Chapter Ind 50

ADMINISTRATION AND ENFORCEMENT

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Note: Chapter Ind 50 as it existed on December 31, 1976, was repealed and a new chapter Ind 50 was created effective January 1, 1977.

PART I—PURPOSE AND SCOPE

Ind 50.01 Purpose of code. 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, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilating, energy conservation, and fire safety for all public buildings and places of employment.

Note #1: The purpose as stated can be traced to the terms used in the "safe place" statutes, chapter 101, Wis. Stats.

Note #2: This code is intended for the protection of the public and is not intended as a design manual, a textbook or a construction manual.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.02 Scope of code. The provisions of this code shall apply to all public buildings and places of employment. The term "building or structure" as hereinafter used in this code shall mean public building or place of employment. The provisions of this code are not retroactive unless specifically stated in the administrative rule. Where different sections of this code specify different requirements, the most

restrictive requirement shall govern. The appendix provides explanatory material related to specific code requirements.

Note: For a definition of "public building" and "place of employment," see sections Ind 51.01 (102a) and 51.01 (104a) or section 101.01 (1), Wis. Stats.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77

SPECIAL NOTE

AN ASTERISK (*) FOLLOWING THE SECTION OR SUBSECTION NUMBER OR LETTER INDICATES EXPLANATORY MATERIAL ON THAT PARAGRAPH MAY BE FOUND IN APPENDIX A. EXAMPLE: IND 51.01 (16)* — SEE A-51.01 (16) IN APPENDIX A.

PART II—APPLICATION OF BUILDING CODE

Ind 50.03 Application. (1) NEW BUILDINGS AND ADDITIONS. The provisions of this code shall apply to all new buildings and structures, and also to additions to existing buildings and structures, except those indicated in section Ind 50.04.

(2) ALTERATIONS TO BUILDINGS. The provisions of this code shall apply to all remodeling or alterations in any building or structure which affect the structural strength, fire hazard, exits, natural lighting or replacement of major equipment. These provisions do not apply to minor repairs necessary for the maintenance of any building or structure nor to buildings exempt, as listed in section Ind 50.04.

(3) CHANGE OF USE. (a) If the use of an existing building or structure is changed in accordance with the definition of section Ind 51.01 (87), and the requirements for the new use are more stringent than those for the previous use, the building or structure shall be made to comply with the requirements for the new use as provided in this code.

1. *Exception.* Unless the requirements for the new use are modified subject to the written approval by the department.

2. *Exception.* An existing building undergoing a change of use will not be required to comply with the provisions of section Ind 52.04—barrier-free environments, unless the building undergoes physical remodeling in accordance with the percentages established in subsection Ind 52.04 (6).

(b) If, upon inspection of an existing building or structure, it is found that its use has changed and that it does not comply with the requirements of the building code in effect at the time of change, it shall be made to comply with the code requirements in effect at the time of change in use.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.04 Buildings exempt from code requirements. This code does not apply to the following types of buildings:

(1) One- and two-family dwellings and outbuildings in connection therewith such as barns and private garages.

(2) Buildings used exclusively for farming purposes, which are not within the limits of a city or an incorporated village.

Note: For a definition of "farming," see section 102.04 (3), Wis. Stats.

(3) Buildings used primarily for housing livestock or for other agricultural purposes, located on research or laboratory farms of public universities or other state institutions.

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

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.05 Existing buildings code. Buildings and structures erected prior to the effective date of the first building code (October 9, 1914) shall comply with the general orders on existing buildings, Wis. Adm. Code chapters Ind 160-164, issued by the department. Buildings and structures constructed after October 9, 1914 shall comply with the code in effect at the time.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.06 Local regulations. This code shall not limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this code, or with any other rule of the department, or law.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

PART III—DESIGN AND SUPERVISION

Ind 50.07 Design. Every new building, or alteration to a building, shall be designed in compliance with this code.

(1) BUILDINGS CONTAINING NOT MORE THAN 50,000 CUBIC FEET TOTAL VOLUME. The plans and specifications for every new building, or alteration to a building, containing not more than 50,000 cubic feet total volume, or addition to a building in which the volume of the addition results in the entire building containing not more than 50,000 cubic feet total volume, may be prepared by a registered architect, engineer, designer, contractor or owner, or his [her] authorized agent.

(2) BUILDINGS CONTAINING MORE THAN 50,000 CUBIC FEET TOTAL VOLUME. The plans and specifications for every new building, or alteration to a building, containing more than 50,000 cubic feet total volume, or addition to a building in which the volume of the addition results in the entire building containing more than 50,000 cubic feet total volume, shall be designed as follows:

(a) *Building or structural design.* The plans and specifications for the design of the building or structure shall be prepared by a Wisconsin registered architect or engineer.

(b) *Heating, ventilating and air conditioning design.* The plans and specifications for the heating, ventilating and air conditioning

system shall be prepared by a Wisconsin registered architect, engineer or designer.

Note 1: See section Ind 51.01 (139a) for definition of total volume.

Note 2: The above terms "registered architect, engineer or designer" 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. Registered designers are limited to the specific designations outlined in Wis. Adm. Code section A-E 1.20.

Note 3: According to section 87.30, Wis. Stats., the construction or placement of every building, structure, fill or development placed or maintained within any flood plain is required to satisfy local or state regulations.

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

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.08 Plans, specifications and calculations prepared outside Wisconsin. Plans, specifications and calculations for buildings and structures, in accordance with the requirements of section Ind 50.07 (2), may be prepared by an architect or engineer registered outside of the state of Wisconsin, provided the following conditions are satisfied:

(1) SEAL. The plans, specifications and calculations shall bear the signature and seal or stamp of the architect or engineer registered in a state other than Wisconsin.

(2) CERTIFICATE. A certificate, dated, signed and sealed by an architect or engineer registered in Wisconsin, shall be attached to the plans, specifications and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared in a state other than Wisconsin by an architect or professional engineer registered in that state; describe the work performed by the Wisconsin registered architect or engineer; and include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state buildings codes, and that the reviewing architect or engineer will be responsible for the supervision of construction in accordance with the requirements of section Ind 50.10.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.09 Changes to plans and specifications. 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.10 Supervision. All constructions or installations described in section Ind 50.07 (2) 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. 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.

(1) 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.

(2) 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 50.12, or his [her] 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.

(3) * COMPLETION STATEMENT. Upon 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/her knowledge and belief, construction has been performed in substantial compliance with the approved plans and specifications.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.11 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 sections Ind 50.07, 50.08, 50.09, 50.10 and 50.12. Compliance with the provisions of this section does not relieve the owner from compliance with the administrative rules established in other related codes.

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

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

PART IV—DEPARTMENT APPROVAL

Ind 50.12 Plan examination and approval. (1) TYPES OF BUILDINGS. Plans and specifications for all buildings and structures in the following classifications shall be submitted to the department for examination and approved before commencing work:

Note 1: See the scope of the occupancy chapters for examples of specific types of buildings covered in the categories (a) through (f).

Note 2: Section 101.12 (3) (h), Wis. Stats., prohibits local issuance of permits or licenses for construction or use of public buildings or places of employment until drawings and calculations have been examined and approved by the department.

(a) Factories, office and mercantile buildings (chapter Ind 54).

*See Appendix A for further explanatory material.

1. Department examination and approval for factories, office and mercantile buildings containing less than 25,000 cubic feet total volume is waived; however, the buildings shall comply with the applicable requirements of this code.

(b) Theaters, assembly halls, and places of outdoor assembly (chapter Ind 55).

(c) Schools and other places of instruction (chapter Ind 56).

(d) Apartment buildings, hotels and places of detention (chapter Ind 57).

(e) Hazardous occupancies (sections Ind 54.50-54.53). Plan submission for hangars storing one airplane is waived.

(f) Day care facilities (chapter Ind 60).

(g) Structures [see Ind 51.02 (125)].

1. Department examination and approval is waived for television and radio receiving antennas, outdoor theater screens, water tanks, display signs, observation towers, docks, piers, wharves, tents or inflatable structures used temporarily, and other similar structures; however, such structures and temporary tents shall comply with the applicable structural and other requirements of this code.

Note: Tents and inflatable structures, used temporarily, are those erected for a specific event such as a circus, a fair, etc., and are removed after the event. Tents and inflatable structures erected for a month, or longer, are not considered temporary structures.

(2) TYPES OF PLAN APPROVAL. The following types of plans shall be submitted to the department for examination and approval before construction is commenced:

(a) General building plans.

(b) Structural plans.

(c) Heating and ventilating plans.

1. Approval is not required for the installation of air-cooling equipment when added to an approved heating system.

2. The replacement of a major piece of heating equipment is subject to written approval by the department.

(d) Alteration plans for existing buildings.

(e) Revisions to previously examined plans.

(f) Exhaust system plans (government-owned buildings only).

(g) Spray booth plans (government-owned buildings only).

(h) Footing and foundation plans (see section Ind 50.13).

(i) Stadium, grandstand and bleacher plans.

(j) Fire escape plans.

(3) PLANS AND SPECIFICATIONS. At least 3 complete sets of plans, which are clear, legible and permanent copies, and one copy of specifications shall be submitted for examination and approval before commencing construction. The plans and specifications shall contain the following information:

(a) *General.* All plans shall contain the name of the owner and the address of the building. The name and seal of the architect(s), engineer(s) or person(s) who prepared the plans shall appear on the title sheet, in accordance with Wis. Adm. Code section A-E 1.04 (4)—registration seals.

(b) *General building plans.* The general building plans shall include the following:

1. *Plot plan.* The location of the building with respect to property lines and/or lot lines and/or adjoining streets, alleys and any other buildings on the same lot or property shall be indicated on the plot plan. A small scale plot plan shall be submitted on a 8½ x 11 sheet for projects containing multiple buildings.

2. *Floor plans.* Floor plans shall be provided for each floor. The size and location of all rooms, doors, windows, firewalls, toilet facilities, structural features, exit passageways, exit lights, fire alarms, standpipes, stairs and other pertinent information shall be indicated. Schematic exit plans shall be provided for large buildings, indicating normal paths of egress.

3. *Elevations.* The elevations shall contain information on the exterior appearance of the building and indicate the location and size of doors, windows, roof shape, chimneys, exterior grade, footings and foundation walls, and include information about the exterior materials.

4. *Sections and details.* Sections and details shall include information to clarify the building design.

(c) *Heating, ventilating and air conditioning plans.* Heating, ventilating and air conditioning plans shall indicate the layout of the system, including location of equipment and size of all piping, ductwork, dampers (including fire dampers), chimneys, vents and controls. The quantity of outside air introduced to each zone, and the quantity of supply air and exhaust air for each room shall be listed on the plans. The type of equipment and capacity (including the input and output) shall be indicated on the plans or equipment schedules, unless indicated in the specifications.

(d) *Specialty plans.* Specialty plans for spray booths, special exhaust systems, stadiums, grandstands and bleachers, fire escapes and special structural systems shall include pertinent information with respect to the design and construction of the specialty.

(e) *Specifications.* The specifications shall be properly identified with the drawings and describe the quality of the materials and the workmanship.

(f) *Schedules.* Schedules shall be provided which contain information pertinent to doors, room finishes, equipment, and the use of all

rooms and the number of occupants accommodated therein, unless this information is indicated on the plans.

Note #1: Original drawings are not considered a substitute for permanent prints.

Note #2: Duplicate information need not be submitted when heating, ventilating, air conditioning and building plans are submitted simultaneously.

Note #3: For pit depth and overhead clearance requirements applicable to design of elevator hoistways, see Wis. Adm. Code chapter Ind 4, Elevator Code.

Note #4: Plans for plumbing systems and swimming pool installations are examined by the department of health and social services.

(4) DATA REQUIRED. All plans submitted for approval shall be accompanied by sufficient data and information for the department to judge if the design of the building, the capacity of the equipment, and the performance of the system will meet the requirements of this code. The following data shall be submitted:

(a) *Structural data.* Sample structural calculations, including assumed bearing value of soil, live loads and itemized dead loads, unit stresses for structural materials, stress diagrams for trusses, typical calculations for slabs, beams, girders and columns, and diagrams indicating bracing and stability of the structure and components in rigid frames and other open type buildings shall be submitted. Complete structural calculations shall be furnished upon request of the department or other authorized approving official.

Note: Diagrams are intended to apply to the appropriate final designs of buildings regardless of materials of construction. For job bracing of buildings, see Wis. Adm. Code chapter Ind 35, a supplement to chapters Ind 1000-2000, Wis. Safety and Health Code.

(b) *Thermal performance data.* Thermal performance calculations shall be submitted in accordance with the requirements of section Ind 51.02 (16).

(c) *Heating and ventilating data.* A description of the construction for the walls, floors, ceilings and roof, and the transmission coefficients of the construction materials shall be furnished. The calculations shall include heat losses for the individual rooms (including transmission and infiltration and/or ventilation losses, whichever are greater) and a summary of the total building heat loss expressed in Btu/hour or watts.

Note: The department will accept as the basis for calculations and design data, the methods and standards recommended by the Mechanical Contractors' Association of America; the American Society of Heating, Refrigerating and Air Conditioning Engineers; and the Institute of Boiler and Radiator Manufacturers.

(d) *Additional data.* When requested, additional data pertaining to design, construction, materials and equipment shall be submitted to the department for approval.

(5) * APPLICATION FOR APPROVAL. A plans approval application form shall be included with the plans submitted to the department for examination and approval.

Note: See Appendix A for an example of the plans approval application (form SB-118).

*See Appendix A for further explanatory material.

(a) *Conditional approval.* If, upon examination, the department determines that the plans and the application for approval substantially conform to the provisions of this code, a conditional approval, in writing, will be granted. All non-code-complying conditions stated in the conditional approval shall be corrected before or during construction. A conditional approval issued by the department shall not be construed as an assumption of any responsibility for the design or construction of the building.

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

Note: A letter will be sent to the designer and the owner of record with a statement relating to the examination of the plans and citing the conditions of approval or denial. The plans will be dated and stamped "conditionally approved" or "not approved," whichever applies. At least 2 copies of the plans will be returned to the person designated on the plans approval application; one copy will be retained by the department.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.13 Footing and foundation approval. Upon submission of the plans approval application form, at least 3 sets of footing and foundation plans, a plot plan, schematic floor plans locating exits, elevations, itemized structural loads, structural foundation calculations, and a fee, the department may conditionally approve the footing and foundation plans to permit construction of the footings and foundations prior to the examination and approval of the complete plans.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.14* Permit to start construction. Upon submission of the plans approval application form, 3 complete sets of building plans and one copy of specifications, a written request by the owner to start construction, and a fee, the department may issue a permit to start construction of the footings and foundations. The holder of the permit shall proceed at his [her] own risk without assurance that a conditional approval for the building will be granted.

Note: A permit to start construction (form SB-198) is illustrated in the Appendix.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.15 Evidence of plan approval. The architect, engineer, designer, builder or owner shall keep at the building site one set of plans bearing the stamp of conditional approval and a copy of the specifications. The plans shall be open to inspection by an authorized representative of the department.

History: Cr. Register, December, 1976, No. 252-, eff. 1-1-77.

Ind 50.16 Revocation of approval. The department may revoke any approval, issued under the provisions of this code, for any false statements or misrepresentation of facts on which the approval was based.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

*See Appendix A for further explanatory material.

Ind 50.17 Department limitation and expiration of plan approval. (1) EXPIRATION OF PLAN APPROVAL. Plan approval by the department or its authorized representative shall expire one year after the date indicated on the approved plans if construction has not commenced within that year.

(2) DEPARTMENT LIMITATION. A conditional approval of a plan by the department shall not be construed as an assumption of any responsibility for the design.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.18* Inspections. Inspections shall be conducted by an authorized representative of the department to ascertain whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and the provisions of this code.

Note: See Appendix A for an example of the inspection progress report (form SB-224B) and inspection report and orders (form SB-2).

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.19 Approval of materials, equipment and devices. All materials, equipment and devices not specifically mentioned in this code will be permitted if approved in writing by the department. Sufficient data, tests and other evidence to prove that the material, equipment or device is equivalent to the standards required in this code shall be submitted. Upon receipt of a fee and a written request, the department may issue an approval number for the material, piece of equipment or device.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.20* Fees. Fees for petitions for modification, material approval, plan examination and approval, and for inspection of buildings, structures, and heating and ventilating shall be submitted in accordance with the provisions of Wis. Adm. Code section Ind 69.09. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections will be made until the fees are received.

Note: See Appendix A, plans approval application (form SB-118), for determination of plan examination and inspection fees.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

PART V—FIRST CLASS CITY AND CERTIFIED CITIES APPROVALS

Ind 50.21 First class city examination and approval. Drawings, specifications and calculations for all buildings and structures, except state-owned buildings and structures, to be constructed within the city limits of Milwaukee shall be submitted to the inspector of buildings, Milwaukee, for examination and approval.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.22 Certified cities examination and approval. Drawings, specifications and calculations for all new buildings and structures

*See Appendix A for further explanatory material.

containing less than 50,000 cubic feet total volume and alterations to buildings containing less than 100,000 cubic feet total volume, except state-owned buildings and structures, shall be submitted to cities certified by the department for examination and approval according to requirements of this code. Drawings, specifications and calculations submitted to said cities for examination and approval need not be submitted to the department. The buildings must be located within the city limits of the certified city.

Note: The following cities have been certified by the department:

Appleton	Janesville	Racine
Beloit	Kaukauna	Sheboygan
Brookfield	Kenosha	Stevens Point
Cudahy	La Crosse	Two Rivers
Eau Claire	Madison	Waukesha
Fond du Lac	Manitowoc	Wausau
Glendale	Muskego	West Allis
Green Bay	New Berlin	West Bend
Greenfield	Oshkosh	Wisconsin Rapids

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

PART VI—ENFORCEMENT, PETITION FOR MODIFICATION, APPEALS, AND PENALTIES

Ind 50.23 Enforcement. The provisions of this code shall be enforced by the department, or by municipal officials or other local officials who are required by law to enforce the administrative rules of the department.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.24 Appeals. Any person affected by any local order which is in conflict with a rule of the department may petition the department for a hearing on the ground that the local order is unreasonable and/or in conflict with the rule of the department.

Note: Section 101.01 (1) (g), Wis. Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of aldermen, 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Ind 50.25* Petition for modification. The department will consider and may grant modification to an administrative rule upon receipt of a fee, a completed petition for modification form from the owner, and a position statement from the fire department having responsibility and an interest in the rule, provided an equivalent degree of safety is established in the petition for modification which meets the intent of the rule being petitioned.

Note #1: See Appendix A for an example of the petition for modification (form SB-8) and the fire department position statement (form SB-8A).

Note #2: Section 101.02 (6), Wis. Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

*See Appendix A for further explanatory material.

Ind 50.26 Penalties. Penalties for violations shall be assessed in accordance with section 101.02, Wis. Stats.

Note #1: Section 101.02 (13) (a), Wis. 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 sections 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 #2: Section 101.02 (12), Wis. 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

*See Appendix A for further explanatory material.