

Chapter ILHR 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Note: Chapter Ind 50 as it existed on December 31, 1976, was repealed and a new chapter Ind 50 was created effective January 1, 1977; chapter Ind 50 was renumbered to be chapter ILHR 50, effective January 1, 1984.

Part I — Purpose and Scope

ILHR 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, ch. 101, 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.

Note 3: The code cannot address every conceivable design option; points of code application and clarification will be addressed and issued from time to time and will be published in the Wisconsin Building Codes Report available from the Safety and Buildings Division, P. O. Box 7969, Madison, Wisconsin 53707.

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

ILHR 50.02 Scope of chapters. The provisions of chs. ILHR 50-64 apply to all public buildings and places of employment. The provisions of these chapters are not retroactive unless specifically stated in the administrative rule. Where different sections of these chapters specify different requirements, the most restrictive requirement shall govern, except as specified in ss. ILHR 51.02 (11) (b) 4., 52.012, 52.013, 58.001 (2) (c), 62.93 and 64.57 (4). No part of this code is intended to prohibit or discourage the design and construction of innovative buildings or the use of new materials or systems provided written approval from the depart-

ment is obtained. Under this section, written approval from the department shall include, but is not limited to, an acceptance through preliminary design consultation, plan review, petition for variance, official code interpretation, material approval or other written forms of communication.

Note 1: For a definition of "public building" and "place of employment," see ss. ILHR 51.01 (102b) and 51.01 (104a) or s. 101.01 (2), Stats.

Note 2: Other state agencies and local municipalities may have adopted building or construction requirements that are either more restrictive or address other issues than those specified in this code.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, December, 1981, No. 312, eff. 1-1-82; am. Register, October, 1982, No. 322, eff. 11-1-82; am. Register, December, 1983, No. 336, eff. 1-1-84; am. Register, August, 1985, No. 356, eff. 1-1-86; emerg. am. eff. 9-6-86; am. Register, November, 1986, No. 371, eff. 12-1-86; am. Register, March, 1991, No. 423, eff. 4-1-91.

SPECIAL NOTE #1

AN ASTERISK (*) FOLLOWING THE SECTION OR SUBSECTION NUMBER INDICATES EXPLANATORY MATERIAL ON THAT PARAGRAPH MAY BE FOUND IN APPENDIX A. EXAMPLE: ILHR 51.01 (16)* — SEE A-51.01 (16) IN APPENDIX A. THE MATERIAL CONTAINED IN THIS APPENDIX AND THE NOTES FOUND IN THE CODE ARE NOT PART OF THE ENFORCEABLE RULES OF THIS CODE AND ARE PROVIDED FOR INFORMATION AND CLARIFICATION PURPOSES ONLY.

SPECIAL NOTE #2

THE OVERALL ENFORCEMENT RESPONSIBILITY FOR ALL OF THE PROVISIONS OF THIS CODE IS EQUALLY SHARED BY THE BUILDING INSPECTOR AND THE FIRE INSPECTOR. NORMALLY, THE BUILDING INSPECTOR HAS PRIMARY RESPONSIBILITY DURING CONSTRUCTION OF THE BUILDING WHILE THE FIRE INSPECTOR HAS PRIMARY RESPONSIBILITY AFTER THE BUILDING IS COMPLETED. THE ENFORCEMENT OF MANY OF THE PROVISIONS OF THE CODE IS THE PRIMARY RESPONSIBILITY OF THE FIRE INSPECTOR AND COMPLIANCE WITH THESE PROVISIONS SHOULD BE OF PRIMARY CONCERN WHILE CONDUCTING THE FIRE PREVENTION INSPECTIONS MANDATED BY SECTION 101.14, STATS. A GUIDELINE FOR THIS TOPIC HAS BEEN PREPARED. THE LETTERS "FP" MEANING FIRE PREVENTION AND APPEARING IN THE MARGIN ADJACENT TO A RULE INDICATES THE PRIMARY ENFORCEMENT RESPONSIBILITY FOR THE RULE IS THAT OF THE FIRE INSPECTOR. FURTHER EXPLANATORY MATERIAL FOR THE INDICATED RULES MAY BE FOUND IN APPENDIX B. EXAMPLE: SEE S. ILHR 51.20 AND APPENDIX B.

Part II — Application of Building Code

ILHR 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 s. ILHR 50.04.

(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 s. Ind 69.09.

(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.

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 s. Ind 69.09.

(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.

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 50.16 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 s. Ind 69.09 (7), 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.

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.

*See Appendix A for further explanatory material.

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.

(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 SB-224B) and inspection report and orders (form SB-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

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