

(3) **PLANS AND SPECIFICATIONS.** At least 4 complete bound 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 shall be bound in a manner that enables them to be reviewed without removing the binding. The plans and specifications shall contain the following information:

Note: Also see sub. (5)(b) note.

(a) *General.* All plans shall contain the name of the owner and the address of the building. The name and seal of the architect, engineer or person who prepared the plans shall appear on the title sheet, in accordance with s. A-E 2.02, Wis. Adm. Code.

(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 lot lines and adjoining streets, alleys and any other buildings on the same lot or property shall be indicated on the plot plan. For recycling space designated adjacent to a building, as specified in s. ILHR 52.24, the area and dimensions shall be indicated on the plot plan. A small scale plot plan shall be submitted on a 8½" × 11" sheet for projects containing multiple buildings. For purposes of this requirement, a plot plan does not have to be a certified survey.

2. *Floor plans.* Floor plans shall be provided for each floor. The size and location of all rooms, doors, windows, fire walls, toilet facilities, structural features, exit passageways, exit lights, fire alarms, standpipes, stairs and other pertinent information, including but not limited to adequate space within a building designated for collection, separation and temporary storage of recyclable materials, 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, assembly seating facilities, 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 ch. ILHR 18, Elevator Code.

Note 4: Plans for swimming pool installations are examined by the department.

(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, typical calculations for slabs, beams, girders, columns and trusses shall be submitted. Typical wind and bracing calculations and diagrams including the manner in which shear transfer is made between resisting elements shall also be included. Complete structural calculations shall be furnished upon request of the department or other authorized approving official.

1. The building designer shall submit the following minimum information for structural components such as but not limited to wood trusses, precast concrete, laminated wood members, steel joists and steel girders when the component fabricator is specified as being responsible for the component design:

a. Structural framing plan;

b. Bearing support and connection details of the component to the structure;

c. Design loads, including location and magnitude of: uniform superimposed dead and live loads; concentrated dead and live loads; nonuniform snow loads; wind and bracing loads for component system; and wind, bracing and gravity forces required to be developed at interfaces with other materials;

d. Required fire rating;

e. Outside configuration of components; and

f. Permanent bracing system.

2. The building designer shall also submit the following information with the initial building plan submittal or the component plan submittal:

a. A framing plan showing all members and labels and special installation (e.g., handling and erection) instructions and any required permanent bracing required which was the basis for the component design;

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b. Information regarding the member design of the following structural components: web configuration, stress diagram or tabulation of axial force in the members, member size, grade of lumber, fabricated splices and member bracing for wood trusses; web configuration, stress diagram or tabulation of axial force in the members, member size, steel yield, fabricated splices and member bracing for steel joists and joist girders subjected to nonuniform loading; specified concrete strengths, prestressing data including final effective forces and centroids, mild reinforcing including release and confinement steel, shear reinforcing, and stripping, transportation and erection handling points for precast concrete members; species of wood, bending stress of wood, adhesive and member sizes for laminated wood members; and

c. Information pertaining to the design of connections within or between like components for the following structural components: web and chord connection details and connector plate holding values for wood trusses; web and chord connection details for steel joist and joist girders subjected to nonuniform loading; bearing confinement steel, dapped end reinforcing, corbel reinforcing, bearing pads, and loose and embedded connection steel including welding and bolting requirements for precast concrete members; member connection and bearing details for laminated wood members.

3. For the purposes of this paragraph, the department does not consider truss layout plans or truss erection plans as architectural practice or engineering practice, and therefore, such plans are not required to be signed and sealed or stamped in accordance with s. ILHR 50.07 or 50.08.

4. Information regarding reinforcement, concrete strength, fire resistive ratings for precast concrete components may be provided in either the specifications or calculations furnished with the precast concrete plans.

(b) *Energy conservation data.* Calculations and specifications shall be submitted in accordance with s. ILHR 63.01 for the types of projects outlined in s. ILHR 63.001. Thermal performance information shall be provided as specified in s. ILHR 63.12.

(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) *Data for recycling space.* Verifiable data or calculations and specifications shall be submitted in accordance with s. ILHR 52.24 for determining adequate space for the separation, temporary storage and collection of recyclable materials, unless the space designated is based on the requirements identified in this code.

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(e) *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. 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, plans and documents required to complete the review as specified in s. ILHR 2.07 (3).

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

(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. The department will retain one copy of the plans for all projects. The department will forward one copy of the plans for projects of less than 100,000 cubic feet and alterations of less than \$100,000 estimated cost to the state building inspector of record. The remaining plans will be returned to the person designated on the plans approval application.

(6) **REVISIONS TO APPROVED PLANS.** (a) 1. All revisions and modifications, which involve provisions of this code, made to plans or specifications, which have previously been granted approval by the department, shall be submitted to the department for review.

2. All revisions and modifications to the plans shall be approved in writing by the department 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. ILHR 50.07 (2), if applicable.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (1) (g) 1, Register, December, 1977, No. 264, eff. 1-1-78; am. (4) (b), Register, May, 1978, No. 269, eff. 7-1-78; am. (1) (g) (intro.), Register, December, 1978, No. 276, eff. 1-1-79; am. (2) (c) 1., (3) (intro.) and (4) (b), cr. (2) (k), Register, January, 1980, No. 289, eff. 2-1-80; am. (1) (b) and (d), (2) (c) 2., (d) and (i), (3) (d), (4) (a), renum. (1) (e), (f) and (g) to be (1) (f), (g) and (i) and am. (1) (f) and (i) (intro.), cr. (1) (e) and (h), Register, December, 1981, No. 312, eff. 1-1-82; r. and recr. (1) (i), am. (4) (a) 2. intro., Register, December, 1983, No. 336, eff. 1-1-84; am. (5) (intro.), Register, January, 1985, No. 349, eff. 2-1-85; am. (1) (intro.) and (2) (intro.), Register, April, 1985, No. 352, eff. 5-1-85; am. (4) (a) 1., Register, August, 1985, No. 356, eff. 1-1-86; r. (2) (k), Register, December, 1985, No. 360, eff. 1-1-86; r. and recr. (1) (f), (i), (2) (c) and (f), am. (3) (intro.), (b) 1. and (4) (b), cr. (4) (a) 3. and 4. and (6), Register, March, 1991, No. 423, eff. 4-1-91; am. (1) (a) 1., cr. (1) (a) 2., Register, March, 1992, No. 435, eff. 4-1-92; am. (5), Register, June, 1992, No. 438, eff. 7-1-92; am. (3) (b) 1. and 2., renum. (4) (d) to be (e), cr. (4) (d), Register, October, 1992, No. 442, eff. 5-1-93; am. (1) (e), (i) 2. c., (3) (intro.) and (a), (4) (a) 2. b. and (b), Register, January, 1994, No. 457, eff. 2-1-94.

**ILHR 50.125 Wisconsin insignia.** A Wisconsin insignia shall be installed on a manufactured multi-family dwelling approved by the department and inspected at the manufacturing plant.

(1) **AFFIXING WISCONSIN INSIGNIA.** Each Wisconsin insignia shall be assigned and affixed to a specific manufactured multi-family dwelling in the manner approved by the department before it is shipped from the manufacturing plant. The serial number shall be located on the manufacturer's data plate.

(2) **MANUFACTURER'S RESPONSIBILITIES.** (a) *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 multi-family dwellings or manufactured building components (or groups of components); which Wisconsin insignias have been applied to which manufactured multi-family dwelling or building component; 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.

(b) *Lost or damaged insignia.* 1. If Wisconsin insignias become lost or damaged, the department shall be notified immediately, in writing, by the manufacturer or dealer.

2. If Wisconsin insignias become damaged, the insignia shall be returned to the department with the appropriate fee to obtain a new insignia.

(3) **INSIGNIA SUSPENSION AND REVOCATION.** The department may suspend or revoke its approval if it determines that the standards for construction or the manufacture and installation of a manufactured multi-family dwelling do not meet this code or that such standards are not being enforced as required by this code.

(a) Upon suspension or revocation of the approval, no further insignias shall be attached to any manufactured multi-family dwelling with respect to which the approval was suspended or revoked.

(b) 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.

History: Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**ILHR 50.13 Footing and foundation approval.** (1) The department or its authorized representative, as provided in s. ILHR 50.21, may conditionally approve footing and foundation plans to permit construction of footings and foundations prior to the examination and approval of the complete plans upon submission of:

(a) A plan approval application form, SBD 118;

(b) At least 4 bound sets of footing and foundation plans which:

1. Include a plot plan; and

2. Are signed and sealed in accordance with s. ILHR 50.07 or 50.08, if applicable.

(c) At least one set of:

1. Schematic floor plans indicating the exits;

2. Building elevations;

3. Itemized structural loads; and

4. Structural footing and foundation calculations; and

(d) The fee as specified in ch. ILHR 2.

(2) The department shall review and make a determination on an application for footing and foundation approval within 15 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80; am. Register, January, 1985, No. 349, eff. 2-1-85; am. Register, April, 1985, No. 352, eff. 5-1-85; r. and recr. register, March, 1991, No. 423, eff. 4-1-91; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1993, No. 450.

**ILHR 50.14 Permission to start construction.** (1) The department or its authorized representative, as provided in s. ILHR 50.21, may issue a permission to start construction form for the footings and foundations upon submission of:

(a) A completed plan approval application form, SBD 118;

(b) 1. At least 4 bound sets of building plans and one copy of specifications; or

2. At least 4 bound sets of footing and foundation plans and the information specified in s. ILHR 50.13 (1).

(c) A written request by the owner to start construction, form SBD 198; and

(d) Fees as specified in ch. ILHR 2.

(2) The holders of the permission form shall proceed at their 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 within 3 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80; am. Register, December, 1983, No. 336, eff. 1-1-84; am. Register, January, 1985, No. 349, eff. 2-1-85; am. Register, April, 1985, No. 352, eff. 5-1-85; r. and recr. Register, March, 1991, No. 423, eff. 4-1-91; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1993, No. 450.

**ILHR 50.15 Evidence of plan approval.** The architect, engineer, designer, builder, manufacturer 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; am. Register, May, 1980, No. 293, eff. 6-1-80.

**ILHR 50.155 Sprinkler documents.** (1) **PLANS.** (a) 1. Except as provided in subd. 2, where automatic fire sprinkler systems are to be installed or altered, sprinkler plans and specifications shall be present at the job site and made available, upon request, to the department, its agent or local governmental agencies exercising jurisdiction.

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2. a. When a project involves the alteration or addition of 20 or less sprinkler heads to an existing automatic fire sprinkler system, sprinkler plans and specifications 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 less sprinklers 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 agent or local governmental agencies exercising jurisdiction.

(b) The sprinkler plans at the installation site shall be:

1. Signed and sealed in accordance with s. A-E 2.02 by an architect, engineer or sprinkler designer who is registered by the department of regulation and licensing; or

2. 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 industry, labor and human relations.

(c) 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.

(d) The plans for the automatic fire sprinkler system to be at the installation site shall include at least:

1. The name of the:

a. Owner of the building; and

b. Occupant or occupants in the building;

2. The location or address of the building;

3. A full height cross section through the building;

4. The location within the building of:

a. Partitions, walls, and fire walls;

b. Concealed spaces, closets, attics and bathrooms;

c. Sprinklers;

d. Alarms;

e. Pumps, valves, drain pipes and test connections; and

f. Pipe hangers and supports.

5. The occupancy class of each area or room within the building;

6. The sources of water supply, including the static pressure, residual pressure, the flow and the dates and time of determination for each;

7. The location and size of:

a. All above ground and underground piping; and

b. Hose outlets.

8. The number of sprinklers on each riser per floor; and

9. The relative elevations of sprinklers, junction points, and supply points;

(e) The specifications for the automatic fire sprinkler system to be at the installation site shall include at least:

1. The type of materials, and devices that comprise the sprinkler system;

2. The settings of pressure reducing valves; and

3. Type and amount of antifreeze solutions being employed, if any.

**(2) SPRINKLER MATERIAL AND TEST CERTIFICATES.** (a) Where automatic fire sprinkler systems have been installed or altered, completed sprinkler material and test certificates shall be made available, upon request, to the department, its agent or local governmental agencies exercising jurisdiction.

(b) A sprinkler material and test certificate shall provide at least the information as enumerated in NFPA 13, s. 8-1 or NFPA 13R, s. 2-1, depending upon the type of sprinkler system.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93; am. (2) (b) Register, January, 1994, No. 457, eff. 2-1-94.

**ILHR 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.

**ILHR 50.17 Expiration of plan approval and extension of plan approval.** (1) **EXPIRATION OF PLAN APPROVAL.** Except as provided in sub. (2), plan approval by the department or its authorized representative shall expire 2 years after the date indicated on the approved plans if construction has not commenced within that 2 years or if, having once begun, construction ceases for a period of 2 years or more.

(2) **EXTENSION OF PLAN APPROVAL.** Upon request and payment of the fee under ch. ILHR 2, plan approval shall be extended for one 2-year period provided that the approved plans are revised to comply with the code in effect at the time of the extension request and the request is submitted during the original approval period.

Note: According to s. 66.05 (1) (a), Stats., the local governmental body or building inspector may order the razing of buildings or structures, or portions thereof, where there has been a cessation of normal construction for more than 2 years.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, August, 1986, No. 368, eff. 9-1-86; correction in (2) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1993, No. 450.

**ILHR 50.175 Department limitation.** A conditional approval of a plan by the department shall not be construed as an assumption of any design responsibility.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.

**ILHR 50.18 Inspections.** (1) **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 the provisions of chs. ILHR 50 to 64.

Note: Municipalities certified under s. ILHR 50.21 are authorized representatives of this department to make the inspections specified in this section, but not the maintenance or life-safety inspections specified in s. ILHR 56.21 and subch. IV of ch. ILHR 56 except that 1st class cities may perform these inspections.

Note: See Appendix A for further explanatory material.

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

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

**(3) 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 agent 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 agent.

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

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1980, No. 293, eff. 6-1-80; cr. (3), Register, March, 1992, No. 435, eff. 4-1-92; am. (1), Register, October, 1992, No. 442, eff. 11-1-92.

**ILHR 50.19 Building material approvals. (1) MATERIALS, EQUIPMENT AND DEVICES.** All materials, equipment and devices not specifically mentioned in this code shall 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. The department shall review and make a determination on an application for material, equipment and device approval within 30 business days of receipt of all forms, fees, plans and documents required to complete the review.

**(2) TESTING LABORATORIES.** (a) A testing laboratory may submit to the department a request to be recognized as an approved testing laboratory which evaluates and certifies materials, products or assemblies for conformance with the specifications or standards of this code.

(b) The request for recognition as an approved testing laboratory under par. (a) shall include:

1. A completed building material approval application;
2. Information, data and other evidence describing the operations, policies and procedures of the testing laboratory; and
3. A fee as specified in ch. ILHR 2.

(c) The department shall review and make a determination on a request for recognition as an approved testing laboratory under par. (a) within 30 business days of receipt of all forms, fees and documents required to complete the review.

**(3) REQUIRED APPROVALS.** An approval shall be obtained for:

- (a) Light transmitting plastics; and
- (b) Direct vent sealed combustion chamber appliances.

Note: A building material approval application form (SBD-8028), may be obtained from the Safety and Buildings Division, P. O. Box 7969, Madison, Wisconsin 53707.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, January, 1985, No. 349, eff. 2-1-85; renum. to be (1), cr. (2), Register, March, 1991, No. 423, eff. 4-1-91; am. (2) (b) 3., cr. (3), Register, January, 1994, No. 457, eff. 2-1-94.

**ILHR 50.20 Fees.** Fees for petitions for variance, material approval, plan examination and approval, and for inspection of buildings, structures, and heating and ventilating shall be submitted as specified in ch. ILHR 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, August, 1985, No. 356, eff. 1-1-86; am. Register, January, 1994, No. 457, eff. 2-1-94.

### Subchapter V — First Class City and Certified Municipal Approvals

**ILHR 50.21 Certified municipalities and counties. (1) GENERAL.** This section shall establish the manner under which cities, villages, towns and counties may examine building plans and inspect buildings relative to s. 101.12 (3) (a), (b) and (g), Stats.

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

(a) Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the responsibilities.

(b) Adopt by ordinance or regulation the responsibilities of plan examination and building inspection.

(c) Adopt by ordinance or regulation chs. ILHR 50 to 64 in its entirety.

(d) Submit to the department a certified copy of all ordinances or regulations assuming the plan examination and building inspection responsibilities and adopting chs. ILHR 50 to 64.

(e) Employ certified inspectors to perform the plan examination and building inspection functions.

(f) Forward to the department any information requested by the department relative to the examination of plans and the inspections of buildings.

(g) Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the responsibilities.

**(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 chs. ILHR 50 to 64.

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2. The department shall administer and enforce chs. ILHR 50 to 64 in any municipality or county which has not assumed the responsibilities for plan examination and building inspections 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 agent municipalities and counties to administer and enforce chs. ILHR 50 to 64 under sub. (2) shall be certified by the department in accordance with ch. ILHR 26 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. ILHR 50.12 (1), 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) *Other municipalities and counties.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. ILHR 50.12 (1), except state-owned buildings and structures, to be constructed within the municipal limits of a municipality other than a first class city or within a county shall be submitted 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:

1. New buildings or structures containing less than 50,000 cubic feet in total volume;

2. Additions to buildings or structures in which the volume of the addition results in the entire building or structure containing less than 50,000 cubic feet in total volume; or

3. Alterations of spaces involving less than 100,000 cubic feet in total volume.

(c) *Project waiver.* An agent municipality or county may waive its jurisdiction for the plan review of a specific project, in which case, plans shall be submitted to the department for review and approval.

(d) *Plan submission procedures.* 1. A building permit application shall be included with the plan submitted to the municipality or county having jurisdiction for examination.

2. At least 2 sets of complete building plans and one copy of specifications shall be submitted to the municipality or county having jurisdiction for examination.

3. Building plans submitted to a municipality or county for examination shall include the information specified in s. ILHR 50.12 (3) and (4).

(e) *Plan approval.* 1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to the provisions of chs. ILHR 50 to 64 or other ordinances and regulations, an approval shall be issued as follows:

a. The plans shall be stamped "CONDITIONALLY APPROVED", signed and dated by a certified inspector.

b. One set of the conditionally approved plans shall be retained by the municipality or county and all other plans shall be returned to the submitter or their representative.

c. A notice of conditional approval shall be provided, in writing, to the submitter and the building owner stating all conditions of approval.

2. All non-code-complying and other conditions stated in the conditional approval notice shall be corrected or met before or during construction, and before occupancy of the building.

(f) *Denial of plan approval.* If the municipality or county determines that the plans submitted do not substantially conform to the provisions of chs. ILHR 50 to 64 or other legal ordinances and regulations, a denial for plan approval shall be issued as follows:

1. The plans shall be stamped "NOT APPROVED", signed and dated by a certified inspector.

2. One set of the not-approved plans shall be retained by the municipality or county and all other plans shall be returned to the submitter or their representative.

3. A notice of the not-approved plans shall be provided in writing, to the submitter and the building owner stating the reasons for the denial.

(g) *Liability.* A conditional approval of a plan by a municipality or county may not be construed as an assumption of any responsibility on the part of the municipality, the certified inspector or the department for the design or construction of the building.

(6) **INSPECTION.** Inspections shall be conducted by an agent municipality or county to ascertain whether or not the construction or installation for buildings and structures conforms to the conditionally approved plans, the notice of conditional approval and chs. ILHR 50 to 64 as follows:

(a) All inspections, for the purpose of administration and enforcement of chs. ILHR 50 to 64, shall be performed by a certified inspector.

(b) A written report of each inspection shall be prepared. The report shall include the name of the certified inspector.

(c) A copy of each inspection report shall be furnished to the owner and plan submitter.

(d) A copy of each inspection report shall be permanently maintained in the municipal files or county files.

(e) The inspection report shall indicate all items of non-compliance noted during the inspection.

(f) If non-complying items are not corrected, orders to correct shall be issued in accordance with local ordinances.

Note: Certified municipalities are authorized to perform the inspections specified in s. ILHR 50.18.

**(7) FEES.** Municipalities and counties having jurisdiction of plan examination and building inspections may set by ordinance the fees for plan examination and building inspection services.

Note: See Appendix A for a list of the municipalities and counties providing plan examination and building inspections under this section.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, April, 1985, No. 352, eff. 5-1-85; am. (5) (b) 3., renum. (5) (c) to (f) to be (5) (d) to (g), cr. (5) (c), Register, March, 1991, No. 423, eff. 4-1-91.

### Subchapter VI — Enforcement, Petition for Variance, Appeals, and Penalties

**ILHR 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.

**ILHR 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 grounds that the local order is unreasonable and in conflict with the rule of the department. The department shall review and make a determination on an appeal of a local ordinance within 60 business days of receipt of a verified petition submitted with all forms, fees, plans and documents required to complete the review.

Note: Section 101.01 (1) (g), 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.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, January, 1985, No. 349, eff. 2-1-85.

**ILHR 50.25 Petition for variance. (1) PROCEDURE.** The department shall consider and may grant a variance to an

administrative rule upon receipt of a fee, a completed petition for variance form from the owner, and a position statement from the fire department having responsibility and an interest in the rule, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

Note: See Appendix A for further explanatory material.

**(2) PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

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

Note 2: Section 101.02 (6), 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; am. Register, December, 1978, No. 276, eff. 1-1-79; am. Register, May, 1980, No. 293, eff. 6-1-80; am. Register, October, 1984, No. 346, eff. 11-1-84; cr. (2), Register, January, 1985, No. 349, eff. 2-1-85.

**ILHR 50.26 Penalties.** Penalties for violations shall be assessed in accordance with s. 101.02, Stats.

Note 1: 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 2: 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.

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