

Ind 50 to 53

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C. L. Pohl

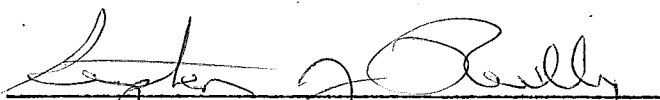
STATE OF WISCONSIN)
) SS
DEPARTMENT OF INDUSTRY,)
LABOR AND HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Stephen J. Reilly, Executive Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said Department, do hereby certify that the attached rules to Wisconsin Administrative Code Chapters Ind 50-64--Building and Heating, Ventilating and Air Conditioning Code, were adopted by the Department of Industry, Labor and Human Relations on November 10, 1975.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Capitol, in the City of Madison, this 10 day of November, A.D., 1975.


Stephen J. Reilly, Executive Secretary

ORDER OF

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by sections 101.01 to 101.20, Wis. Stats., the Department of Industry, Labor and Human Relations hereby amends, repeals, repeals and recreates, and adopts rules of Wisconsin Administrative Code Chapters Ind 50-64--Building and Heating, Ventilating and Air Conditioning Code.

The rules attached hereto shall become effective January 1, 1976, as provided in chapter 227, Wis. Stats.

Section Ind 50.13 to be created to read:

Ind 50.13 DESIGN AND SUPERVISION OF CONSTRUCTION.

- (1) Design. Every new building, or alteration to a building, containing more than 50,000 cubic feet in total volume, or addition to a building in which the addition results in the entire building containing a total volume more than 50,000 cubic feet, shall be designed in compliance with this code and the following requirements:
 - (a) Building or structural design. The plans and specifications for the design of the building or structure shall be prepared by a registered architect or engineer.
 - (b) Heating, ventilating and air conditioning design. The plans and specifications for the installation of heating, ventilating and air conditioning equipment shall be prepared by a registered architect, engineer or designer.

Note: According to subsection 101.12 (4), Wis. Stats., every architect and every engineer submitting plans for the construction of any structure using public funds is required, prior to the letting of final bids on such structures, to submit a written report to the contracting agency indicating whether such structure meets or does not meet federal fallout shelter engineering standards.

- (2) Changes to approved plans. No change in plans or specifications which involve any provisions of this code shall be made unless such change is signed, sealed and dated by the architect, engineer or designer who made the change, and approved by the department.
- (3) Supervision. The construction or installation of every design described in (1) shall be supervised by a registered architect or engineer, except that a registered designer may supervise the installation of heating, ventilating and air conditioning equipment. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. Should the supervising architect, engineer, designer, or the department, be confronted with a nonconformance to the code during or at the end of construction, said parties, together with the designing architect, engineer or designer shall effect compliance.
 - (a) Definition. 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.
 - (b) Name of supervising architect, engineer or designer. Prior to the start of construction, the owner of the building or structure, whose name must be a part of or accompany all plans submitted for approval, as required by section Ind 50.10, or his authorized agent, shall designate to the department, in writing, the name and registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

(c) Completion statement. On completion of the construction, the supervising architect, engineer or designer shall file a written statement with the department certifying that to the best of his knowledge and belief construction has been performed in substantial compliance with the approved plans and specifications.

(4) Owner's responsibility. No owner shall construct or alter any building or structure, or portion of a building or structure, or permit any building or structure to be constructed or altered except in compliance with the provisions of this section.

Note #1: The terms "architect," "engineer" or "designer" above mean "registered architect," "registered professional engineer" or "registered designer" as defined by laws regulating the practice of engineering and architecture found in chapter 443, Wis. Stats.

Note #2: For definition of "owner," refer to chapter 101, section 101.02 (2) (1), Wis. Stats.

Note #3: For cubic contents of buildings, refer to Wis. Adm. Code chapter A-E 2.

Subsection Ind 51.24 (9) Note to be amended to read:

Note: See Wisconsin Administrative Electrical Code, Vol. 2.

Subsections Ind 51.24 (10), (11) and (12) to be repealed.

Note preceding subsection Ind 52.01 (2) to be amended to read:

Note: Subsection Ind 52.01 (2) following is effective January 1, 1977.

Subsection Ind 52.04 (5) to be repealed and recreated to read:

(5) Buildings with multiple uses.

(a) Buildings greater than 20,000 square feet. Multiple-use buildings with a total gross area greater than 20,000 square feet, including all floors, shall comply with the criteria established in Table 52.04 for each specific use.

(b) Buildings less than 20,000 square feet. Multiple-use buildings with a total gross area less than 20,000 square feet, including all floors, shall be provided with a means of access to the primary floor, interior circulation and toilet facilities on the primary floor. Government-owned buildings, medical and dental clinics, schools and other places of instruction, hospitals and other health care facilities shall comply with the criteria established in Table 52.04 for each specific use.

Note: Floors used entirely for storage or mechanical purposes need not be included in determining the total gross area.

Subsection Ind 52.04 (6) to be amended to read:

- (6) Additions, remodeled buildings, and change of use. All existing public buildings or places of employment, and all additions, shall be provided with access to a primary floor, interior circulation and toilet facilities in accordance with the following:
- (a) More than 50% remodeled or added. If more than 50% of the gross interior area of a building is remodeled and/or added, the entire building shall be provided with the requirements of Table 52.04 and subsection Ind 52.04 (4).
 - (b) 25% to 50% remodeled or added. If 25% to 50% of the gross interior area of a building is remodeled and/or added, that part of the building which is remodeled and/or added shall be provided with the requirements of Table 52.04 and subsection Ind 52.04 (4).
 - (c) Less than 25% remodeled or added. If less than 25% of the gross interior area of a building is remodeled and/or added, the requirements of Table 52.04 and subsection Ind 52.04 (4) need not be provided unless the remodeling or addition involves an entrance or exit or toilet facilities.
 - (d) Toilet facilities in remodeled buildings. If an existing building having passenger elevators is remodeled in accordance with the percentages above, accessible toilet room facilities for each sex shall be provided to serve each 5 floors, or fraction thereof, and shall comply with the requirements of subsection Ind 52.04 (8).
 - (e) Change of use. If the use of an existing building is changed, the building shall comply with the requirements of subsection Ind 52.04 (6).
 - (f) Remodeling in stages. The percentage requirements established in this subsection shall apply to the accumulative sum of any remodeling and/or additions undertaken after May 15, 1974.

Subsection Ind 52.04 (7) (a) to be amended to read:

- (7) Ramp details. (a) Ramp slope. Ramps shall have a slope of not more than one foot of rise in 12 feet of run. An interior ramp with a slope of one foot of rise in 8 feet will be permitted. The ramps shall have a slip-resistant surface and shall have no side slope.

Note preceding section Ind 53.26 to be amended to read:

Note: Section Ind 53.26 following is effective January 1, 1977.

Subsection Ind 53.322 (3) (c) 2. Note to be created to read:

Note: The intent of this rule is to permit the empirical method of design for masonry pilasters carrying concentrated loads provided the pilaster details eliminate the eccentricity and provided the actual stresses are less than or equal to the allowable stresses. Pilasters may also be designed through engineering analysis in accordance with section Ind 53.323.

SUMMARY OF SECTION IND 50.13
DESIGN AND SUPERVISION OF CONSTRUCTION

The administrative rule for design and supervision (Ind 52.001) requires that new buildings, or additions to existing buildings which contain a total volume in excess of 50,000 cubic feet, must be designed and supervised by a registered architect or engineer. The rule requires that a completion statement must be submitted from the person supervising construction certifying that construction has been performed in accordance with the plans and specifications approved by the department. The rule also requires the owner of the building to comply with the provisions for design and supervision.

The proposed rule will relocate and renumber the requirements for design and supervision to section Ind 50.13. The proposed rule also incorporates the requirements related to the design and supervision of heating, ventilating and air conditioning installations in accordance with section Ind 59.20 of the Heating, Ventilating and Air Conditioning Code and the definition of "supervision" defined by section 443.01 (2) (g), Wis. Stats. The rule also requires the name of the person supervising construction to be submitted to the department.

SUMMARY OF PROPOSED RULE CHANGES
WIS. ADM. CODE CHAPTERS IND 50-60
BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE

Ind 51.24--Fire alarm systems.

The requirements related to (1) energy sources for the operation of electrical fire alarm systems, (2) specific wiring methods and operating currents for supervised systems, and (3) acceptable wiring installations, minimum conductor sizes and connection to the main service are being deleted from the Building and Heating, Ventilating and Air Conditioning Code since the requirements for fire protective signaling systems are also covered in the Wisconsin Administrative Electrical Code, Vol. 2. A note is being introduced for a cross reference to the Wisconsin Electrical Code.

Ind 52.01 (2)--Additional requirements for high-rise buildings.

The administrative rules for subsection Ind 52.01 (2) relate to establishing additional requirements for the welfare and life safety of all persons in buildings in excess of 100 feet in height. The rules are patterned after the life safety requirements for high-rise buildings in the model building codes and the requirements adopted by large metropolitan areas such as Rochester, Los Angeles and Chicago.

The proposal extends the effective date of January 1, 1976 to January 1, 1977 in order to permit time for the department to evaluate (1) the technical adjustments by the model codes and large metropolitan areas, (2) the recommendations received from the designers, owners and managers of high-rise buildings, and (3) the input from Wisconsin associations and industry affected by the administrative rules.

Ind 52.04--Barrier-free environments.

Extensive requirements for barrier-free environments, to insure that remodeled public buildings and places of employment are accessible and usable by persons with physical disabilities, were promulgated by the department in 1974 and became effective January 1, 1975. The proposed amendment for subsection Ind 52.04 (6) requires that (1) when additions are attached to an existing building or (2) when an existing building is converted to a new use such that the new use is more stringent than the previous use, the building should be made to comply with the requirements for accessible construction for remodeled buildings in accordance with the percentage of remodeling established in section 101.13, Wis. Stats., and subsection Ind 52.04 (6) rather than the requirements for new construction in subsection Ind 52.04 (4).

Ind 52.04 (7) is being amended to extend the use of ramps of 1:8 to overcome vertical distances in excess of 3 feet.

Ind 53.26--Protection of adjoining property.

The effective date of the rule is being extended to January 1, 1977, pending passage of 1975 Senate Bill 419. The rule relates to the rights and duties of adjoining landowners with respect to lateral support and is contrary to current common law. Senate Bill 419 limits the liability of a property owner to bear

the expense of any necessary underpinning or foundation extension of adjoining buildings more than 12 feet below grade. The owner of the adjoining building must pay for any such foundation extension or underpinning to the depth of 12 feet below grade.

Enforcement of the proposed rules.

Section 101.11, Wis. Stats., requires every employer and owner to construct, repair or maintain safe places of employment and public buildings. Section 101.02 (15), Wis. Stats., also requires the department of industry, labor and human relations to administer and enforce all laws and lawful orders issued by the department relating to the protection of life, health, safety and welfare of employes, tenants and the public in all places of employment and public buildings. The definitions for "place of employment" and "public building" are provided in section 101.01, Wis. Stats.

The Bureau of Buildings and Structures, Division of Safety and Buildings, Department of Industry, Labor and Human Relations, administers and enforces the laws and lawful orders promulgated by the department in the Wis. Adm. Building and Heating, Ventilating and Air Conditioning Code.

Section 101.12 (1), Wis. Stats., requires that plans and specifications for all public buildings and places of employment be submitted to the department for examination and compliance with the administrative rules issued by the department. Fees are assessed and collected for plan examination and inspections in accordance with section 101.19, Wis. Stats., at the time the plans are submitted for examination. A permanent record is maintained for each building and, pursuant to section 101.12 (2), Wis. Stats., a statement of the examination conducted by the department is issued to the designer and owner.

Section 101.12 (3), Wis. Stats., prohibits the local authorities to issue permits for construction until the plans have been examined by the department. A copy of the statement is forwarded to the local authorities by the department to provide the local authorities with official notice that plans have been examined by the department.

The department provides field inspections of the building during construction, determined on the physical size of the building, to gain compliance with the laws, lawful orders and statement of examination issued to the owner and designer by the department, in accordance with section 101.02 (15), Wis. Stats.

Section 101.12 (3), Wis. Stats., grants authority to cities of the first class to (1) examine plans and specifications, (2) issue a statement to the designer, and (3) inspect buildings in accordance with the rules of the department. Similar powers are also granted to cities of the second and third class provided the buildings are examined in a manner approved by the department. This subsection of the Wis. Stats. limits the powers of second and third class cities to buildings which contain less than 50,000 cubic feet volume and alterations to buildings which contain less than 100,000 cubic feet volume.

Upon the request of the department, the department of justice or a county district attorney aids and prosecutes, under the supervision of the department, all actions or proceedings for the enforcement of all laws relating to the protection of life, health, safety and welfare, and for the punishment of all violations thereof (section 101.02 (5), Wis. Stats.).

Comments on Statutes

Chapter 202, Laws of 1973 (related to making remodeled buildings meet minimum safety requirements for the handicapped), was incorporated into the Building and Heating, Ventilating and Air Conditioning Code under section Ind 52.04 (6)-- existing construction. The existing building code requirements of section Ind 50.02 (1) relating to "change of use" were also incorporated under section Ind 52.04 (6) (e).

Recent correspondence received from members of the legislature indicate the law defines "remodeling" in the context of significant structural change rather than "change of use." The department concurs with the legislative intent and proposes that when the use of a building is changed, and the new use requires remodeling in the context of structural change, that the remodeled building conform to the remodeling requirements outlined in section 101.13 (6), Wis. Stats.