

2003 DRAFTING REQUEST

Bill

Received: 04/18/2003

Received By: rmarchan

Wanted: Soon

Identical to LRB:

For: Ronald Brown (608) 266-8546

By/Representing: Katie

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - bldg codes

Extra Copies:

Submit via email: YES

Requester's email: Sen.Brown@legis.state.wi.us

Carbon copy (CC:) to: robert.marchant@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Municipal enforcement of one- and two-family dwelling code

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 04/18/2003	jdye 04/21/2003		_____			S&L
/1			pgreensl 04/21/2003	_____	sbasford 04/21/2003	sbasford 04/23/2003 sbasford 04/23/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: A + intro

<END>

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FE Sent For:

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LRB-1962/4
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2003 BILL

Reger

1 AN ACT *to repeal* 101.651 (2m), 101.651 (3), 101.651 (3m) (a) and 101.651 (6); *to*
2 *renumber* 101.651 (3m) (b); and *to amend* 101.63 (3) and 101.651 (title) of the
3 statutes; **relating to:** enforcement of the one- and two-family dwelling code
4 in certain cities, villages, and towns.

Analysis by the Legislative Reference Bureau

Under current law, with certain limited exceptions, any city, village, town, or county (municipality) may provide for the enforcement of the one- and two-family dwelling code throughout the municipality. With certain exceptions, current law requires any municipality that does not provide for this enforcement to contract with the Department of Commerce (department) for necessary building inspection services under the one- and two-family dwelling code. However, a city, village, or town with a population of 2,500 or less may adopt a resolution generally exempting the city, village, or town from any enforcement of the one- and two-family dwelling code, including inspections by the department.

This bill repeals the authority for a city, village, or town with a population of 2,500 or less to exempt itself from enforcement of the one- and two-family dwelling code. Thus, under this bill, such a city, village, or town is subject to the general requirement to provide for the enforcement of the one- and two-family dwelling code or contract with the department for necessary building inspection services.

LRB



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
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FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

July 1, 2003

MEMORANDUM

To: Senator Brown

From: Robert J. Marchant, Legislative Attorney, (608) 261-4454

Subject: Technical Memorandum to 2003 SB 168 (LRB-2567/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

Technical Memo Regarding SB 168

SB 168 would remove the ability of municipalities with a population of 2,500 or less to opt out of enforcement of the one- and two-family dwelling code. There are currently 906 municipalities that have opted out of administration/enforcement of the code. SB 168 would result in the inspection of one- and two-family home building throughout Wisconsin, including homes in those municipalities. Although municipalities can exercise jurisdiction over the code per s. 101.65, Stats., the Department estimates that it would be responsible for administering the code in the 906 municipalities that have currently opted out.

S. 101.65 (2), Stats., indicates that a municipality shall contract with the Department to provide inspection services it does not provide or contract for. This language indicates that the contract shall be between the Department and the municipality that does not exercise jurisdiction. SB 168 would result in the application of this language to municipalities with populations of 2,500 or less in which the Department is responsible for providing services. The Department currently provides services in 165 such municipalities by utilizing registered private inspection agencies. This is per s. 101.651 (3) (b), Stats. There are no contracts between the Department and smaller municipalities.

The Department's current practice of utilizing private inspection agencies to provide inspection in smaller municipalities that do not exercise jurisdiction over the one- and two-family dwelling code is the most efficient method of providing services in those municipalities. The cost of inspection is covered through a direct transaction between the private agency and the building permit applicant and does not involve the smaller municipality. There are no costs incurred by these municipalities. Implementation of contracts between the Department and municipalities would result in significant increased administrative costs by the Department and effected municipalities.