

Section 943.03, Stats., reads as follows: Arson of property other than building. Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of \$100 or more, is guilty of a Class E felony.

(9) OPEN BURNING. This is a department rule in addition to the requirements in NFPA 1 section 3-4:

(a) Except as provided in par. (b), all persons shall obtain authorization from the fire chief before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the limits of any incorporated city or village.

(b) The following open burning shall be allowed without authorization from the fire chief: outdoor cooking, campfires and burning related to training for fire departments.

Note: Burning outside the incorporated limits of cities and villages is regulated by the department of natural resources under ch. NR 30—Forest Fire Control and ss. 26.11 to 26.13, Stats.

(c) Open burning is also subject to the rules of the department of natural resources and local ordinances and regulations.

(d) Outdoor burning is prohibited when local circumstances make the fire potentially hazardous. Local circumstances include thermal inversions, wind, ozone alerts and very dry conditions.

Note: Outdoor burning may be prohibited by the department of natural resources due to air quality considerations.

(10) BONFIRES. This is a department rule in addition to the requirements in NFPA 1 section 3-4:

(a) *Prior approval.* All persons shall obtain authorization from the fire chief before kindling or maintaining any bonfire or authorizing the kindling or maintaining of any bonfire on any premises.

(b) *Quantity of material to be burned.* The allowable quantity of material to be burned shall be determined by the fire chief and shall be based upon the fire safety considerations of the situation and the desired duration of burn.

(c) *Material for burning.* 1. Fuel for bonfires shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

2. Material for bonfires may not include combustible refuse, flammable or combustible liquids, or any material made of or coated with rubber, plastic, leather or petroleum based materials.

4M1-03
28

(d) *Other regulations.* Persons kindling or maintaining bonfires or authorizing the kindling or maintenance of bonfires shall be subject to the ordinances and regulations of the fire department having jurisdiction.

Note: See ch. NR 30-Forest Fire Control and ss. 26.11 to 26.13, Stats., for regulations pertaining to burning in areas outside the incorporated limits of cities and villages.

(11) HOT ASHES AND OTHER MATERIALS LIABLE TO SPONTANEOUS IGNITION. This is a department rule in addition to the requirements in NFPA 1 section 3-4:

(a) *General.* Except as provided in par. (b), no person may deposit hot ashes or cinders, smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle or place these materials within 15 feet of any combustible materials.

(b) *Metal or noncombustible receptacles.* Hot ashes or cinders, smoldering coals or greasy or oily substances liable to spontaneous ignition placed in metal or noncombustible, covered receptacles are exempt from the provisions of par. (a), providing the following conditions are satisfied:

1. The receptacle is resting upon a noncombustible floor or on the ground outside the building or is placed on a noncombustible stand.

2. The receptacle is kept at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit.

(12) USE OF INCINERATORS. This is a department rule in addition to the requirements in NFPA 1 section 3-4.9: The use of an incinerator is prohibited if the fire chief determines that burning in the incinerator during a period of high fire hazard weather conditions will create an undue fire hazard.

(13) FIRE LANES. This is a department rule in addition to the requirements in NFPA 1 section 3-5.5: Fire lanes may not be obstructed in any manner including the parking of vehicles or the accumulation of snow. The minimum required clearances shall be maintained at all times.

(14) DILAPIDATED OR VACANT BUILDINGS. This is a department rule in addition to the requirements in NFPA 1 section 3-8: (a) *Dilapidated buildings.* 1. Any building which for any reason is especially liable to fire and which is so located as to endanger other buildings or property shall be repaired and put in safe and sound condition or shall be torn down and have all materials removed.

2. Conditions considered especially liable to fire shall include, but are not limited to, the following:

a. Missing or rotten shingles or similar defects on the roof.

b. Loose, missing or rotten siding.

- c. Broken plastering.
- d. Holes in floors, ceilings or partitions.
- e. Cracked or defective chimneys.
- f. Other conditions determined hazardous by the fire chief.

3. The kind, form, manner or extent of repairs may be authorized by local ordinance when a building is damaged from any cause to an extent of more than 50% of its assessed value.

(b) *Vacant buildings.* Upon vacating or abandoning any premises, the owner shall remove any and all noxious and hazardous material or waste matter and the premises shall be left in a clean and neat condition.

Note: Section 66.0413, Stats., addresses the topic of razing buildings.

(15) COMBUSTIBLE VEGETATION. (a) *Natural cut trees excluded.* This is a department exception to the requirements in NFPA 1 section 3-9.1: NFPA 1 section 3-9.1 does not apply to natural cut Christmas trees.

(b) *Christmas trees.* This is a department rule in addition to the requirements in NFPA 1 section 3-9.1: 1. 'Artificial trees.' Artificial Christmas trees, except those within individual living units, shall be flame retardant or nonflammable.

2. 'Natural-cut trees.' Natural cut Christmas trees, except those within individual living units, shall have the trunk sawed off at least one inch above the original cut end and shall be cut immediately prior to being placed in a water-bearing stand. The water level shall always be above the cut.

(16) NUISANCE VEGETATION. This is a department rule in addition to the requirements in NFPA 1 section 3-9.1: All weeds, grass, vines or other growth which endanger property through the spread of fire shall be cut down and removed.

Comm 14.04 Maintenance of egress. This is a department rule in addition to the requirements in NFPA 1 section 4-9.1: The entire means of egress system shall remain clear and unobstructed continuous to the public way or safe dispersal area at all times. All components of the means of egress system shall be maintained to remain in compliance with this code and chs. Comm 61 to 65.

Comm 14.05 Maintenance of dampers. This is a department rule in addition to the requirements in NFPA 1 section 5-3: At least every four years, all fire dampers, smoke dampers and ceiling dampers and components shall be operated to ensure they remain in working condition as designed and installed.

Comm 14.06 Building services. (1) EXTENSION CORDS AND RELOCATABLE POWER TAPS. Substitute the following wording for the requirements in NFPA 1 section 6-1:

(a) *Definitions.* 1. In this subsection, "extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.

2. In this subsection, "relocatable power tap" means a system consisting of an attachment plug cap and a length of flexible cord terminated in an enclosure in which are mounted one or more receptacles. A relocatable power tap may be provided with supplementary overcurrent protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters.

(b) *Listing.* Extension cords and relocatable power taps shall be listed by UL or other approved nationally recognized testing agency.

Note: See standard UL 817-Cord Sets and Power Supply Cords or UL 1363-Relocatable Power Taps for additional information.

(c) *General requirements.* 1. Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.

2. Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.

(c) *Ampacity.* The current-carrying capacity of the extension cord or relocatable power tap may not be exceeded.

(d) *Use of extension cords and relocatable power taps.* 1. Except as provided in subd. 2., extension cords and relocatable power taps may not be multiplied or plugged into one another.

2. Extension cords may be used for temporary wiring at construction sites provided the cords comply with Article 305 of the National Electrical Code as adopted in ch. Comm 16.

3. Extension cords shall be permitted only with portable appliances, hand tools or fixtures.

4. Relocatable power taps are permitted only with portable electronic equipment such as audio-visual equipment, computers and peripheral equipment.

5. Except for listed adapter cord sets intended for construction site use, each extension cord shall serve only one portable appliance, hand tool or fixture.

(e) *Physical protection.* 1. Extension cords and relocatable power taps shall be protected from physical impact and environmental damage.

2. Extension cords and relocatable power taps may not be attached to structures or placed under doors or floor coverings.

Note: See ch. Comm 16 for other requirements for electrical safety.

(2) HEATING, VENTILATING AND AIR CONDITIONING. Substitute the following wording for the requirements in NFPA 1 section 6-2:

(a) *General maintenance of chimneys and heating appliances.* 1. All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outside and the stoves, furnaces, incinerators or boilers to which they are connected shall be maintained so as not to create a fire hazard.

2. Chimneys or vents and connectors serving solid-fuel-burning appliances shall be cleaned and inspected for damage annually. The fire chief may require verification of cleaning and inspection in writing.

3. Chimneys and vents, which have been subjected to a chimney fire, shall not be reused until inspected and, if necessary, repaired.

(b) *Maintenance of masonry chimneys.* 1. Masonry chimneys which upon inspection are found to be without flue liners and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous shall be made safe by means of a fire-clay liner, fire-brick, a corrosion-resistant metal pipe or other approved materials and otherwise repaired. If necessary, the chimney shall be removed or the chimney openings shall be effectively sealed to prevent further use.

2. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue, and the entire space between the metal liner and the walls of the chimney shall be filled with cement mortar.

(c) *Maintenance of metal chimneys and vents.* Chimneys, vents and vent connectors of metal, which are corroded or improperly supported, shall be repaired or replaced.

(d) *Unsafe heating appliances.* 1. Any stove, oven, furnace, incinerator, boiler or other heat producing device or appliance found to be defective or in violation of code requirements may not be used. The fire chief shall order the discontinuation of use with a written notice to the owner, firm, agent or operator of the equipment to cease use immediately.

2. The defective appliance shall remain withdrawn from service until all necessary repairs or alterations have been made.

Note: See chs. Comm 61 to 65 for other requirements for heating, ventilating and air conditioning.

(3) ELEVATORS, ESCALATORS AND CONVEYORS. The requirements in NFPA 1 section 6-3 are not included as part of this code.

Note: See ch. Comm 18 for requirements for elevators, escalators and conveyors.

(4) PORTABLE UNVENTED HEATERS. Substitute the following wording for the requirements in NFPA 1 section 6-5: Portable unvented fuel-fired heating equipment is prohibited except during construction or demolition of a building as allowed under NFPA 1 section 29-2.16.1.

Note: See chs. Comm 61 to 65 for requirements for other heating appliances.

(5) EMERGENCY AND STANDBY GENERATORS. Substitute the following wording for the requirements in NFPA 1 section 6-7.1: All emergency and standby generators shall be tested and maintained in accordance with NFPA 110.

(6) SMOKE CONTROL EQUIPMENT. This is a department rule in addition to the requirements in NFPA 1 section 6-8: All smoke control and removal equipment shall be operated by the owner or an authorized representative at least once every 6 months or in accordance with the manufacturer's recommendations.

Comm 14.07 Fire protection systems. (1) INSPECTION, TESTING AND MAINTENANCE. These are department rules in addition to the requirements in NFPA 1 section 7-1.2: (a) *General.* Owners or operators shall be responsible for the condition of their fire protection systems and shall maintain the systems in good operating condition.

(b) *Inspection, testing and maintenance of cross connection control devices.* All cross connection control devices installed in water-based fire protection systems shall be inspected, tested and maintained in accordance with this chapter and ch. Comm 82.

(2) INSPECTION, TESTING AND MAINTENANCE OF STANDPIPE AND HOSE SYSTEMS. Substitute the following wording for the requirements in NFPA 1 section 7-2.3.2: All standpipe and hose systems shall be inspected, tested and maintained in accordance with NFPA 25.

(3) INSPECTION, TESTING AND MAINTENANCE OF AUTOMATIC FIRE SPRINKLER SYSTEMS. Substitute the following wording for the requirements in NFPA 1 section 7-3.3.2:

(a) All automatic fire sprinkler systems shall be inspected, tested and maintained in accordance with NFPA 25.

(b) At least once each year, the inspection, testing and maintenance specified in NFPA 25 shall be conducted by a person having the applicable credential specified in ch. Comm 5.

Note: This code section does not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.

(c) The local fire department shall be notified whenever the automatic fire sprinkler system is shut down or impaired and when it is placed back in service. The owner shall arrange for immediate and continual servicing or repair of the automatic fire sprinkler system until it is placed back in operation.

(4) PORTABLE FIRE EXTINGUISHERS. These are department rules in addition to the requirements in NFPA 1 section 7-6.4: (a) *Maintenance.* All portable fire extinguishers shall be inspected, tested, and maintained in operable condition in accordance with NFPA 10.

(b) *Replacement.* For fire extinguishers that are installed after April 1, 2000 and anytime a fire extinguisher is replaced thereafter, the extinguisher shall comply with NFPA 10.

(c) *Compatibility.* The extinguishing agent in a portable fire extinguisher that is used to supplement an automatic fire extinguishing system shall be compatible with the agent in the automatic fire extinguishing system as determined by the manufacturer.

(5) INSPECTION, TESTING AND MAINTENANCE OF FIRE ALARM SYSTEMS. This is a department rule in addition to the requirements in NFPA 1 section 7-7.4.3.1: All fire alarm systems and components, including manual fire alarm systems and single- or multiple-station smoke and heat detectors shall be inspected, tested and maintained in accordance with NFPA 72.

Note: Section 101.145 (3) (b) and (c), Stats., address maintenance of smoke detectors in residential buildings and read as follows: Section 101.145 (3) (b) "The owner of a residential building shall maintain any such smoke detector that is located in a common area of that residential building."

(c) "The occupant of a unit in a residential building shall maintain any smoke detector in that unit, except that if an occupant who is not an owner, or a state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that a smoke detector in the unit is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional."

(6) ALTERNATE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS. Substitute the following wording for the requirements in NFPA 1 section 7-8: (a) Except as provided in subs. (b) and (c), all alternate automatic fire extinguishing systems shall be inspected, tested and maintained in accordance with the applicable standard listed in NFPA 1, Table 7-8.

(b) Water mist fire protection systems shall be inspected, tested and maintained in accordance with NFPA 750, Standard on Water Mist Fire Protection Systems as adopted in chs. Comm 61 to 65.

(c) Inspection, testing and maintenance of manual wet sprinkler systems shall comply with all of the requirements of NFPA 25, for an automatic fire sprinkler system, except that the main drain test specified in NFPA 25 is not required.

Comm 14.16 Fireworks, model rocketry and explosives. (1) FIREWORKS. The requirements in NFPA 1 section 16-4 are not included as part of this code.

Note: See ch. Comm 9 for requirements for fireworks manufacturing.

(2) EXPLOSIVES. The requirements in NFPA 1 section 16-8 are not included as part of this code.

Note: See ch. Comm 7 for requirements for explosives manufacturing.

Comm 14.17 Flammable and combustible liquids. The requirements in NFPA 1 chapter 17 are not included as part of this code.

Note: See ch. Comm 10 for requirements for flammable and combustible liquids.

Comm 14.21 Liquefied petroleum gases and liquefied natural gases. The requirements in NFPA 1 chapter 21 are not included as part of this code.

Note: See ch. Comm 40 for requirements for liquefied petroleum gases and liquefied natural gases.

Comm 14.23 Mechanical refrigeration. The requirements in NFPA 1 chapter 23 are not included as part of this code.

Note: See ch. Comm 45 for requirements for mechanical refrigeration.

Comm 14.27 Manufactured home and recreational vehicle sites. The requirements in NFPA 1 chapter 27 are not included as part of this code.

Note: See ch. Admin 65 for requirements for manufactured home parks.

Comm 14.28 Refueling. The requirements in NFPA 1 chapter 28 are not included as part of this code.

Note: See ch. Comm 10 for requirements for fueling operations.

Comm 14.29 Hose threads. The exception in NFPA 1 section 29-2.6 is not included as part of this code.

Note: Section 213.15, Stats., regulates fire hose threads and fittings and reads as follows: "All fire hose fittings, apparatus fittings, 1.5 and 2.5 inches in diameter purchased or procured by a fire department or fire company shall be of the national standard hose thread as adopted by the national fire protection association. No fire department shall utilize hose and equipment not in conformance with the requirement that all threads shall be national standard hose thread as adopted by the national fire protection association. Any person offering for sale nonstandard hose couplings, fittings or apparatus fittings may be fined not less than \$100 nor more than \$500."

Note: NFPA 1963 contains the specifications for national standard hose thread.

Comm 14.30 Service stations and repair garages. The requirements in NFPA 1 chapter 30 are not included as part of this code.

Note: See chs. Comm 10 and 61-65 for requirements for service stations and repair garages.

Comm 14.31 Grandstands, bleachers, folding and telescopic seating, tents and membrane structures. (1) **VEHICLE PARKING NEAR TENTS.** This is a department rule in addition to the requirements in NFPA 1 section 31-4.1: (a) Automotive equipment that is used in connection with any tent may not be parked within 20 feet of the tent except by special permission of the fire chief.

(b) No other automotive equipment or internal combustion engines may be parked or located within 50 feet of the tent except upon a public street.

(2) **FLAMMABLE AND COMBUSTIBLE LIQUIDS NEAR TENTS.** This is a department rule in addition to the requirements in NFPA 1 section 31-4.1: (a) *General.* Flammable or combustible liquids may not be stored in a tent nor less than 50 feet from any tent used for public assemblage.

(b) *Storage and dispensing.* The storage and dispensing of flammable or combustible liquids shall be in accordance with ch. Comm 10.

(3) **ABATEMENT OF SPECIAL HAZARDS.** This is a department rule in addition to the requirements in NFPA 1 section 31-4.3.2: Any unforeseen condition that presents a fire hazard or would contribute to the rapid spread of fire, or would delay or interfere with the rapid exit of persons from the tent, or would interfere with or delay the extinguishment of a fire and which is not otherwise covered by this subchapter shall be immediately abated, eliminated or corrected as ordered by the fire chief.

(4) **COMBUSTIBLE MATERIALS NEAR TENTS.** This is a department rule in addition to the requirements in NFPA 1 section 31-4.4: (a) *Combustible material.* Hay, straw and other flammable material may not be stored less than 35 feet from any tent, except upon special permission from the fire chief.

(b) *Combustible waste and refuse.* 1. The grounds both inside and outside of tents shall be kept free and clear of combustible waste and refuse.

2. Waste and refuse shall be stored in approved containers or removed from the premises.

(5) **SMOKING AND OPEN FLAME IN TENTS.** Substitute the following wording for the requirements in NFPA 1 section 31-4.4.2: (a) *Smoking.* 1. Smoking is prohibited in any tent or in any adjacent areas where hay, straw, alfalfa, sawdust or other highly combustible materials are kept or stored.

2. Approved "No Smoking" signs shall be conspicuously posted.

(b) *Open flame.* No fireworks, open flame or other device emitting flame or fire may be used in or immediately adjacent to any tent while open to the public, except upon special permission from the fire chief.

(6) MAINTENANCE OF OUTDOOR GRANDSTANDS. The requirements in NFPA 1 section 31-9 are not included as part of this code.

Note: See chs. Comm 61 and 62 for requirements on outdoor grandstands.

(7) MAINTENANCE AND OPERATION OF FOLDING AND TELESCOPIC SEATING. The requirements in NFPA 1 section 31-10 are not included as part of this code.

Note: See chs. Comm 61 and 62 for requirements on folding and telescopic seating.

SUBCHAPTER IV, FIRE DEPARTMENT DUTIES

Comm 14.47 Fire chief and fire department duties. (1) AUTHORIZED DEPUTY OF THE DEPARTMENT. The fire chief of the fire department in every city, village or town, except cities of the first class, is a duly authorized deputy of the department.

(2) FIRE PREVENTION INSPECTIONS. (a) *General.* The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

(b) *Determining the number of buildings to be inspected.* The fire chief shall be responsible for determining the number of public buildings and places of employment to be inspected for each municipality for which the fire department has responsibility.

(c) *Scheduling of inspections.* Except as provided in par. (d), fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the chief of the fire department, in all territory served by the fire department.

(d) *Exceptions.* 1. In first class cities, the fire chief may establish the schedule of fire inspections. The fire chief shall base the frequency of the inspections on hazard classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

2. Within the territory of each fire department, in each municipality other than first class cities, the following types of occupancies shall be inspected at least once per year:

- a. Offices, outpatient clinics and dental clinics, if less than 3 stories in height.
- b. Non-occupied utility facilities, such as a water well facility, electric power substation and communication facility.
- c. Places of worship that do not have a rental hall, child day care facility or preschool to 12th grade instruction within the immediate church building.
- d. Buildings at colleges and universities, if used exclusively for classroom lecture or offices, provided there are no laboratories, chemical storage or industrial arts rooms in the building.
- e. Libraries, museums and art galleries.
- f. Hotels and motels, if less than 3 stories in height.
- g. Townhouses and rowhouses, if less than 3 stories in height.
- h. Residential condominiums and apartments, if there are less than 5 units under one roof.
- i. Convents and monasteries.
- j. Detention and correctional facilities.
- k. Garages used for storage only.
- L. Pedestrian walkways and tunnels, membrane structures, open parking structures, outdoor theaters, assembly seating areas, greenhouses and mini-storage buildings. If interior access to mini-storage buildings cannot be obtained, an exterior inspection shall be conducted.
- m. Vacant buildings. If interior access to vacant buildings cannot be obtained, an exterior inspection shall be conducted.
- n. Confined spaces. An area that is identified by a sign as a permit-required confined space need not be internally inspected, but an exterior inspection shall be conducted.
- o. Townhouses, rowhouses, residential condominiums and apartments with no common use areas. An exterior inspection of these occupancies shall be conducted.
- p. Fully-sprinklered office buildings up to 60 feet in height.

q. Fully-sprinklered residential condominiums and apartments, if less than 3 stories in height.

r. Fully-sprinklered townhouses and rowhouses, if less than 4 stories in height.

Note: Fully-sprinklered buildings are protected throughout by an automatic fire sprinkler system as specified in NFPA 13 or 13R, as referenced in chs. Comm 61 to 65.

3. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subsection. For the department to make a determination to grant a special order, the fire chief shall submit information regarding the fire safety plan that provides an equivalency to the inspections required under this subsection. The fire safety plan information shall consist of a fire safety evaluation identifying the fire risks and hazards that may be associated with the request for the special order.

(e) *Inspection reports.* Except in first class cities, the fire chief shall make and keep on file written reports of fire prevention inspections. In first class cities, the commissioner of the building inspection department shall make and keep the reports. The reports shall contain at least the information specified in sub. (5).

Note: Section 19.32 (2), Stats., considers a record to be material containing written or electromagnetic information. The department will consider computer records to be equivalent to written reports.

Note: The department has developed fire inspection report forms that may be used by fire departments. The fire inspection report forms (SBD-10615, SBD-5295 and SBD-10264) are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison WI 53701-2509, telephone (608) 266-1818.

(3) FIRE INCIDENT REPORTS. Each fire chief shall submit written fire incident reports to the department no later than April 1 for the previous year. The reports shall contain at least the information specified in sub. (5).

(4) PUBLIC FIRE EDUCATION SERVICES. Each fire department shall provide public fire education services within the territory served by the fire department. The services may be selected from the following public fire education-related activities:

(a) *Fire inspector training.* All fire department personnel directly involved in conducting fire inspections are authorized by the department and by the fire chief to conduct the inspections upon completion of required training approved by the department and by the fire chief.

(b) *Fire prevention week program.* Fire departments complete any combination of the following activities during national fire prevention week: children's poster contest; fire department open house; school visits to teach children fire safety; fire department fire safety demonstrations, including but not limited to fire fighting demonstrations, fire extinguisher and smoke detector demonstrations, stop, drop and roll demonstrations or an activity that specifically relates to a national fire prevention week theme.

(c) *Residential fire inspection program.* Fire departments advertise and conduct residential fire inspections on a request basis or in response to local ordinance.

(d) *Building plan review program.* Fire departments conduct plan reviews and approvals of fire safety related elements prior to construction of public buildings and places of employment.

(e) *School education program.* Fire departments conduct approved fire safety education programs in the school districts for which they have responsibility.

(f) *Continuing public fire education program.* Fire departments conduct public fire education programs which may include: monthly public service announcements for radio or television, monthly newspaper articles, booths at fairs, demonstrations at shopping centers, billboards with fire safety messages and similar activities acceptable to the department.

(g) *Public fire education speaking bureau.* Fire departments organize a group of speakers to make public fire education presentations to civic organizations, professional organizations, school organizations and similar groups.

(h) *Youth fire awareness program.* Fire departments conduct youth fire awareness programs, including skill award and merit badge clinics for scouts, junior fire marshal program, juvenile fire setters program, first aid and CPR training and related activities.

(i) *Fire extinguisher training program.* Fire departments conduct training programs for the public or industry regarding the operation of fire extinguishers. Industrial fire brigade training programs may be conducted to complete this activity.

(j) *Occupancy inspection program.* Fire departments conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. Written documentation of the inspections are kept by each fire department.

(k) *Smoke detector awareness program.* Fire departments conduct programs to inform people regarding the effectiveness and proper installation of smoke detectors in residential buildings, public buildings and places of employment.

(5) **RECORD KEEPING.** The following records shall be generated and maintained by each fire department:

(a) Current roster of active fire department members.

(b) Date and location of all fire prevention inspections conducted, violations found and corrective actions taken.

(c) Time, date and location of fires and number of firefighters responding to each fire.

(d) Number and duration of, and attendance at, fire department meetings.

(e) Number and duration of, topic of and attendance at fire department training sessions.

(f) Number, type, and duration of and attendance at public fire education related activities.

(6) AVAILABILITY OF RECORDS. The records specified in sub. (5), shall be made available to the department and to the public, upon request to the fire department.

SUBCHAPTER V, FIRE DEPARTMENT DUES PROGRAM

Comm 14.48 Fire Department Dues. (1) ELIGIBILITY. (a) 1. In order to be eligible to receive a fire department dues payment, a municipality shall ensure that the fire protection and fire prevention services specified in ss. 101.14 and 101.575, Stats., and this chapter, are provided to the entire municipality.

2. The training program required under s. 101.575 (3) (a) 3., Stats., shall be in accordance with ch. Comm 30 for public sector fire departments and in accordance with 29 CFR 1910.156 for private sector fire departments.

(b) 1. Except as provided in subd. 2., the fire protection and fire prevention services shall be provided by the fire department. A municipality not maintaining a fire department shall have the services provided through contract. A fire department may use mutual aid agreements as a means of providing fire protection services.

2. In first class cities, fire inspections may be provided by the neighborhood services department.

(2) COMPLIANCE DETERMINATION. (a) *General.* The department shall determine compliance with the fire department dues entitlement program through the self-certification audit process specified in sub. (3) and the onsite audit process specified in sub. (4).

(b) *Multiple fire departments.* Where a municipality is served by more than one fire department and any one of the fire departments is determined to be in noncompliance within that municipality, the entire municipality shall be determined to be in noncompliance.

(c) *Notice of noncompliance.* The department shall issue a notice of noncompliance to the municipality and the chief of the fire department that the department has determined to be in noncompliance. The determination shall be based on one or more of the following causes:

1. The municipality fails to return the self-certification audit form on time.

2. The municipality returns an incomplete self-certification audit form.
3. The municipality self-certifies non-compliance.
4. An onsite audit that results in failure.

(d) *Revised determinations.* A request to revise a determination of noncompliance for the previous calendar year shall be received by the department no later than December 31. A request for a revised determination of noncompliance received by the department after the December 31 deadline shall have no effect.

(3) SELF-CERTIFICATION AUDIT. (a) A municipality shall annually complete and submit a fire department dues entitlement self-certification audit form for the previous calendar year. The certification shall be made on the form provided by the department and the form shall be returned to the department on or before April 1.

Note: The department annually sends form SBD-10318 to the municipality.

(b) A municipality shall identify on the self-certification audit form the name of every fire department and the chief of the fire department that provided fire protection services and fire prevention services, to the municipality in the last calendar year. This identification shall be used to determine which fire departments are entitled to receive fire department dues from the municipality.

(c) The chief of the fire department that provided the fire protection and fire prevention services and the clerk of the municipality shall sign the self-certification audit form and indicate compliance or non-compliance with state regulations regarding the fire department dues entitlement program. In first class cities, the commissioner of the building inspection department shall also sign the self-certification audit form.

(4) ONSITE AUDIT. (a) In addition to the self-certification audit process, the department shall periodically conduct onsite audits of fire department dues entitlement records to determine compliance with the fire department dues entitlement program for the previous calendar year.

(b) The department shall periodically examine the fire department dues entitlement records to verify that the required fire prevention and fire protection services were provided within the territory served by the fire department and, within first class cities, by the building inspection department.

Note: The information required in the entitlement records is specified in ss. 101.14 and 101.575, Stats.

(c) The department shall write a report summarizing the results of each onsite audit.

(5) FIRE DEPARTMENT REGISTRATION. (a) A fire department that provides fire prevention and fire protection services to a municipality shall register with the department on the form provided by the department.

Note: Copies of form SBD-10638 are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone (608) 266-1818.

(b) The fire chief of a registered fire department shall annually submit a completed fire department annual update form, provided by the department, to the department by July 1.

Note: The department annually sends form SBD-10114 to the fire department.

File Reference: IBC/Comm 14C 1r

SECTION 3. Chapter Comm 15 is repealed.

SECTION 4. Comm 16.46 is repealed.

SECTION 5. Chapters Comm 50 to 64 and Appendices A and B to 50 to 64 are repealed.

SECTION 6. Chapter Comm 65 is renumbered Comm 68

SECTION 7. Chapters Comm 61 to 65 and Appendix A to 61 to 65 are created to read:

**Chapter Comm 61
Administration and Enforcement**

**Subchapter I
Scope and Application**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A shelter facility as defined under s. 16.352 (1) (d).

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

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

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

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

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

(e) An adult family home.

(f) A residential care apartment complex.

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

Note: Section 101.05, Stats., reads as follows: "Exempt buildings and projects. (1) No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

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

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

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

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

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

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

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

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

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

(c) Is the owner's personal residence;

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

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

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

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

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

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

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

(b) A building or structure located on Indian reservation land held in trust by the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

Comm 61.03 APPLICATION. (1) RETROACTIVITY. A rule of this code does not apply retroactively to public buildings and places of employment existing prior to the effective date of the rule unless specifically stated in the administrative rule.

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

(b) Where there is a conflict between a rule that prescribes a general requirement and a rule that prescribes a specific or more detailed requirement, the specific or more detailed requirement shall govern.

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

Note: Under s. Comm 62.0100 (1) and IBC section 102.4, where differences occur between the requirements of this code and referenced codes or standards, the requirements of this code apply.

(3) DEPARTMENT AUTHORITY. Pursuant to s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards.

Note: Section 101.02 (1), Stats., reads as follows: "The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings."

(4) LOCAL ORDINANCES. (a) 1. Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for public buildings and places of employment, provided the standards do not conflict with this code.

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

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

2. Under subch. VI of ch. 101, Stats., only a municipality with a preexisting stricter sprinkler ordinance as specified under s. 101.975 (3), Stats., may enact an ordinance requiring the automatic fire sprinkler system protection or 2-hour fire resistance specified in s. 101.14 (4m) (d) and (e), Stats. Under s. 101.14 (4m) (am), Stats., no municipality may enact an ordinance specifying thresholds for sprinkler protection or fire resistance that differ from s. Comm 62.903 or s. 101.14 (4m) (d) and (e), Stats. Specifying the thresholds in s. 101.14 (4m)

(d) and (e) does not enable a municipality to depart from any other criteria or procedure in this code.

Note: See Appendix A for a tabular listing of the thresholds in s. 101.14 (4m) (d) and (e), Stats., and for a listing of the municipalities that the department believes have a preexisting stricter sprinkler ordinance.

3. This code does not affect municipal requirements contained in a "preexisting stricter sprinkler ordinance," as provided in s. 101.975 (3), Stats.

Note: Section 101.975 (3), Stats., reads: In this subsection, "preexisting stricter sprinkler ordinance" means an ordinance that fulfills all of the following requirements:

1. The ordinance requires an automatic sprinkler system in multifamily dwellings containing 20 or less attached dwelling units.
2. The ordinance was in effect on January 1, 1992, and remains in effect on May 1, 1992.
3. The ordinance does not conform to this subchapter and s. 101.02 (7m) or is contrary to an order of the department under subch. I.
4. The ordinance is more stringent than the corresponding provision of this subchapter or s. 101.02 or the contrary provision of an order of the department under subch. I.

If a political subdivision has a preexisting stricter sprinkler ordinance, that ordinance remains in effect, except that the political subdivision may amend the ordinance to conform to this subchapter and s. 101.02 (7m) and to be not contrary to an order of the department under ss. 101.01 to 101.25.

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

5. a. The department may grant a municipal variance only where all of the conditions in subds. 5. b. and c. are demonstrated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The date repair is initiated.

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

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

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

3. The date construction is initiated, where subs. 1 and 2 do not apply.

(b) This subsection does not apply to a temporary use approved under sub. (11), or to a new use that will be less hazardous, based on life and fire risk, than an existing use.

(11) TEMPORARY USE. A municipal fire or building code official may allow a building or a portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

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

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

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

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

(12) EXISTING BUILDINGS AND STRUCTURES. Unless otherwise specifically stated in this code, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed, and to conform with ch. Comm 14 wherever applicable.

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

1. Design and construction-related requirements shall apply that are addressed in IFC section 102.6; IFC chapters 2 to 5; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to 901.4.2, 901.4.4 to 909.18.9, and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31, 32, 36, 37, and 39 to 44.

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

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

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

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

6. Use and operation provisions which are a contingency of design and construction-related requirements and which are addressed in IFC chapters 2 to 5; IFC sections 601 to 605 and 607 to 609; and IFC chapters 7 to 10, 12 to 21, 23 to 29, 31, 32, 36, 37, and 39 to 44 shall apply.

(b) Where a municipality has received a written special order from the department to use the IFC in lieu of NFPA 1 and subch. III of Comm 14, as authorized in ch. Comm 14, all of the IFC requirements referenced in the special order shall apply.

Note: The department and other state agencies may have other rules that may affect the design, construction, maintenance and use of public buildings and places of employment, including chs. Comm 5, Licenses, Certifications, and Registrations; Comm 7, Explosive Materials; Comm 9, Manufacture of Fireworks; Comm 10, Flammable and Combustible Liquids; Comm 14, Fire Prevention; Comm 16, Electrical; Comm 18, Elevators; Comm 40, Gas Systems; Comm 41, Boilers and Pressure Vessels; Comm 43, Anhydrous Ammonia; Comm 45, Mechanical Refrigeration; Comm 70, Historic Buildings; and Comm 75 to 79, Existing Buildings.

Comm 61.04 Definitions. In this code:

(1) "Authorized representative" means any certified municipality or county as specified in s. Comm 61.70, and any appointed agent as specified in s. Comm 61.71.

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

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

(4) "This code" means chs. Comm 61 to 65, which is the Wisconsin Commercial Building Code.

Comm 61.05 Adoption of the International Codes. (1) IBC. The *International Building Code*® – 2000, subject to the modifications specified in this chapter and ch. Comm 62 is hereby incorporated by reference into this code.

(2) IECC. The *International Energy Conservation Code*® – 2000, subject to the modifications specified in ch. Comm 63 is hereby incorporated by reference into this code.

(3) IMC. The *International Mechanical Code*® – 2000, subject to the modifications specified in ch. Comm 64 is hereby incorporated by reference into this code.

(4) IFGC. The *International Fuel Gas Code*® – 2000, subject to the modifications specified in ch. Comm 65 is hereby incorporated by reference into this code.

Note: A copy of the *International Building Code*®, *International Energy Conservation Code*®, *International Mechanical Code*®, and *International Fuel Gas Code*® is on file in the offices of the department, the secretary of state, and the revisor of statutes. Copies of the International Codes may be purchased from the following organizations:

Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page www.bocai.org.

International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page www.icbo.org.

Southern Building Code Congress International, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page [ww.sbcci.org](http://www.sbcci.org).

Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page www.bocai.org.

International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page www.icbo.org.

Southern Building Code Congress International, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page [ww.sbcci.org](http://www.sbcci.org).

Comm 61.06 Fees. Fees for petitions for variance, product approvals, notice registrations, plan examination and approvals, and for inspections of buildings, and structures shall be submitted as specified in ch. Comm 2. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.

Subchapter II – Responsibilities, Appeals, Petitions and Penalties

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

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

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

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

Note: Sections 443.14 and 443.15 read:

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

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

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

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

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

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

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

are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Buildings used exclusively for agricultural purposes.

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

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

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

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

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

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

Note: Section 101.01 (8), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of alders, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

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

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

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

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

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

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

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

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

Subchapter III - Plan Review

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

(b) 1. Plans for the types of public buildings and places of employment and components thereof delineated in Table 61.30-1 do not need to be submitted and approved by the department or authorized representative.

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

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

**Table 61.30-1
Buildings Exempt from Plan Review**

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

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

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

b. The project is supervised by an individual in accordance with s. Comm 61.50.

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

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

**Table 61.30-2
Buildings Exempt from Plan Review**

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

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

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

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

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

**Table 61.30-3
Building Components and Systems**

Building Component or System	Building Type or Occupancy
Pre-manufactured and Pre-engineered Structural Components	All Public Buildings or Places of Employment
Heating, Ventilating and Air Conditioning System	All Public Buildings or Places of Employment
Fire Protection System	All Public Building or Places of Employment
Fire Protection System	Educational Group E
Fire Protection System	Institutional Group I-1, I-3
Fire Protection System	Residential Group R-1

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

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

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

2. Be signed, including license number, and dated by an automatic fire sprinkler contractor who is responsible for the installation of the sprinklers and who is licensed by the department of commerce.

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

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

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

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

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

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

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

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

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

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

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

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

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Note: Also refer to the Safety and Buildings Division's *Plan Submittal Kit* (SBD-8927-P) for forms and other helpful information on how to successfully submit plans for approval.

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

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

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

(4) REVISIONS TO APPROVED PLANS. (a) 1. All proposed revisions and modifications which involve rules under this code and which are made to construction documents that have previously been granted approval by the department or its authorized representative, shall be submitted for review to the office that granted the approval.

2. All revisions and modifications to the plans shall be approved in writing by the department or its authorized representative prior to the work involved in the revision or modification being carried out.

(b) A revision or modification to a plan, drawing or specification shall be signed and sealed in accordance with s. Comm 61.31 (1).

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

(2) A building owner who has been granted permission to start construction of the footings and foundations may proceed at the owner's own risk without assurance that a conditional approval for the building will be granted.

(3) The department shall review and make a determination on an application for permission to start construction of the footings and foundations within 3 business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.

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

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

2. a. When a project involves the alteration or addition of 20 or fewer sprinkler heads to an existing automatic fire sprinkler system, sprinkler construction documents shall not be required to be present at the job site or made available, unless required by local ordinance.

b. When sprinkler plans and specifications are not provided for a project involving the alteration or addition of 20 or fewer sprinkler heads to an existing automatic fire sprinkler system, the automatic fire sprinkler contractor responsible for the work shall provide a written description of the type and scope of the work. The description shall be included with the

material and test certificate, if required. The description shall be made available, upon request, to the department, its authorized representative or local governmental agency exercising jurisdiction.

(b) Where automatic fire sprinkler plans are required by local ordinance to be reviewed and approved by a local governmental agency, the sprinkler plans at the installation site shall bear evidence of that approval.

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

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

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

Comm 61.36 Expiration of plan approval and extension of plan approval. (1) EXPIRATION OF PLAN APPROVAL. (a) *Building shell.* Except as provided in par. (f), plan approval by the department or its authorized representative for new buildings and building additions shall expire 2 years after the approval date indicated on the approved building plans if the building shell is not closed in within those 2 years.

(b) *Occupancy.* Except as provided in sub. (2), plan approval by the department or its authorized representative for new buildings and building additions shall expire 3 years after the approval date indicated on the approved building plans if the building is not ready for occupancy within those 3 years.

(c) *Alterations.* Except as provided in sub. (2), plan approval by the department or its authorized representative for interior building alterations shall expire one year after the approval date indicated on the approved building plans if the alteration work is not completed within that year.

(d) *HVAC construction only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for heating, ventilating, or air conditioning construction that does not include any associated building construction shall expire one year after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within that year.

(e) *Fire protection systems only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for a fire protection system that does not include any associated building construction shall expire 2 years after the approval date indicated on

the approved plans if the building or building area affected by the plans is not ready for occupancy within those 2 years.

(f) *Mausoleums*. Plan approval by the department or its authorized representative for mausoleums within the scope of s. 440.92 (2) (e), Stats., shall expire 3 years after the date indicated on the approved building plans of the building shell if not closed within those 3 years.

(2) **EXTENSION OF PLAN APPROVAL**. Upon request and payment of the fee specified in ch. Comm 2, the expiration dates in sub. (1) (b) to (f) shall be extended for one 1-year period provided the request is submitted prior to expiration of the original approval.

Note: According to s. 66.0413, Stats., the local governmental body or building inspector may order the razing of buildings or portions thereof, where there has been a cessation of normal construction for more than 2 years.

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

Comm 61.38 Construction documents for fire apparatus access. Where required by a fire department, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

Subchapter IV – Multifamily Building Permits

Comm 61.40 Wisconsin uniform multifamily building permit. (1) GENERAL. A building owner or authorized agent shall obtain a Wisconsin uniform multifamily building permit from the municipality administering and enforcing this code before any on-site construction of a multifamily dwelling is commenced, including excavation for a building, except where a permit to start construction has been issued under s. Comm 61.32

(2) SANITARY PERMIT. Pursuant to s. 66.036, Stats., if the proposed construction requires connection to a private onsite wastewater treatment system, a Wisconsin uniform multifamily building permit may not be issued unless conformance with s. Comm 83.25 (2) has first been determined.

(3) APPLICATION FOR A WISCONSIN UNIFORM MULTIFAMILY BUILDING PERMIT. Application for a Wisconsin uniform multifamily building permit shall be on a form obtained from the department or on a form obtained from the municipality administering and enforcing this code. Forms provided by the municipality shall include all the information prescribed by the department. No application may be accepted that does not contain all the information requested on the form.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Note: Section 101.973 (5) requires the department to collect and publish data secured from multifamily building permits.

Note: Any municipality exercising jurisdiction may require reasonable supplementary information not contained on the Wisconsin multifamily building permit application.

(4) FILING OF A WISCONSIN UNIFORM MULTIFAMILY BUILDING PERMIT APPLICATION. A Wisconsin uniform multifamily building permit application shall be filed with a municipality administering and enforcing this code under ss. Comm 61.60 or 61.61 or with a representative that the municipality has authorized to receive the application.

(5) PERMIT FEES. The municipality shall by ordinance determine fees to cover expenses for issuance of the Wisconsin uniform multifamily building permit. Fees shall be submitted to the municipality when a Wisconsin uniform multifamily building permit application is filed there.

(6) ISSUANCE OF PERMITS. A Wisconsin uniform multifamily building permit shall be issued if the department and municipal requirements for filing and fees are satisfied and the plans have been conditionally approved. The municipality may require a building permit card to be posted in a conspicuous place at the dwelling site. The permit shall expire 2 years after issuance if the dwelling exterior has not been completed, unless the permit has been extended by the municipality or the department for a period of up to 2 years. A municipality issuing the

permit shall either send a copy of the application to the department or tally and transfer the data to the department in either written or electronic-based format.

(7) ACTION TO APPROVE OR DENY. Action to approve or deny a uniform multifamily building permit application shall be completed within 15 business days of receipt of all forms, fees, plans, and documents required to process the application. Denied applications shall include a written statement specifying the reasons for denial.

(8) SUSPENSION OR REVOCATION OF PERMIT. The department or the municipality administering and enforcing this chapter may suspend or revoke any Wisconsin uniform multifamily building permit if it appears that the permit or plan approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order issued under s. Comm 61.51, or where the inspector is denied access to the premises. No construction may take place on a multifamily dwelling after suspension or revocation of a permit.

Subchapter V — Supervision and Inspections

Comm 61.50 Supervision. (1) GENERAL. (a) Except as provided in par. (b), the proposed construction of a project within the scope of this code shall be supervised by a Wisconsin registered architect or engineer, except that a Wisconsin registered designer may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with a nonconformance with the code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.

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

a. The building does not exceed 50,000 cubic feet in volume.

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

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

(2) DUTIES. Supervision of construction is a professional service, as distinguished from superintending of construction by a contractor, and means the performance, or the supervision thereof, of reasonable on-the-site observations to determine that the construction is in substantial compliance with the approved plans and specifications.

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

(4) COMPLIANCE STATEMENT. Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the department.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone 608/266-3151 and 608/264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.state.wi.us.

Comm 61.51 Inspections. (1) ON-SITE. On-site inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and this code.

Note: See Appendix for further explanatory material.

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

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

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

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

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

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

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

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

(e) *Public mausoleum.* Within 30 days after receiving written notice from a cemetery authority that the construction or conversion of a public mausoleum has been completed, the department or authorized representative shall inspect the public mausoleum and provide written notification of violations. Except as provided in s. 157.12 (2) (b), Stats., public mausoleum spaces may not be sold prior to approval by the department or its authorized representative.

Note: Sale of public mausoleum spaces is permitted prior to departmental approval in accordance with the requirements of the department of regulation and licensing.

Subchapter VI — Product and Standard Review and Approval

Comm 61.60 Building product approvals. (1) VOLUNTARY APPROVAL. (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. If a supervising professional is not required for the project by s. Comm 61.50, a person responsible for construction of the project shall be designated in writing by the owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comm 61.61 Alternate standards. (1) Alternate standards that are equivalent to or more stringent than the standards referenced in this code may be used in lieu of the referenced standards when approved by the department or if written approval is issued by the department in accordance with sub. (2).

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

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

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

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

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

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

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

Subchapter VII — First Class City and Certified Municipality Approvals

Comm 61.70 Certified municipalities and counties. (1) GENERAL. This section establishes the manner under which cities, villages, towns and counties may examine building plans and inspect buildings under s. 101.12 (3) (a), (am), (b) and (g), Stats.

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

1. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.
2. Adopt by ordinance or regulation the responsibilities of plan examination and building inspection.
3. Adopt by ordinance or regulation this code in its entirety.
4. Submit to the department a certified copy of all ordinances or regulations assuming the plan examination and building inspection responsibilities and adopting this code.
5. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.
6. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.
7. Receive from the department certification to perform plan examination and building inspection.

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

1. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.
2. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.
3. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

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

1. Employ at least one person who complies with all of the following:
 - a. Is registered under ch. 443, Stats., as an architect or professional engineer.
 - b. Is a certified commercial building inspector.
 - c. Performs or directly supervises the plan examinations specified in sub. (5) (b).

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

(d) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (a) 1. to 7. and (b) 3., except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

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

- a. Obtain authorization for these inspections from the department.
- b. Use an inspection process that is based on the inspection process used by the department.
- c. Retain inspection records in a manner that is accessible to the department.
- d. Forward to the department any information requested by the department relative to the inspection of buildings.

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

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

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

(3) JURISDICTION. (a) *Departmental*. 1. Nothing in this section shall prevent the department from conducting its own investigations or inspections or issuing orders relative to the administration and enforcement of this code.

2. The department shall administer and enforce this code in any municipality or county which has not assumed the responsibilities for plan examination and building inspection under sub. (2).

(b) *County*. 1. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions shall apply to all municipalities within that county which have not assumed those functions pursuant to sub. (2).

2. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions may not prevent or prohibit any municipality within that county from assuming those functions pursuant to sub. (2) at any time.

(4) CERTIFICATION OF INSPECTORS. Inspectors employed by certified municipalities and counties to administer and enforce this code under sub. (2) shall be certified by the department in accordance with ch. Comm 5 as certified commercial building inspectors.

(5) PLAN EXAMINATION. (a) *First class cities*. Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a first class city shall be submitted to that city, if that city has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2).

(b) *Second class cities performing expanded plan examination*. Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings and structures in accordance with sub. (2) (c). Second class cities performing these examinations are not subject to the plan examination limits specified in par. (c).

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed-agent process in s. Comm 61.71.

(c) *Other municipalities and counties*. Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a municipality or county that is not included in pars. (a) and (b) shall be submitted to either the department or to that municipality or county if the municipality or county has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2) and if the plans are for any of the following

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