to be consistent with proposed chapter Comm 61 relating to administration and enforcement of the Commercial Building Code. [Comm 70.07 (1) and (3)]

3. Consolidated requirements relating to approval application forms and types of approvals given by the Department by cross-referencing chapter Comm 61 and to clarify submittal requirements. [Comm 70.07 (5) and Comm 70.08]
  
4. Modified the building safety parameters specified in sections Comm 70.22 (1) to (17) to cross-reference the applicable IBC code sections and to clarify language for use with the IBC. The code text was changed to require the comparison to the "prevailing code", which is the IBC, and to list the appropriate IBC sections in informational notes. The following major changes are being proposed:
  - a. Modified several sections to use terminology that is consistent with the IBC. (Changing "class of construction" to "type of construction", "building setback" to "building fire separation distance", and "firestopping" to "fireblocking and draftstopping".) [Comm 70.22 (1) and (3)]
  - b. Eliminated a duplicative requirement allowing an increase in building area when a building is sprinklered. This increase is already covered in the IBC. [Comm 70.22 (2)]
  - c. Changed the attic compartmentalization area from 3200 square feet to 3000 square feet to be consistent with the IBC. [Comm 70.22 (4)]
  - d. Eliminated the requirement that dead ends could not be created since the IBC would permit certain dead ends. [Comm 70.22 (13)]
  - e. Clarified the terminology in Table Comm 70.22-16 to be consistent with chapter Comm 18 relating to Phase I and Phase II emergency operation of elevators. Added a category for application when existing elevators do not have Phase I operation. [Table Comm 70.22-16]
  - f. Eliminated the reference in Table 70.22-17 to "unseparated hazardous areas" since these areas are considered "incidental use areas" and are considered within the context of code compliance under the IBC. [Comm Table 70.22-17, line 6]
  
5. Changed the methods for determining the fire-resistance rating of materials by using IBC chapter 7 and coordinated the cross-references to specific IBC sections, such as IBC section 703.3 for methods for determining fire resistance of materials. The IBC chapter 7 requirements include very detailed prescriptive fire-resistance ratings for materials such as clay, shale, slate and limestone units. If the fire-resistance could not be determined using these Tables, other methods or standards recognized by the Department could still be used. [Comm 70.40 (3) (a)]
  
6. Modified various code sections to cross-reference the correct code requirements in the IBC. [Comm 70.02 (2), definitions under 70.17, 70.27, 70.28, 70.29 (3), 70.37 (1) and (2) (a), 70.38 (1) (a) and (b), 70.39 (1) (a) 2., and 70.42]
  
7. Modified the alternate atrium requirements relating to smoke removal to comply with the mechanical smoke exhaust requirements in the IBC. [Comm 70.26 (3) (d)]

\*\*\*\*\*

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**CHAPTER Comm 70**  
**HISTORIC BUILDING CODE**

SECTION 1. Comm 70.02 (2) (e) and (i) are amended to read:

**Comm 70.02 (2) (e)** ~~Chapter Comm 56 occupancies, except libraries, museums and art galleries~~ Educational occupancies specified in IBC section 305.1;

(i) Other buildings as specified in s. ~~Comm 50.04~~ 61.02 (4).

SECTION 2. Comm 70.03 (2) is repealed and recreated to read:

**Comm 70.03 (2) OCCUPANCY CHANGES.** When a qualified historic building is changed to an occupancy different than what the building was originally constructed as, the owner may elect to be subject to this chapter or the prevailing code.

SECTION 3. Comm 70.04 is repealed and recreated to read:

**Comm 70.04 Impact of other codes on qualified historic buildings.** The owner of a qualified historic building who elects to be subject to this chapter is not required to comply with any provision of any other building code, including any county or municipal building code, or of any other local ordinance or regulation, if that provision concerns a matter dealt with in the historic building code.

SECTION 4. Comm 70.05 is repealed and recreated to read:

**Comm 70.05 Verification of a qualified historic building.** When an owner elects to be subject to the requirements in this chapter, a verification of historic status form shall be completed and submitted to the department or an authorized representative with the plans and specifications as specified in s. Comm 70.07 (3). The verification of historic status form shall be signed by the state historic preservation officer or an authorized municipal official verifying the building is a qualified historic building.

**Note:** A copy of the verification of historic status form, SBD-7728, is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and at 608/264-8777 (TTY), or at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 5. Comm 70.06 is repealed and recreated to read:

**Comm 70.06 Application of historic building code.** (1) GENERAL. Except as specified in sub. (2), when an owner elects to be subject to this chapter, it shall be applied as follows:

(a) A qualified historic building that is altered, remodeled, reproduced, or changed in occupancy shall comply with the requirements in subchs. IV to X.

(b) A qualified historic building that is preserved, reconstituted, repaired or restored shall comply with the requirements of subchs. V to X.

(2) HISTORICAL EXHIBITS. Any qualified historic building that is preserved and used solely as an historical exhibit shall comply with the requirements in subch. IX.

SECTION 6. Comm 70.07 (1) and (3) are repealed and recreated to read:

**Comm 70.07 (1) PLAN SUBMITTAL.** If a qualified historic building is altered, remodeled, or changed to a new occupancy, plans and specifications shall be submitted to the department or an authorized representative as specified in s. Comm 61.30.

(3) PLANS, SPECIFICATIONS AND DATA. Plans and specifications shall be submitted and prepared in accordance with ss. Comm 61.30 and 61.31.

SECTION 7. Comm 70.07 (5) (b) and (c) are amended to read:

**Comm 70.07 (5) (b) *Verification form.*** A verification of historic status form as specified in s. Comm 70.05 shall be submitted ~~and signed by the state historic preservation officer or an authorized municipal official verifying that the building is a qualified historic building to the~~ department or an authorized representative with plans and specifications required in sub. (3).

(c) *Building evaluation form.* When the building evaluation method is used, a completed building evaluation form as specified in s. Comm 70.23 shall be submitted to the department or an authorized representative with plans and specifications required in sub. (3).

**Note:** Copies of the department plan approval application form ~~SB-118-SBD-118~~, verification of historic status form ~~SBD-7728~~, and building evaluation form ~~SDB-10725-E~~ are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53701-7162, or at telephone 608/264-1818 and 608/264-8777 (TTY). Some of the department forms are also available at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 8. Comm 70.08 is repealed and recreated to read:

**Comm 70.08 Approvals.** The department or an authorized representative shall review and make a determination on an application for plan review in accordance with s. Comm 61.31.

SECTION 9. Comm 70.17 (2) is amended to read:

**Comm 70.17 (2)** "Authorized representative" means any certified municipality or county as specified in s. Comm ~~50.24~~ 61.70, and any appointed agent as specified in s. Comm ~~50.22~~ 61.71.

SECTION 10. Comm 70.17 (5) is amended to read:

(5) ~~“Change in use”~~ “Changed in occupancy” means the process of adapting a building to accomplish a use an occupancy other than that for which it was originally designed ~~but does not mean a change of use within an occupancy chapter.~~

~~Note: For example a factory occupancy being converted to an assembly occupancy or a one and 2 family dwelling (exempt from department code regulations) converted to a mercantile occupancy.~~

SECTION 11. Comm 70.17 (11) is repealed.

SECTION 12. Comm 70.17 (9) and (10) are renumbered (10) and (11).

SECTION 13. Comm 70.17 (9) is created to read:

**Comm 70.17 (9)** “IBC” means the *International Building Code*®.

SECTION 14. Comm 70.17 (14) is amended to read:

**Comm 70.17 (14)** “Prevailing code” means the most current edition of chs. ~~Comm 50-64 building and heating, ventilating and air conditioning code~~ Comm 61 to 65, the Wisconsin Commercial Building Code.

Note: The Wisconsin Commercial Building Code, chs Comm 61 to 65, adopts by reference the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC). Comm 14, Fire Prevention Code, may have rules that may affect the maintenance and use of a qualified historic building.

SECTION 15. Comm 70.17 (18) is repealed and recreated to read:

**Comm 70.17 (18)** “Remodel” has the meaning given in s. 101.132 (1) (h), Stats.

**Note:** Section 101.132 (1) (h), Stats. reads: “ ‘Remodel’ means to substantially improve, alter, extend or otherwise change the structure of a building or change the location of exits, but does not include maintenance, redecoration, reroofing or alteration of mechanical or electrical systems.”

SECTION 16: Comm 70.20 is amended to read:

**Comm 70.20 Scope and application.** This subchapter provides an alternative method for determining code compliance for a qualified historic building being remodeled, altered or changed in use occupancy. When the building evaluation method is used, the method shall be used in its entirety to evaluate a qualified historic building.



SECTION 17. Comm 70.21 and 70.22 are repealed and recreated to read:

**Comm 70.21 Building evaluation method. (1) GENERAL.** The building evaluation method evaluates the degree of life safety of a qualified historic building by comparing the 17 building safety parameters specified in s. Comm 70.22 with the requirements of the prevailing code. The degree of life safety is measured in terms of fire safety, means of egress and general safety as follows:

(a) *Fire safety.* The category of fire safety includes the building safety parameters affecting the structural fire resistance, automatic fire detection, fire alarm, and fire suppression features of a qualified historic building.

(b) *Means of egress.* The category of means of egress includes those building safety parameters affecting safe evacuation from a qualified historic building.

(c) *General safety.* The category of general safety includes all of the building safety parameters under fire safety and means of egress.

**(2) DETERMINING NUMERICAL VALUES.** A single numerical value shall be determined for each of the building safety parameters specified in s. Comm 70.22. After a numerical value has been determined for a building safety parameter, that value shall be entered for each of the applicable life safety categories in the corresponding row in Table Comm 70.23. The values shall be entered in accordance with all of the following:

(a) A numerical value may not be interpolated and, except for zero, shall be listed with a positive or negative sign.

(b) Where a building parameter does not apply, a value of zero shall be assigned.

**(3) BUILDING SAFETY SCORE.** (a) The numerical values entered in Table Comm 70.23 shall be algebraically totaled within each life safety column, and the total shall be listed as a safety score in each column.

(b) Where the safety score in each life safety column is equal to or greater than zero, the qualified historic building is in compliance with this chapter.

(c) Where the safety score in any of the life safety columns is less than zero, the building is not in compliance with this chapter, for the proposed occupancy. Additional safety measures may be proposed by the owner to bring any negative safety score to a value which is equal to or greater than zero.

**Comm 70.22 Building safety parameters.** A qualified historic building shall be evaluated in accordance with all of the following building safety parameters:

(1) NUMBER OF STORIES. (a) *Determining types of construction.* The type of construction shall be determined by comparing the actual building elements to those specified in the prevailing code. The type of construction shall be based on that which most closely represents the type of construction described in the prevailing code. A single numerical value shall be established from Table Comm 70.22-1 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IBC chapter 6 as adopted in the prevailing code for types of construction requirements.

(b) *Different types of construction.* Buildings with different types of construction shall be separated with a type of construction separation specified in the prevailing code unless the lowest type of construction is used as the basis for the evaluation.

(c) *Allowable number of stories.* The allowable number of stories for the type of construction shall be determined in accordance with the prevailing code.

Note: See s. Comm 62.0500 and IBC chapter 5 as adopted in the prevailing code for allowable height and areas.

**TABLE 70.22-1**  
**Number of Stories**

Number of Stories	Numerical Value (per story)
Each story above the maximum number of stories allowed	-5
Complies with prevailing code	0
Each story below the maximum number of stories	+5 (maximum value, +10)

(2) BUILDING AREA. (a) *Allowable area.* Except as specified in par. (b), the allowable building area shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-2 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See s. Comm 62.0500 and IBC chapter 5 as adopted in the prevailing code for allowable building area.

(b) *Number of stories.* When the building has more stories than permitted by the prevailing code, the maximum number of stories allowed for that type of construction shall be used to determine the maximum allowable area requirements for the building.

**TABLE 70.22-2**

**Building Area**

<b>Building Area</b>	<b>Numerical Value</b>
More than 150% of the allowed area	-5
111% - 120% of allowed	-2
90% to 110% of allowed area, or where code does not have area limitations	0
80% - 89% of allowed	+2
70% - 79% of allowed	+3
50% - 69% of allowed	+4
Less than 50% of the area allowed	+5

(3) **FIRE RESISTANCE RATING AND FIRE SEPARATION DISTANCE.** The fire resistance rating requirements for exterior walls based on the fire separation distance shall be determined in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-3 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0702 and IBC section 702 for definition of fire separation distance, s. Comm 62.0704 and IBC section 704 for exterior wall construction and rating, and IBC section 602 for fire-resistance rating requirements for building elements, as adopted in the prevailing code.

**TABLE 70.22-3**

**Building Fire Separation Distance**

<b>Building Fire Separation Distance</b>	<b>Numerical Value</b>
Distance and rating less than allowed under the prevailing code	-2
Complies with prevailing code	0
Greater than the prevailing code	+2

(4) **ATTIC COMPARTMENTALIZATION.** The attic area shall be evaluated in accordance with the attic draftstopping requirements specified in the prevailing code. A single numerical value shall be established from Table Comm 70.22-4 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 716.4 as adopted in the prevailing code for attic draftstopping requirements.

**TABLE 70.22-4**  
**Attic Compartmentalization**

<b>Attic Compartmentalization</b>	<b>Numerical Value</b>
No compartments provided but required	-5
Compartments are not more than 10% over the code permitted areas	-3
Complies with prevailing code	0
Compartments are less than 25% of the code permitted areas	+3

(5) FIREBLOCKING AND DRAFTSTOPPING. The fireblocking and draftstopping requirements shall be determined in accordance with the prevailing code. If the existing wall material is removed and the wall cavity is exposed, fireblocking and draftstopping shall be provided in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-5 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 716.2 as adopted in the prevailing code for fireblocking and draftstopping requirements.

**TABLE 70.22-5**  
**Fireblocking and Draftstopping**

<b>Fireblocking and draftstopping</b>	<b>Numerical Value</b>
No verification of fireblocking or draftstopping	-5
Fireblocking and draftstopping provided at basement and attic levels and wherever accessible	-3
Complies with prevailing code	0

(6) MIXED OCCUPANCIES. The separation of different occupancies shall be evaluated in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-6 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 302.3 as adopted in the prevailing code for separation of occupancy requirements.

**TABLE 70.22-6  
Occupancy Separation**

<b>Occupancy Separations</b>	<b>Numerical Value</b>
No separation provided, but required	-5
Provided, but 2 hours less than required	-4
Provided, but 1 hour less than required	-2
Complies with prevailing code for fire resistive ratings or no separation is required <sup>1</sup>	0
Provided and 1 or more hours greater than required	+2

<sup>1</sup> Where a 3-hour separation is required and a 4-hour separation is provided, the value shall be zero.

(7) **VERTICAL OPENINGS.** (a) *Fire resistance ratings.* Except as specified in par. (b), the fire-resistance rating of enclosures of stairway exits, hoistways and other shafts or openings between 2 or more floors shall be evaluated in accordance with the prevailing code. A single numerical value, using the worst case condition, shall be established from Table Comm 70.22-7 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IBC section 707 as adopted in the prevailing code for shaft and vertical exit enclosure requirements.

(b) *Exception.* Atriums from 3 levels to not more than 8 levels may not be considered in the evaluation of vertical openings, but shall comply with s. Comm 70.26.

**TABLE 70.22-7  
Vertical Openings**

<b>Vertical Openings</b>	<b>Numerical Value (per shaft or opening)</b>
No enclosure	-3
Enclosure with no rating	-2
Enclosure provided but 1-hour below the required protection level	-1
Complies with prevailing code	0
1-hour required, but 2-hour provided	+1

(8) **HEATING, VENTILATING, AND AIR CONDITIONING.** The number of floors served by an individual heating, ventilating, and air conditioning (HVAC) system shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-8 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See IMC section 607 as adopted in the prevailing code for ducts and air transfer openings.

**TABLE 70.22-8  
HVAC Systems**

<b>HVAC Systems</b>	<b>Numerical Value</b>
Greater than 5-floor levels served by undampened duct system, combustibles in air plenums, or corridors used as air plenums.	-5
3 to 5-floor levels served by undampened duct system	-2
2-floor levels served by undampened duct system	-1
Complies with prevailing code or provided with fire dampers	0
Multi-level buildings having 1-floor level HVAC system or central system with no ducts serving other floor levels	+5

(9) SMOKE DETECTION. The smoke detection system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-9 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0907 and IBC section 907 as adopted in the prevailing code for fire alarm and detection systems.

**TABLE 70.22-9  
Smoke Detection**

<b>Smoke Detection</b>	<b>Numerical Value</b>
Complies with prevailing code	0
Elevator lobby only and not required by prevailing code	+1
HVAC return only and not required by prevailing code	+2
HVAC return and elevator lobby and not required by prevailing code	+3
All corridors, in addition to those required by the code, including elevator lobbies <sup>1</sup>	+4
Total space with interconnection of smoke detectors and building fire alarm system and not required by prevailing code	+5

<sup>1</sup>If required detectors meet the requirements for corridor protection, enter zero.

(10) FIRE ALARMS. The fire alarm system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-10 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See s. Comm 62.0907 and IBC section 907 as adopted in the prevailing code for fire alarm and detection systems.

**TABLE 70.22-10****Fire Alarms**

<b>Fire Alarms</b>	<b>Numerical Value</b>
Manual fire alarm system required, but not provided	-5
Manual fire alarm system required and provided, but does not comply with prevailing code	-2
Complies with the prevailing code	0
Manual fire alarm system provided but not required <sup>1</sup>	+1
Manual fire alarm and voice alarm or manual fire alarm with public address system provided, but not required <sup>2</sup>	+3
Central control station <sup>3</sup>	+4
Central control station and interconnected to a remote control station which is permanently monitored <sup>3</sup>	+5

<sup>1</sup>If a numerical value of (+5) is taken under (9) smoke detection, the numerical value for this section is zero.

<sup>2</sup>Voice alarm and public address system shall be activated from a location, which is occupied by an employee during all periods of building occupancy.

<sup>3</sup>Fire department may require systems to be interconnected with the fire department.

(11) SMOKE CONTROL. The ability of a natural or mechanical venting, exhaust or pressurization systems to control the movement of smoke from a fire shall be determined in accordance with Table 70.22-11 for the entire building based on the worst case condition. If a building is 2 stories or less in height, the numerical value is zero. A single numerical value shall be established from Table Comm 70.22-11 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See s. Comm 62.0909 and IBC section 909 as adopted in the prevailing code for smoke control requirements.

**TABLE 70.22-11****Smoke Control**

<b>Smoke Control</b>	<b>Numerical Value</b>
Operable windows, that are operable without special keys or tools, are provided throughout the entire building, but not required	+2
Automatic smoke vents provided throughout entire building, but not required	+3
One smokeproof stairway enclosure provided and building has operable windows throughout, but neither required	+5
All stairways provided are pressurized, but not required	+7
Engineered smoke control and removal system provided that covers the entire building, but not required	+10

(12) EXIT CAPACITY. (a) *General.* Except as specified in par. (b), the means of egress by number and capacity of exits shall be determined in accordance with the prevailing code. If exiting differs on various floor levels, the worst case floor shall be used. A single numerical value shall be established from Table Comm 70.22-12 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See ss. Comm 62.1003 to Comm 62.1006 and IBC chapter 10 as adopted in the prevailing code for means of egress requirements.

(b) *Exceptions.* The minimum number of exits shall be provided as specified in the prevailing code for the applicable occupancy classification.

**TABLE 70.22-12**  
**Exit Capacity**

Exit Capacity	Number Value (per exit)
Complies with prevailing code	0
Horizontal exits are provided in addition to the required exits <sup>1</sup>	+2
Exits to grade or enclosed stairways exceed the minimum number of exits <sup>2</sup>	+3
Eliminate a fire escape exit and provide a code complying enclosed stairway exit serving 3 or more levels	+5

<sup>1</sup>No more than one-half the exits may be horizontal exits.

<sup>2</sup>Exits shall be at least 20 feet apart.

(13) DEAD ENDS. The length of exit access travel distance in which the building occupants are confined to a single direction of egress shall be evaluated in accordance with Table 70.22-13. A single numerical value shall be established from Table Comm 70.22-13 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**TABLE 70.22-13**  
**Dead Ends**

Dead Ends	Numerical Value (per dead end)
Dead ends exceed the maximum permitted distance in prevailing code	-5
Complies with prevailing code	0

(14) MAXIMUM TRAVEL DISTANCE TO AN EXIT. (a) *General.* Except as specified in par. (b), the length of travel to a required exit shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-14 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IBC section 1004 as adopted in the prevailing code for travel distance requirements.



(b) *Exceptions.* Travel distances that exceed 25% above the required limitations are not permitted.

**TABLE 70.22-14**  
**Maximum Travel Distance**

Maximum Travel Distance	Numerical Value
111% - 125% of limit allowed	-5
90% - 110% of prevailing code limit	0
50% - 89% of limit allowed <sup>1</sup>	+3
Less than 50% of limit allowed <sup>1</sup>	+5

<sup>1</sup>For residential occupancies no credit may be taken for reduced exit distance.

(15) **EMERGENCY POWER.** The availability of emergency power for emergency lighting shall be evaluated in accordance with the prevailing code and ch. Comm 16. A single numerical value shall be established from Table Comm 70.22-15 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

Note: See IBC section 2702 as adopted in the prevailing code for emergency and standby power systems.

**TABLE 70.22-15**  
**Emergency Power**

Emergency Power	Numerical Value
Emergency power required, but not provided	-5
Complies with prevailing code	0
Emergency power provided, but not required <sup>1</sup>	+2

<sup>1</sup>Does not apply to buildings 2 stories or less in height.

(16) **ELEVATOR CONTROL.** The elevator equipment and controls that are available to the fire department to rescue building occupants from upper floors during a fire shall be evaluated in accordance with ch. Comm 18. A single numerical value shall be established from Table Comm 70.22-16 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**TABLE 70.22-16**  
**Elevator Control**

Elevator Control	Numerical Value
No elevators in buildings 3 stories or more in height	-3
Buildings 3 stories or more in height containing elevators without Phase I emergency recall operation	-2
Buildings 2 stories or less in height containing elevators without Phase I emergency recall operation	-1
No elevators in buildings 2 stories or less in height	0

Buildings 2 stories or less in height containing elevators with Phase I emergency recall operation	+1
Buildings 3 stories or more in height containing elevators with Phase I emergency recall operation	+4
Buildings 3 stories or more in height containing elevators with Phase I emergency recall operation and Phase II in-car emergency operation	+5

(17) **SPRINKLERS.** (a) *General.* Except as specified in par. (b), the sprinkler system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table Comm 70.22-17 and entered in Table Comm 70.23 as specified in s. Comm 70.21.

**Note:** See ss. Comm 62.0901 to Comm 62.0909 and IBC chapter 9 as adopted in the prevailing code for sprinkler requirements.

(b) *Exceptions.* If the building area evaluation was based on sprinkler protection as allowed by sub. (2) (b) 2., the numerical value under this section is zero.

**TABLE 70.22-17**

**Sprinklers**

<b>Sprinklers</b>	<b>Numerical Value</b>
System required but not provided <sup>1</sup>	-5
Existing sprinkler system is required but does not meet prevailing code <sup>2</sup>	-1
Sprinkler system is not required and not provided	0
Sprinkler system required and provided in accordance with the prevailing code	0
Existing sprinkler system is not required and does not meet prevailing code <sup>2</sup>	+1
Sprinklers provided in exit access, but not required	+3
Partial sprinkler system is provided throughout at least 75% of the building, but not required	+5
If sprinkler system is required, and regular sprinkler heads are replaced with quick response heads	+5
Complete sprinkler system provided throughout entire building, but not required	+7
Complete sprinkler system complying with NFPA 13 for quick response heads is provided throughout the entire building, but not required <sup>3</sup>	+10

<sup>1</sup>If -5 was entered under sub. (2), numerical value is zero.

<sup>2</sup>Does not apply to partial systems.

<sup>3</sup>If -5 was entered under sub. (2), numerical value is +5.

SECTION 18. Table Comm 70.23 is amended to read:

**TABLE 70.23**  
(Partial Table)  
**Building Evaluation Form**

<u>Building</u> Safety Parameters	<u>Life Safety Categories</u>			Comments
	Fire Safety	Means of Egress	General Safety	
5. <u>Firestopping</u> <u>Fireblocking and</u> <u>draftstopping</u>		NA		

NA as used in this Table means "Not applicable."

SECTION 19. Comm 70.26 (3) (d) is repealed and recreated to read:

**Comm 70.26 (3) (d) *Mechanical smoke exhaust.*** A mechanical smoke exhaust system shall comply with the prevailing code.

**Note:** See IBC section 910.4 as adopted in the prevailing code for mechanical smoke exhaust requirements.

SECTION 20. Comm 70.27 is amended to read:

**Comm 70.27 Roof coverings.** Existing roof coverings not in conformance with the ratings specified in ~~Table 51.03-A~~ of the prevailing code may be allowed to remain on the building. Repairs may be made up to 50% of the entire roof surface with materials that match the existing roof coverings. If more than 50% of the entire roof surface needs to be repaired, the roof covering shall conform to the requirements of the prevailing code. Where wood shingles are used to preserve the historic features, the shingles shall be of a fire treated type and of a class C rating.

**Note:** See IBC section 1507 as adopted in the prevailing code for roof covering requirements.

SECTION 21. Comm 70.28 is amended to read:

**Comm 70.28 Illuminated exit signs.** Exit signs shall be provided in accordance with ~~Comm 51.15 (5)~~ the prevailing code.

**Note:** See IBC section 1003.2.10 as adopted in the prevailing code for exit sign requirements.

SECTION 22. Comm 70.29 (1) is repealed and recreated to read:

**Comm 70.29 (1) PERMITTED AS EXITS.** (a) *General.* Except as specified in par. (b), existing fire escapes complying with the code in effect when the building was approved may be used as an exit.

(b) When the occupancy of an existing building is changed to a new occupancy, fire escapes may not be used as an exit in accordance with the prevailing code.

SECTION 23. Comm 70.29 (3) is repealed.

SECTION 24. Comm 70.29 (4) is renumbered (3).

SECTION 25. Comm 70.30 (3) (a) is amended to read:

**Comm 70.30 (3) (a) Extensions.** The 12-inch handrail extension as specified in ~~s. Comm 51.16 (4)~~ the prevailing code at the bottom and top of stairways does not apply to existing stairways.

Note: See IBC section 1003.3.3.11.5 as adopted in the prevailing code for handrail requirements.

SECTION 26. Comm 70.37 (1) (d) is amended to read:

**Comm 70.37 (1) (d) Changed in use occupancy.**

SECTION 27. Comm 70.37 (2) (a) is amended to read:

**Comm 70.37 (2) (a) Structurally separated.** New additions, which are structurally separated from the existing qualified historic structure, shall comply with the loading requirements of ~~eh. Comm 53~~ prevailing code.

Note: See IBC chapter 16 as adopted in the prevailing code for loading requirements.

SECTION 28. Comm 70.38 (1) (a) and (b) are amended to read:

**Comm 70.38 (1) (a) Less than 25%.** When a qualified historic building is remodeled or changed in use occupancy, which affects less than 25% of the total area of the building, a structural analysis shall be performed on that portion being remodeled.

(b) *25% or more.* When a qualified historic building is remodeled or changed in use occupancy, which affects 25% or more of the total area of the building, a complete structural analysis shall be performed on the entire building.

SECTION 29. Comm 70.39 (1) (a) 2. is repealed.

SECTION 30. Comm 70.39 (1) (a) 3. and 4. are renumbered Comm (1) (a) 2. and 3.

SECTION 31. Comm 70.39 (1) (a) 3. is amended to read:

**Comm 70.39 (1) (a) 3.** The permitted reductions specified in subds. 1. ~~3.~~ and 2. are not to be used cumulatively.

SECTION 32. Comm 70.39 (2) (a) is amended to read:

**Comm 70.39 (2) (a)** The historic building has been determined to support the imposed ~~floor~~ roof loads; and

SECTION 33. Comm 70.40 (3) is repealed and recreated to read:

**Comm 70.40 (3) (a) *Determination of fire resistance.*** 1. Except as specified in subd. 2., the fire-resistance rating of archaic or existing building materials, elements or assemblies shall be determined in accordance with the prevailing code.

**Note:** See s. Comm 62.0703 and IBC section 703.3 as adopted in the prevailing code for fire-resistance rating requirements.

2. Fire-resistance rating may be determined by an actual testing of the material by an approved testing laboratory, or by other methods or standards recognized by the department.

(b) *Penetrations.* All penetrations in the building element, or assembly, for electrical, plumbing and heating, ventilating and air conditioning systems shall be packed with noncombustible cementitious materials and so fixed that the packing material will not fall out due to shrinkage from drying.

(c) *New materials.* The fire-resistance of any new materials, elements or assemblies shall comply with the prevailing code.

SECTION 34. Comm 70.42 is amended to read:

**Comm 70.42 Accessibility requirements.** All qualified historic buildings being altered, or remodeled, added to or changed in use occupancy shall comply with the requirements of ~~ch. Comm 69.21 and ADAAG 4.1.7~~ the prevailing code.

Note: See s. Comm 62.3408 and IBC section 3408 as adopted in the prevailing code for existing building requirements.

SECTION 35. Comm 70.48 (1) (b) is amended to read:

**Comm 70.48 (1) (b)** Qualified historic buildings which ~~undergo any change of occupancy or use which would~~ that are changed in occupancy and increase the energy consumption; or

SECTION 36. Comm 70.48 (2) (a) is amended to read:

**Comm 70.48 (2) (a)** ~~Totally preserved~~ Preserved buildings used as historical exhibits; and

SECTION 37. Comm 70.59 (1) (a) is amended to read:

**Comm 70.59 (1) (a)** ~~Change of use~~ Changed in occupancy. If a qualified historic building is changed in use occupancy, a load calculation of the building shall be performed for the proposed use occupancy. If the load calculation exceeds the actual service provided, the service shall be upgraded to meet the new load.

SECTION 38. Comm 70, subchapter XI "title" is amended to read:

**Subchapter XI ~~Totally Preserved~~ Buildings Used As Historical Exhibits**

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**EFFECTIVE DATE**

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on July 1, 2002.

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