

# RULES CERTIFICATE

## Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

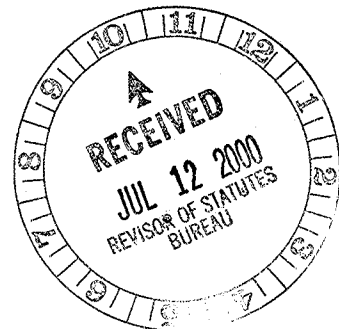
I, Brenda J. Blanchard, Secretary of the Department of Commerce,  
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to  
One- and Two-Family Dwellings, Commercial Buildings, and Multifamily Dwellings  
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the 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 at 201 West Washington Avenue  
in the city of Madison, this 5<sup>th</sup>  
day of July A.D. 2000

Brenda J. Blanchard  
Secretary



# ORDER OF ADOPTION

## Department of Commerce

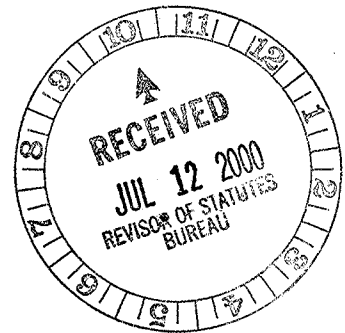
Pursuant to authority vested in the Department of Commerce by section(s) 101.02 (1) and (15), 101.121 (3),

101.63 (1), and 101.973 (1) Stats., the Department of Commerce  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Comm 2, 3, 20, 50 to 64, 66, 70, 75, and 90 One- and Two-Family Dwellings, Commercial Buildings, and Multifamily Dwellings  
(number) (Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register. pursuant to section 227.22, Stats.



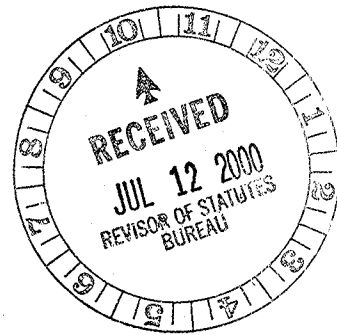
Adopted at Madison, Wisconsin this  
date: 7/5/00

DEPARTMENT OF COMMERCE  
[Signature]  
Secretary



State of Wisconsin \ Department of Commerce

# RULES IN FINAL DRAFT FORM



**Rule No.:** Comm 2, 3, 20, 50 to 64, 66, 70, 75, and 90

**Relating to:** One- and Two-Family Dwellings, Commercial Buildings, and Multifamily Dwellings

**Clearinghouse Rule No.:** 99 - 143

The Wisconsin Department of Commerce proposes an order to repeal Comm 3.02 (3) and (6); 3.06 (7) to (10); 50.06 (2) and Note; 50.18 (2) Note; 51.01 (104a) and Note; 51.167 (1) Note; 51.25 (3); 56.21; 56 Subchapter IV; 57.001 (2) (a), (c), (i), and (j); 50 to 64 Appendix Sections A-50.10 to 50.25, A-50.21, and A-51.15 (6); and 66.14 (1) (d);

renumber Comm 3.02 (4), (5), and (7) to (11); 20.24 (1) to (14); 50.04 (11); 50.06 (1); 50.12 (4) (e); 50.21 (2) (f) and (g); 50.21 (2) (b) and (d); 50.21 (5) (b) to (g); 50.21 (5) (e) 1.; 50.21 (7); 51.01 (1a) and (6m); 51.25 (4); 54.12 (2) (f) 2.; 57.001 (2) (b) to (h); 62.50 and 62.51; 62 Subchapters IV to IX; 66.11 and Note (1); 66.14 (1) (e) to (g); 66.24 (5) (b) to (g); and 66.24 (5) (d);

renumber and amend 50.21 (2) (intro), (a), and (c); 50.21 (5) (d); 50.21 (5) (e) 3.; and 66.24 (7);

amend Comm 2.52 (3) (b); 3.02 (1); 3.03 (3) (a), (c), (d), and (e) (intro.), 1., and 3., and (4); 3.03 (6) (a) and (7); 3.04 (1) (intro.), (a) 1. and 3., (b), and (c), (3) (d), (4), (5) (a) to (c), and (d) (intro.) and 1., (6), and (8); 3.05 (2) (a) and (b), (3) (a) to (f), and (4); 50.04 (2) and (6); 50.10 (2) and (3); 50.12 (1) (intro.), (a) (intro.) and 2., (b) to (f) (intro.), (g), and (h); 50.12 (1) (i) 1.; 50.12 (2) (intro.) and (b); 50.12 (3) (intro.); 50.12 (5) (intro.) and (a) and (6) (a) 1. and 2.; 50.13 (1) (intro.) and (2); 50.14 (1) (intro.) and (c); 50.15; 50.175; 50.18 Notes; 50.21 (1), (2) (i), (5) (f) 1. b. and c., (6) (intro.), and (7) Note; 50.26; 51.01 (11a) and (11a) Note (intro.); 51.015; 51.15 (4); 51.25 (1); 52.02 (1) (b); 52.22 Note; 52.60 (3) (a); 54.05 (1) (intro.); 54.12 (1) (a); Table 54.12-A and Footnotes 1 and 2; Table 54.12-B Notes (2) and (3); Table 55.32; Table 55.32 Note (2); 57.001 (2) Note; 60.001 (1) (a); 60.36 (1) (a); 60.40 (3); 62.34 (2); 62.40; 64.22 (3) (e) 1.; 66.02 (1) (a) to (d); 66.09 (3) and (4); 66.12 (2); 66.14 (1) (intro.) and (b); 66.14 (2) (a) 1.; 66.15; 66.165 (1); 66.17 (1) (a); 66.18 (1) (a); 66.19; 66.22 (and title); 66.24 (title), (2) (b), and (5) (e) 3. b.; 66.345 (3) (a); 66.45 (2) (b) 2.; 70.03 (1) (a) 3.; 70.07 (1) (a) and (b); 70.17 (2); and 90.16 (1);

repeal and recreate Comm 3.06 (2) to (6), 20 Subchapter VI, 20.24 (intro.), 50.12 (1) (i) 2., 50.12 (2) (c), 50.19, 50.21 (5) (c), 50.25, 51.01 (42b), 51.065 (1) (b) and (c), 51.25 (2), 57.07 (2), 64.21, 66.24 (5) (c), 66.25, and 70.14; and

create Comm 2.52 (3) (d); 20.24 (2) and (3); 50.03 (5) and (6); 50.04 (11), (11) Note, (12), (14), (15), and Note; 50.055; 50.12 (1) (i) (intro.); 50.12 (1m) and (1t); 50.12 (2) (d) Note and (k); 50.12 (3) (g); 50.12 (4) (e); 50.12 (5) (a) Note; 50.21 (2) (g); 50.21 (2) (j) to (l) and Note; 50.21 (5) (b); 50.21 (5) (d) 2.; 50.21 (5) (e) 1. b.; 50.21 (5) (e) 3. b. and 4. to 9.; 50.21 (7) (b); 50.22; 50.27; 51.01 (6m); 51.01 (13m) and Note; 51.01 (114m); 51.25 (1) Note; Table 51.25-17 Line 17; 54.05 (4); 54.12 (1) (c) Note; 54.12 (2) (b) 4.; 54.12 (2) (f) 2. b.; 55.32 (2) Note; Table 55.32 Footnote 4; Table 55.32 Note (5); 57.001 (1) (k); 62 Subchapter IV; 66.03 (1m); 66.03 (10m); 66.14 (1) (d) Note and (1t); 66.14 (2) (f); 66.24 (2) (k) to (m) and Note; 66.24 (5) (b); 66.24 (5) (d) 2.; 66.24 (5) (e) 4. to 7.; 66.24 (7) (b) and (8); 66.41 (4) (d); and 75.001 (1) (e) and Note.

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## Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1) and (15), 101.121 (3), 101.63 (1), and 101.973 (1)

Statutes Interpreted: ss. 101.02 (5) and (15), 101.05, 101.12, 101.121, 101.63 (9), 101.64 (4) and (6), 101.973 (1) and (7), and 101.974 (3) and (4)

Under the statutes cited, the Department protects public health, safety, and welfare by promulgating construction requirements for commercial buildings and structures, historic buildings, one- and two-family dwellings, and multifamily dwellings. These requirements are currently contained in chapters Comm 50 to 64, Comm 70, Comm 20 to 25, and Comm 66, respectively.

The proposed revisions are primarily intended to update the administration and enforcement elements of the commercial building code and the multifamily dwelling code to make them consistent with current policies and practices, and to increase the opportunities under those two codes for building designers to receive plan approvals and inspections from local governments rather than from the Department. Minor changes are also included to update the material approval process for those two codes and for the one- and two-family dwelling code.

The revisions would also repeal the life-safety requirements for public schools constructed before 1950, and clarify some problematic, minor technical provisions.

The following list is a detailed summary of the major revisions included in this proposal. The sequence of the list generally corresponds to the numerical sequence of the affected existing code sections, and the existing or proposed code sections are noted.

1. Fees are established for the Division's role in administering plan review by second class cities and appointed agents. [Not adopted; included in Clearinghouse Rule No. 00-009]
2. Fees are established for notifying the Department of election to use a registered individual for design and supervision for certain types of small buildings in lieu of Departmental plan approval. [Not adopted; included in Clearinghouse Rule No. 00-009]
3. Fees are established for approvals of alternate and experimental materials, and approvals of alternate standards. [Not adopted; included in Clearinghouse Rule No. 00-009]
4. An option is established that allows including more than one building in a petition for variance. [Comm 2.52 (3) (b) and (d)]
5. The petition for variance procedures are revised to remove the reference to specific staff, except for the Division Administrator and Department Secretary, from the formal review process. [Comm 3.02 (3) and (6); Comm 3.03 (3) (a), (c), (d), and (e) (intro.), 1., and 3.; (4); (6) (a); and (7); Comm 3.04 (1) (intro.), (a) 1. and 3., (b), and (c); (3) (d); (4); (5) (a) to (c), and (d) (intro.) and 1.; (6); and (8); Comm 3.05 (2) (a) and (b) and (3) (a) to (f); and Comm 3.06 (2) (a)]

6. The process for appealing a decision on a petition for variance is changed to clarify the appropriate functions performed at the division and department levels. [Comm 3.06 (2) to (10)]
7. The process for issuing building material approvals is changed to address approval of products that comply with the intent but not the text of the code, and to authorize experimental approvals of unproven products for the purpose of determining compliance with the code. The process change also includes repealing a requirement to obtain Departmental approval for light-transmitting plastics and direct-vent sealed-combustion-chamber appliances, and repealing an optional procedure for independent testing laboratories to obtain Departmental recognition. This process change is proposed for all three of the major building codes – the commercial building code, the multifamily dwelling code, and the one- and two-family dwelling code. [Comm 20 Subchapter VI, 50.19, and 66.25]
8. A process is codified in all three of the Department's major building codes for allowing use of a standard specification that is equivalent to or more stringent than a standard which is incorporated by reference in the code. [Comm 20.24 (3) and 51.25 (3)].
9. Language is created that requires compliance with the code in effect at the time of construction in the event a commercial building is converted from being exempt from the code to being not exempt. [Comm 50.03 (5)]
10. A process is codified for local officials to use in allowing temporary use of commercial buildings. [Comm 50.03 (6)]
11. The current language exempting farm buildings from the commercial building code is clarified. [Comm 50.04 (2)]
12. Buildings leased exclusively to the federal government are exempted from the commercial building code. Buildings leased in part to the federal government are exempted only if the lease provides for long-term federal control of the design and operating decisions. Owners of buildings exempted under this criteria are required to record notification of the exemption and notification of the applicability of the commercial building code in the event other use ensues. [Comm 50.04 (6)]
13. The list of buildings exempt from the commercial building code is expanded to include (A) a one- or two-family dwelling used as a foster home, treatment foster home, or group home, or as a child caring institution having a capacity for 8 or fewer children; (B) a one- or two-family dwelling in which a public or private day care center for 8 or fewer children is located; (C) a one-classroom school building operated by and for members of a bona fide religious denomination that has teachings and beliefs prohibiting use of products, devices, or designs which are needed to comply with the code; and (D) any building or portion of a building that is exempted from the code by federal or state law. [Comm 50.04 (11), (12), (14), and (15)]

14. The current language is expanded and clarified for electing to comply with the historic building code, rather than the commercial building code or the existing buildings code, for qualified historic buildings. [Comm 50.055, 70.03 (1) (a) 3., and 75.001 (1) (e)]
15. References to sample Departmental forms in the Appendix are deleted, the sample forms are deleted from the Appendix, and Notes are added stating that some forms are available from the Division's web site. [Comm 50.10 (3), 50.25, 50 to 64 Appendix, 66.09 to 66.26, and 66 Appendix.]
16. Departmental plan examination is no longer required for small greenhouses and mini-storage buildings, which are specified as containing less than 25,000 cubic feet total volume. [Comm 50.12 (1) (i) 1.]
17. Departmental plan examination is no longer required for antenna structures. [Comm 50.12 (1) (i) 2.]
18. An option is created that allows substituting Department plan approval with design and construction supervision by a registered design professional, for (A) buildings which contain from 25,000 to 50,000 cubic feet of volume and which are storage garages, greenhouses, mini-storage buildings, or within the scope of ch. Comm 54, such as factories and office buildings; and (B) buildings which contain less than 25,000 cubic feet and which are within the scopes of chs. Comm 55 to 61 and 66, such as theaters, assembly halls, schools, hotels, motels, multifamily dwellings, health care facilities, places of detention, airplane hangers, child day care facilities, and community-based residential facilities. Where this option is elected, a written notice and filing fee must be sent to the Department. [Comm 50.12 (1t) and 66.14 (1t)]
19. Language is created for commercial buildings and multifamily dwellings that requires submittal of structural component plans to the Department, and requires the design to be by a registered professional for buildings containing volumes exceeding 50,000 cubic feet. [Comm 50.12 (3) (g) and 66.14 (2) (f)]
20. Language is created for commercial buildings that clarifies submittal requirements for individually-owned or leased spaces within multiple-tenant or-owner buildings, or for additions to existing buildings, particularly for buildings where previous submittals were to another review office. [Comm 50.12 (4) (e)]
21. Language is created for commercial buildings and multifamily dwellings that allows 2<sup>nd</sup> class cities, under specified conditions, to review plans for the large buildings which formerly were reviewed only by the Department and first class cities. The specified conditions include (A) having a registered architect or engineer supervise the review, (B) collecting the same building and owner application information as required by the Department, and (C) providing program administration fees and monthly activity reports to the Department. The language includes submittal instructions for projects with multiple submittals that are not directed to the same review office. [Comm 50.21 (2) (j), and (5) (b) and (e) 1. b. and 4. to 9.; and 66.24 (2) (k), and (5) (b) and (e) 3. b. and 4. to 7.]

22. Language is created for commercial buildings and multifamily dwellings that allows a municipality to choose to assume only the Department's inspection responsibilities, rather than assume both inspection and plan review responsibilities. [Comm 50.21 (2) (k) and 66.24 (2) (l)]
23. Language is created for commercial buildings and multifamily dwellings that allows a certified municipality to review plans for any building addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet. [Comm 50.21 (5) (c) 3. b. and 66.24 (5) (c) 3. b.]
24. Language is created for commercial buildings that allows a municipality to retain its plan approval records in an electronic-based format rather than retain the original documents, and allows disposal of the records or documents after four years. [Comm 50.21 (5) (f) 1. b.]
25. Language is created for commercial buildings and multifamily dwellings that allows a municipality, under specified conditions, to become an appointed agent of the Department, for reviewing plans and performing inspections for any building which would otherwise be the responsibility of the Department. The specified conditions include (A) documenting the qualifications of the municipality, (B) documenting the Department's responsibilities that are desired by the municipality, (C) collecting the same building and owner application information as required by the Department, and (C) providing program administration fees and monthly activity reports to the Department. The language includes submittal instructions for projects with multiple submittals that are not directed to the same review office. [Comm 50.22 and 66.24 (8)]
26. Language is created describing the appeal process for any person who owns or occupies property that is affected by an order of the Department. [Comm 50.27]
27. A national standard for testing flame-resistant textiles and films is incorporated into the commercial building code. [Comm Table 51.25-17 Line 17]
28. Language is created that allows omitting toilet rooms in retail or mercantile buildings which accommodate no more than 25 occupants, provided (A) other restrooms are conveniently available, (B) the omission is approved in writing by the local unit of government, and (C) the written local approval is filed with the Department. [Comm 54.12 (1) (a) and (2) (b) 4.]
29. Language for the number of sanitary fixtures at public swimming facilities is clarified to more clearly convey the minimum number of fixtures that are required by the commercial building code, the multifamily dwelling code, or the public swimming pool code. [Comm 54.05 (4); 54.12 (1) (c) Note; Table 54.12-A and Footnotes 1 and 2; 54.12-B Notes (2) and (3); 55.32 (2) Note; Table 55.32, Footnote 4, and Notes (2) and (5); 66.45 (2) (b) 2; and 90.16 (1)]



30. Language is created for self-service gasoline stations that use a key- or card-operated fuel dispensing device, which allows toilet rooms to be unavailable during periods when the station is unattended by an employee. [Comm 54.12 (2) (f) 2. b.]
31. Language is repealed that allows only the Department or 1<sup>st</sup> class cities to perform statutorily required maintenance inspections of public schools. [Comm 56.21]
32. Life-safety requirements for public schools constructed before 1950 are repealed. [Comm 56 Subchapter IV]
33. The scope sections of Comm 57 and 66 are clarified to more clearly convey that Comm 57, rather than Comm 66, applies to an addition or alteration for multifamily dwellings that were approved prior to the implementation of Comm 66 in 1995. [Comm 57.001 (1) (k) and 66.02 (1) (a) to (d)]
34. Language is created that allows supporting an antenna system with a structure that is used for electric power or communication systems, provided a registered architect or engineer determines the support system will sustain all the live, dead, and special loads imposed on it. [Comm 62.40]
35. Language is created that codifies the design and construction requirements which are currently applied to membrane structures. [Comm 62 Subchapter IV]
36. A previous cross-reference is reinserted requiring only one means of egress from a loft. [Comm 66.345 (3) (a)]
37. Language is created clarifying how the Comm 52.07 atrium requirements apply to multifamily dwellings. [Comm 66.41 (4) (d)]

*File ref: analysis of rules 5*

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SECTION 1. Vacant (Included in Clearinghouse Rule No. 00-009)

SECTION 2. Vacant (Included in Clearinghouse Rule No. 00-009)

SECTION 3. Vacant (Included in Clearinghouse Rule No. 00-009)

SECTION 4. Comm 2.52 (3) (b) is amended to read:

Comm 2.52 (3) (b) ~~A~~ Except as provided in par. (d), a separate petition shall be submitted for each building. If, after review, it is determined that some or all of the petitions may be processed using a precedent, a portion of the variance fee may be refunded in accordance with sub. (10) (b).

SECTION 5. Comm 2.52 (3) (d) is created to read:

Comm 2.52 (3) (d) Where an identical variance is sought for identical buildings with a common owner in a single municipality, and all of the buildings are listed on one submitted petition, the fee for the first building shall be \$490.00, and the fee for each subsequent building shall be \$50.

SECTION 6. Comm 3.02 (1) is amended to read:

Comm 3.02 (1) "Administrator" means the administrator of the division of safety and buildings in the department of ~~industry, labor and human relations~~ commerce, or his or her designee.

SECTION 7. Comm 3.02 (3) and (6) are repealed.

SECTION 8. Comm 3.02 (4), (5), and (7) to (11) are renumbered Comm 3.02 (3), (4), and (5) to (9).

SECTION 9. Comm 3.03 (3) (a), (c), (d), and (e) (intro.), 1., and 3.; and (4) are amended to read:

Comm 3.03 (3) (a) Upon receipt of the petition for variance form, the applicable fee and the position statement, and any other documents the petitioner may wish to submit, the ~~office~~ division shall evaluate the petition for variance and determine if the petition for variance provides for an equivalency which meets the intent of the rule being petitioned.

(c) If additional information is needed by the ~~office~~ division to review the petition for variance and make a determination, the ~~office~~ division shall notify the owner in writing of the specific information required.

(d) If it is determined that the petition for variance provides an equivalency, the petition for variance shall be approved by the ~~director~~ division.

(e) If it is determined that the petition for variance does not provide an equivalency, the ~~director~~ division may:

1. Approve the petition for variance subject to specific conditions determined by the ~~office~~ division which shall establish an equivalency which meets the intent of the rule;

3. Grant an experimental variance to allow the petitioner to participate in an experiment approved by the ~~office~~ division to demonstrate or validate new or improved techniques to safeguard the health or safety of the public and employees; or

(4) NOTIFICATION OF PETITION FOR VARIANCE DETERMINATION. The ~~office~~ division shall notify the petitioner in writing of the petition for variance determination, including any conditions of approval. Any denial shall include the reason for denial, and information on the appeals procedure.

SECTION 10. Comm 3.03 (6) (a) and (7) are amended to read:

Comm 3.03 (6) (a) If a petition for variance is initially denied by the ~~director~~ division, the petitioner may, in writing, modify the request for variance by submitting additional or other alternatives in order to provide an equivalency and resubmit the application for the petition for variance.

(7) REVOCATION. The ~~director~~ division may revoke any petition for variance where it is determined that the variance was obtained through fraud or deceit or where the petitioner has violated the specific conditions on which the variance was approved.

SECTION 11. Comm 3.04 (1) (intro.), (a) 1. and 3., (b), and (c); (3) (d); (4); (5) (a) to (c), and (d) (intro.) and 1.; (6); and (8) are amended to read:

Comm 3.04 (1) (intro.) TYPES OF VARIANCES. Pursuant to s. 101.055 (4), Stats., a public employer may apply to the ~~office~~ division for a temporary, experimental or permanent variance on occupational safety and health rules affecting public employees.

(a) 1. The ~~director~~ division may grant a temporary variance before a rule goes into effect if the public employer complies with subs. (2) and (3) and establishes that it is unable to comply with a rule by the rule's effective date because of unavailability of professional or technical personnel or of necessary materials or equipment or because necessary construction or alteration of facilities cannot be completed by the effective date.

3. If a hearing on the application for variance is requested, the director division may state in writing that non-compliance with the rule is permitted for 180 calendar days or until a decision is made after the hearing, whichever is earlier.

(b) *Experimental variance.* The director division may grant an experimental variance if the public employer complies with subs. (2) and (3) and it is determined that the variance is necessary to permit the employer to participate in an experiment approved by the director division to demonstrate or validate new or improved techniques to safeguard the health or safety of employees.

(c) *Permanent variance.* The director division may grant a permanent variance if the public employer complies with subs. (2) and (3) and it is determined that the employer has demonstrated by a preponderance of the evidence that the conditions and methods the employer uses or proposes to use provide employment or a place of employment which is as safe and healthful as that provided under the rule from which the employer seeks a permanent variance. A permanent variance may be modified or revoked upon application by the employer, an affected employe, a public employe representative or the department and after opportunity for a hearing on the application, but not sooner than 6 months after issuance of the permanent variance.

(3) (d) The public employer shall furnish evidence to the office division that conditions specified in par. (c) have been satisfied and that public employes have no interest in requesting a hearing from the office division.

(4) HEARING. (a) Upon receipt of a written request for a hearing from a public employer, an affected public employe or a public employe representative, the office division shall schedule a hearing on the petition and inform the parties in writing about the date, time and place for the hearing. The office division shall hold the hearing within 30 business days from receipt of the request, unless the person requesting the hearing asks for an extension.

(b) Where a hearing is requested, no decision may be made by the director division until a hearing has been held.

(5) (a) Unless a hearing is requested upon receipt of the petition for variance form, the office division shall evaluate the petition for variance and determine if the petition for variance provides for an equivalent degree of safety or health. The petition shall prescribe the methods and conditions which the employer must adopt and maintain while the variance is in effect.

(b) If additional information is needed by the office division to review the petition for variance and make a determination, the office division shall notify the owner in writing of the specific information requested.

(c) If it is determined that the petition for variance provides an equivalent degree of safety or health, the petition for variance shall be approved by the director division.

(d) If it is determined that the petition for variance does not provide an equivalent degree of safety or health, the director division may:

1. Approve the petition for variance subject to specific conditions determined by the office division which will establish an equivalent degree of safety or health as specified in the rule;

(6) NOTIFICATION OF PETITION FOR VARIANCE DETERMINATION. The ~~office~~ division shall notify the petitioner and affected parties in writing of the petition for variance determination. Any denial shall include the reason for denial, and information on appeals procedure.

(8) REVOCATION. The ~~director~~ division may revoke any petition for variance where it is determined that the variance was obtained through fraud or deceit or where the petitioner has violated the specific conditions on which the variance was approved.

SECTION 12. Comm 3.05 (2) (a) and (b), (3) (a) to (f), and (4) are amended to read:

Comm 3.05 (2) (a) Pursuant to s. 101.598 (2), Stats., an employer may petition the ~~office~~ division for an exemption from retaining a data sheet or maintaining an identification list as specified in s. 101.583 (1), Stats., regarding any mixture containing a toxic substance.

(b) A petition for the exemption shall be in writing.

~~Note: Petitions for exemption shall~~ should be sent to: Division of Safety and Buildings, ~~Office of Division Codes and Application~~, P.O. Box 2658, Madison, Wisconsin 53707.

(3) (a) Upon receipt of a petition for exemption, the applicable fee and any other documents the employer may wish to submit, the ~~office~~ division shall evaluate the petition and determine if the exemption may be granted.

(b) If additional information is needed by the ~~office~~ division to review the petition in order to make a determination, the ~~office~~ division shall notify the employer in writing of the specific information required.

(c) Upon receipt of a written request for a hearing from the employer, an affected employe or employe representative, the ~~office~~ division shall schedule a hearing on the petition and inform the interested parties in writing about the date, time and place for the hearing. If a hearing has been requested, the ~~director~~ division shall not act on the petition for exemption until the hearing has been held. The ~~office~~ division shall hold the hearing within 30 business days from receipt of the request, unless the person requesting the hearing asks for an extension.

(d) The ~~office~~ division shall review and make a determination on a petition for exemption within 60 business days, but no sooner than 15 business days, after receipt of the petition and any additional information which may be required by the ~~office~~ division or after a hearing is held in accordance with par. (c).

(e) The ~~office~~ division shall notify the employer and any interested parties as to the determination of the petition.

(f) The ~~director~~ division may grant the petition for exemption subject to specific conditions.

(4) REVOCATION. The ~~director~~ division may revoke an exemption when it is determined that the exemption was obtained through fraud or deceit, where the employer has violated the specific conditions of the exemption or new information repudiates the original information on which the exemption was granted.

SECTION 13. Comm 3.06 (2) to (6) are repealed and recreated to read:

Comm 3.06 (2) REQUEST FOR REVIEW BY THE ADMINISTRATOR. (a) Any person whose petition for variance is denied, approved with conditions, approved as a temporary variance, or approved as an experimental variance or any person whose rights are affected by the granting of a petition for variance may request a review by the administrator. The review by the administrator shall not be considered as a contested case hearing.

(b) A person otherwise entitled to review by the administrator under par. (a) may waive a review by submitting to the secretary a written request clearly indicating the intent to waive review and requesting to proceed to a contested case hearing under sub. (6).

(c) The request for review by the administrator shall be in writing and shall include a statement of the specific reasons why the person believes the division's decision on the petition for variance is incorrect.

Note: Requests for a review by the administrator may be forwarded to Administrator, Safety and Buildings Division, P.O. Box 2599, Madison, WI 53707-2599.

(d) A review by the administrator shall be denied if the request for review is received more than 30 days after the date of the decision on the petition for variance.

(e) A review shall be denied, and the petition remanded to staff in the division, if the request for review contains significant new information not considered by the division in making the decision on the petition for variance. The administrator may remand the petition to staff in the division at any point in the review process if significant new information is presented by the petitioner or other persons seeking review by the administrator, and that information was not available to the division at the time of its decision on the petition for variance. Following a remand, the division shall issue a decision on the petition for variance within 30 days after the date the petition for variance is remanded by the administrator. Petitioners and other persons affected by a petition for variance may request a review by the administrator or a hearing by the secretary under this section following a decision by the division on remand.

(3) DECISION. (a) If the administrator determines that insufficient reasons are provided in the request for review, the request may be denied. The denial shall be in writing and shall provide the petitioner with the reason for denial and with information about the right to appeal the decision on the petition to the secretary.

(b) If the administrator grants the request for review, the petitioner shall be notified of the date, time and place where the review will be conducted. The administrator shall schedule the review within 30 business days after the request for review, unless the person requesting the review asks for an extension.

(4) REVIEW CONFERENCE. (a) If a review is granted, the person requesting the review and any other interested persons shall be provided an opportunity to meet with the administrator to present statements and documents regarding the petition for variance. The administrator may require the attendance of division staff familiar with the basis for the decision on the petition for variance to explain the decision, to comment on the testimony and documents presented by the person requesting review, and to answer questions from the person requesting review.

(b) The administrator may conduct the review conference personally or may designate one or more persons to review the division's decision on the petition for variance. If a designation is made, the person requesting review shall be notified prior to the review conference who will conduct the conference and who will make the decision following the review conference.

(c) At the request of the person requesting review, the administrator may issue subpoenas under s. 101.02 (5) (c), Stats., to compel the attendance and testimony of witnesses and the production of documents. The administrator may refuse to issue a subpoena if the information to be provided by the witness or the documents identified in the subpoena will not contribute materially to an effective review of the decision on the petition for variance.

(d) The administrator may electronically record a review conference. No transcript shall be prepared by the administrator. A person requesting review may, at his or her own expense, provide a court reporter to transcribe the proceedings or any portion thereof.

(e) The person requesting review, department staff responsible for the decision on the petition for variance, and witnesses called by the person requesting review or department staff shall provide informal statements. There shall be no sworn testimony. The person requesting review and staff designated by the administrator may ask questions of any person making a statement in a review conference. The administrator may limit questions and statements if the information being requested or provided does not contribute substantially to an understanding of the issues involved in the review.

(5) DECISION OF THE ADMINISTRATOR. The administrator shall issue a written decision within 30 business days following the review conference that shall affirm, vacate, or modify the division's decision on the petition for review. The written decision shall inform the person requesting review of the right to appeal to the secretary under this section.

(6) HEARING BY THE SECRETARY. (a) Any person adversely affected by a decision on a petition for variance may request a hearing by the secretary whether or not that person has first requested a review by the administrator.

(b) The appeal to the secretary shall be in writing and shall indicate the nature of the person's interest in the petition for variance, the identity of all other known parties who may have an interest in the decision on the petition for variance, and a statement of the reasons why the person believes the division's decision on the petition for variance is incorrect. An appeal may be returned to the petitioner for additional information, however the date the appeal was first received by the secretary shall be the date used to determine the timeliness of the appeal.

(c) No hearing by the secretary may be held if the request for hearing is received more than 30 days after the date of the division's decision on the petition for variance or the date of the

administrator's decision following a review conference, whichever is later. A request for hearing may be denied under the provision of s. 101.02 (6) (g), Stats. A denial of a hearing shall be in writing and shall contain the reasons for the denial and a statement of the person's appeal rights, if any.

(d) The hearing by the secretary shall be a contested case hearing. The hearing and decision issued after the hearing shall be governed by the provisions of ch. 227, Stats.

Note: Requests for a contested case hearing may be forwarded to the department of commerce legal counsel, P.O. Box 7970, Madison, WI 53707-7970.

SECTION 14. Comm 3.06 (7) to (10) are repealed.

SECTION 15. Comm 20 Subchapter VI is repealed and recreated to read:

#### SUBCHAPTER VI – APPROVAL OF PRODUCTS

**Comm 20.18 Building product approvals. (1) VOLUNTARY APPROVAL. (a)** Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.

2. Tests, compilation of data, and calculations for materials, equipment and products shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment and products which meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this code.

2. Tests, compilation of data, and calculations for materials, equipment and products shall be conducted by a qualified independent third party.

(3) EXPERIMENTAL APPROVAL. (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this code.

(b) The department may require the submission of any information deemed necessary for review.



(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the installation shall be attached to the submitted plans and approved plans.

b. The letter under subpar. a. shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. A person responsible for construction of the project shall be designated in writing by the owner.

5. The person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person authorized by the department, at time intervals as specified by the department, but not less than once a year. The inspector shall write an inspection report.

2. The department may assess a fee for each inspection conducted under subd. 1.

(f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

(g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, a determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval of a material, equipment or product for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party providing information, or as a result of material, equipment or product failure.

2. The department may re-examine an approved material, equipment or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with this code or the intent of this code due to a change in the code or department interpretation of the code.

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. Comm 2.

(5) UNGRADED OR USED MATERIALS. (a) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by the code for the intended use.

(b) The department or the municipality enforcing this code may require tests in accordance with subs. (1) or (2).

SECTION 16. Comm 20.24 (1) to (14) are renumbered Comm 20.24 (4) to (17).

SECTION 17. Comm 20.24 (intro.) is repealed and recreated to read:

Comm 20.24 (1) CONSENT. Pursuant to s. 227.21 (2), Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in subs. (4) to (17).

SECTION 18. Comm 20.24 (2) and (3) are created to read:

Comm 20.24 (2) ADOPTION OF STANDARDS. The standards referenced in subs. (4) to (17) are incorporated by reference into this chapter.

Note: Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies of the standards may be purchased through the respective organizations listed in subs. (4) to (17).

(3) ALTERNATE STANDARDS. (a) Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this chapter may be used in lieu of incorporated standards when approved by the department or if written approval is issued by the department in accordance with par. (b).

(b) 1. a. Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

b. The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees, and documents required to complete the review.

2. Determination of approval shall be based on an analysis of the alternate standard and the incorporated standard, prepared by a qualified independent third party or the organization that published the incorporated standard.

3. The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

4. If the department determines that the alternate standard is not equivalent to or more stringent than the standards incorporated by reference, the request for approval shall be denied in writing.

5. The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based. The department may re-examine an approved alternate standard and issue a revised approval at any time.

6. Fees for review of standards under this paragraph shall be submitted in accordance with ch. Comm 2.

SECTION 19. Comm 50.03 (5) and (6) are created to read:

Comm 50.03 (5) CONVERSION TO NONEXEMPT STATUS. A building previously exempt from this code under s. Comm 50.04 and that is being converted to a building which is not exempt shall conform to the version of this code that was in effect when the building was constructed, except as provided in sub. (3).

(6) TEMPORARY USE. A city, village, town or county fire or building code official may allow a building to be used temporarily in a manner that differs from the approved use for the building, or may approve a temporary building to be used by the public, subject to the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

(b) Except as provided in par. (c), buildings considered for temporary use shall conform to the structural strength, fire safety, means of egress, light, ventilation, and sanitary requirements of this code as necessary to ensure the public safety, health and general welfare.

(c) The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.

(d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building.

SECTION 20. Comm 50.04 (2) and (6) are amended to read:  
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Comm 50.04 (2) Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90 percent of the commodities were planted or produced on the farm premises.

[Note to Revisor: Delete Comm 50.04 (2) Note.]

(6) Buildings owned by or leased exclusively to the federal government. Buildings owned by other than the federal government and leased only in part to the federal government are not usually exempt unless the lease specifically provides for the long-term federal control of design and operating decisions. Buildings owned or controlled by other entities, such as the Postal Service or foreign governments, may also be exempt by operation of federal statutes or treaties. A nonfederal owner of a building that is exempt from this code under this subsection shall file a statement with the register of deeds which describes the exemption and describes the need for code compliance in the event the building is converted to a nonexempt use. The owner shall cause the statement to be recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located. The owner shall submit a copy of the recorded document to the department or its authorized representative.

SECTION 21. Comm 50.04 (11) is renumbered Comm 50.04 (13).

SECTION 22. Comm 50.04 (11), (11) Note, (12), (14), (15), and Note are created to read:

Comm 50.04 (11) A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a child caring institution having a capacity for 8 or fewer children, all as defined in s. 48.02, Stats.

Note: The definitions in s. 48.02, Stats., limit foster homes to no more than 4 children unless all the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the department of health and family services, a group home or a child caring institution having a capacity for 8 or fewer children may be located in a one- and 2-family dwelling as a community living arrangement, as defined in s. 46.03 (22), Stats.

(12) A one- or 2-family dwelling in which a public or private day care center for 8 or fewer children is located.

(14) A one-classroom school building operated by and for members of a bona fide religious denomination that has teachings and beliefs prohibiting use of products, devices, or designs which are needed to comply with this code.

(15) Any building or portion of a building that is exempted from this code by federal or state law.

Note: See s. Comm 50.03 (5) for the requirements that apply when an exempt building is converted to a nonexempt building.

SECTION 23. Comm 50.055 is created to read:

**Comm 50.055 Historic buildings code.** Qualified historic buildings for which the owner has elected to use ch. Comm 70 are not required to comply with any of the provisions of chs. Comm 50 to 64 that are addressed by ch. Comm 70.

Note: The owner of a qualified historic building may select which code will apply to the building. The options include (1) complying with ch. Comm 70 - Historic Buildings Code; (2) complying with chs. Comm 50 to 64 - Building and Heating, Ventilating and Air Conditioning Code; (3) complying with the Building and Heating, Ventilating and Air Conditioning Code that was in effect at the time of the last addition, alteration, or change in use, provided the building and use have remained unchanged since then; or (4) complying with chs. Comm 75 to 79 - Existing Buildings Code, provided the building was constructed prior to October 9, 1914, and continues to have the same use as on that date.

SECTION 24. Comm 50.06 (1) is renumbered Comm 50.06.

SECTION 25. Comm 50.06 (2) and Note are repealed.

SECTION 26. Comm 50.10 (2) and (3) are amended to read:

Comm 50.10 (2) NAME OF SUPERVISING ARCHITECT, ENGINEER OR DESIGNER. Prior to the start of construction, the owner of the building or structure, whose name ~~must shall~~ be a part of, or accompany, all plans submitted for approval, ~~as required by Comm 50.12~~ or an authorized agent, shall designate in writing to the department, in writing, authority that issues plan approval the name and Wisconsin registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

(3) COMPLIANCE STATEMENT. Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the ~~department~~ authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be on a form prescribed by the department.

[NOTE TO REVISOR: Please change the applicable Notes after ss. Comm 50.10 (3) and 50.12 (5) (intro.) to read as follows: "Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 2509, Madison, WI 53701-2509, or at telephone 608/266-1818. Some of the department forms are also available at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us)."]

SECTION 27. Comm 50.12 (1) (intro.), (a) (intro.) and 2., (b) to (f) (intro.), (g), and (h) are amended to read:

Comm 50.12 (1) (intro.) TYPES OF BUILDINGS. ~~Plans~~ Except as provided in sub. (1t), plans and specifications for all buildings and structures in the following classifications shall be submitted to the department or its authorized representative, as provided in s. Comm 50.21 or 50.22, for examination and be approved before commencing work:

(a) ~~Factories,~~ All buildings within the scope of ch. Comm 54, such as factories and office and mercantile buildings (ch. Comm 54), unless waived as follows:

2. Upon written request, the department may conduct an examination of preliminary mausoleum plans for compliance with ~~the provisions of~~ this code. Results of this examination will be in writing. A fee may be charged for this type of examination. Complete plans and specifications as specified in sub. (3) shall be submitted in accordance with sub. (5) prior to construction.

(b) ~~Theaters~~ All buildings within the scope of ch. Comm 55, such as theaters and assembly halls (ch. Comm 55).

(c) ~~Schools~~ All buildings within the scope of ch. Comm 56, such as schools and other places of instruction (ch. Comm 56).

(d) ~~Apartment~~ All buildings within the scope of ch. Comm 57, such as apartment buildings that exceed 60 feet in height or 6 stories, hotels, motels and other places of abode (~~ch. Comm 57~~).

(e) ~~Health~~ All buildings within the scope of ch. Comm 58, such as health care facilities and places of detention, (~~ch. Comm 58~~). Plans except that plans shall be submitted for double-celling in existing places of detention only where other alterations are being made that affect exiting, natural lighting, fire hazard or structural components. If the increased occupant load does not require physical alteration to the existing structure, plans are not required to be submitted.

(f) ~~Hazardous~~ All buildings having occupancies within the scope of ch. Comm 59, which are hazardous occupancies, (~~ch. Comm 59~~), unless waived as follows:

(g) ~~Day~~ All buildings within the scope of ch. Comm 60, which are child day care facilities (~~ch. Comm 60~~).

(h) ~~Community~~ All buildings within the scope of ch. Comm 61, which are community-based residential facilities (CBRF) (~~ch. Comm 61~~).

SECTION 28. Comm 50.12 (1) (i) (intro.) is created to read:

Comm 50.12 (1) (i) (intro.) All structures or buildings having occupancies within the scope of ch. Comm 62, which are specialty occupancies, unless waived as follows:

SECTION 29. Comm 50.12 (1) (i) 1. is amended to read:

Comm 50.12 (1) (i) 1. Except as provided in subd. 2., department plan examination and approval is waived for television and radio transmitting and receiving antennas, tents, outdoor theater screens, water tanks, display signs, observation towers, docks, piers, wharves, tents or inflatable structures used temporarily, and other similar structures assembly seating facilities that are 5 rows or less in height, greenhouses containing less than 25,000 cubic feet of total volume, and mini-storage buildings containing less than 25,000 cubic feet of total volume; however, these structures and temporary tents buildings shall comply with the applicable structural and other requirements of ~~chs. Comm 50-64~~ this code.

SECTION 30. Comm 50.12 (1) (i) 2. is repealed and recreated to read:

Comm 50.12 (1) (i) 2. Plan examination and approval is required for the installation of an assembly seating facility within a building. The plans shall consider loadings that include, but are not limited to, effects on structural components, class of construction, room capacity, exit width, and plumbing fixtures. For an assembly seating facility that is 5 rows or less in height, the plans need not include the structural details for the seating facility.

SECTION 31. Comm 50.12 (1m) and (1t) are created to read:

Comm 50.12 (1m) APPROVAL WAIVED. Department plan examination and approval is waived for water tanks, display signs, observation towers, docks, piers, wharves, and other similar structures and buildings; however, these structures and buildings shall comply with the applicable structural and other requirements of this code.

(1t) EXEMPTION THROUGH DESIGN AND SUPERVISION BY REGISTERED PROFESSIONALS. (a) Department plan examination and approval is waived for the following buildings or components thereof if the plans and specifications are designed by a registered individual in accordance with s. Comm 50.07 (2) or 50.08, and if the construction or installation of the building or components thereof is supervised by a registered individual in accordance with s. Comm 50.10:

1. Buildings containing 25,000 to less than 50,000 cubic feet total volume and occupied as a storage garage, greenhouse, mini-storage, or any other use under the scope of ch. Comm 54.

2. Buildings specified in sub. (1) (b) to (f)1., (g) and (h) that contain less than 25,000 cubic feet total volume.

(b) Where the exemption in par. (a) is elected, a notice shall be filed with the department or its authorized representative, that identifies the building location, the name and address of the building owner, and the name and Wisconsin registration number for the designer and supervising professional. A notice filed with the department under this paragraph shall include the fee specified in s. Comm 2.31 (1) (g).

SECTION 32. Comm 50.12 (2) (intro.), (b), and (c) 2. are amended to read:

Comm 50.12 (2) (intro.) TYPES OF PLAN APPROVAL. ~~The~~ Except as provided in sub. (3) (g), the following types of plans shall be submitted to the department or its authorized representative, as provided in s. Comm 50.21 and 50.22, for examination and approval be approved before construction is commenced:

(b) Structural plans and structural component plans.

(c) 2. Data and information relative to the requirements of chs. Comm 63 and 64, for the replacement of a major piece of heating, ventilating or air conditioning equipment, where the equipment to be installed is not identical or closely similar to the equipment being replaced.

SECTION 33. Comm 50.12 (2) (k) and Note are created to read:

Comm 50.12 (2) (k) Fire prevention, detection and suppression systems as required by the department.

Note: Refer to the Safety and Buildings Division's Plan Submittal Kit (SBD-8927) for detailed information concerning the submittal requirements for fire system plans. The kit is available at no charge from the Safety and Buildings Division, P.O. 2509, Madison, WI 53701-2509, telephone 608/267-4405.



SECTION 34. Comm 50.12 (3) (intro.) is amended to read:

Comm 50.12 (3) (intro.) PLANS AND SPECIFICATIONS. ~~At~~ Except as provided in par. (g), 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 be approved 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 at least the following information:

SECTION 35. Comm 50.12 (3) (g) is created to read:

Comm 50.12 (3) (g) *Structural component plans*. 1. One set of plans for structural components, as specified in sub. (4) (a), shall be submitted for examination before commencing construction, and one set shall be kept at the building site during construction.

2. Structural component plans for buildings containing more than 50,000 cubic feet total volume, or for additions in which the volume of the addition results in the entire building containing more than 50,000 cubic feet total volume, shall comply with all of the following:

a. Each set of plans shall be signed and sealed in accordance with s. Comm 50.07 (2).

b. Plans that are signed and sealed by someone other than the building designer of record shall include a signed or initialed indication from the building designer that the component plans are compatible with the building plans.

SECTION 36. Comm 50.12 (4) (e) is renumbered Comm 50.12 (4) (f).

SECTION 37. Comm 50.12 (4) (e) is created to read:

Comm 50.12 (4) (e) *Data for multiple-tenant or -owner buildings, or for additions to existing buildings*. Submittals for individually owned or leased spaces within multiple-tenant or -owner buildings, or for additions to existing buildings, shall either be complete enough to be reviewed independently from other records, or be filed with an office having a copy of such other records. These other records include but are not limited to the following:

1. A building shell plan.

2. An exiting plan showing all common exits and stairways.

3. A plan showing all fire division walls.

4. A plan showing the location and number of public drinking water and sanitary facilities.

5. A plan showing the location of individual spaces within the building.

6. All conditions of previous plan and variance approvals, either for the building shell or for other spaces within the building, that restrict or otherwise affect any construction aspects regulated by this code or ch. ILHR 69, for the individual spaces included in the submittal.

SECTION 38. Comm 50.12 (5) (intro.) and (a) are amended to read:

Comm 50.12 (5) (intro.) APPLICATION FOR APPROVAL. A ~~plans~~ plan 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. Comm 2.07 (3).

(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.~~

SECTION 39. Comm 50.12 (5) (a) Note is created to read:

Comm 50.12 (5) (a) Note: The plan examination and approval by the department does not constitute an approval to proceed with construction prior to obtaining any permits or approvals that are required by a local unit of government.

SECTION 40. Comm 50.12 (6) (a) 1. and 2. are amended to read:

Comm 50.12 (6) (a) 1. All revisions and modifications, which involve provisions of this code, and which are made to plans or specifications, which that have previously been granted approval by the department or its authorized representative, shall be submitted to the department for review to the office that granted the approval.

2. All revisions and modifications to the plans shall be approved in writing by the department or its authorized representative prior to the work involved in the revision or modification being carried out.

SECTION 41. Comm 50.13 (1) (intro.) and (2) are amended to read:

Comm 50.13 (1) (intro.) The department or its authorized representative, as provided in s. Comm 50.21 and 50.22, 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:

(2) The department or its authorized representative 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.

SECTION 42. Comm 50.14 (1) (intro.) and (c) are amended to read:

Comm 50.14 (1) (intro.) The department or its authorized representative, as provided in s. Comm 50.21 or 50.22, may issue a permission to start construction ~~form~~ for the footings and foundations upon submission of:

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

SECTION 43. Comm 50.15 is amended to read:

Comm 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~~ the department, its authorized representative of the department or the municipality.

SECTION 44. Comm 50.175 is amended to read:

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

SECTION 45. Comm 50.18 (1) Notes are amended to read:

Comm 50.18 (1) Note: Municipalities and counties certified under s. Comm 50.21 and 50.22 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. Comm 56.21 and subch. IV of ch. Comm 56 except that 1st class cities may perform these inspections.

Note: ~~See Appendix A for further explanatory material.~~ A list of the municipalities and counties providing building inspections under this section is available from the Safety and Buildings Division at P.O. Box 2509, Madison, WI 53701-2509, or at telephone 608/266-1818, or at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 46. Comm 50.18 (2) Note is repealed.

SECTION 47. Comm 50.19 is repealed and recreated to read:

**Comm 50.19 Building product approvals. (1) VOLUNTARY APPROVAL. (a)** Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

**(2) ALTERNATE APPROVAL. (a)** Materials, equipment and products which meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this code.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

**(3) EXPERIMENTAL APPROVAL. (a)** The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this code.

(b) The department may require the submission of any information deemed necessary for review.

(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department in accordance with s. Comm 50.12.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the installation shall be attached to the submitted plans and approved plans.

b. The letter under subpar. a. shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. If a supervising professional is not required for the project by s. Comm 50.10, a person responsible for construction of the project shall be designated in writing by the owner.

5. The supervising professional or person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person approved by the department, at time intervals as specified by the department, but not less than once a year. The inspector shall write an inspection report.

2. The department may assess a fee for each inspection.

(f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

(g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, the determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party providing information, or as a result of material, equipment or product failure.

2. The department may re-examine an approved material, equipment or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with this code or the intent of this code due to a change in the code or department interpretation of the code.

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. Comm 2.

SECTION 48. Comm 50.21 (1) is amended to read:

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

SECTION 49. Comm 50.21 (2) (f) and (g) are renumbered Comm 50.21 (2) (h) and (i).

SECTION 50. Comm 50.21 (2) (intro) and (a) to (e) are renumbered Comm 50.21 (2) (a) to (f) and Comm 50.21 (2) (a), (b), and (d), as renumbered, are amended to read:

Comm 50.21 (2) (a) 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:~~ pars. (b) to (h). While certified, a municipality or county shall comply with pars. (f), (h) and (i).

(b) Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.

(d) Adopt by ordinance or regulation chs. Comm 50 to 64 in ~~its~~ their entirety.

SECTION 51. Comm 50.21 (2) (g) is created to read:

Comm 50.21 (2) (g) Receive from the department certification to perform plan examinations and building inspections.

SECTION 52. Comm 50.21 (2) (i) is amended to read:

Comm 50.21 (2) (i) Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

SECTION 53. Comm 50.21 (2) (j) to (l) and Note are created to read:

Comm 50.21 (2) (j) Second class cities intending to perform the expanded plan examinations and inspections specified in sub. (5) (b) shall comply with pars. (b) to (i), sub. (7) (b), and all of the following:

1. Employ at least one person who complies with all of the following:

- a. Is registered under ch. 443, Stats., as an architect or professional engineer.
- b. Is a certified commercial building inspector.
- c. Performs or directly supervises the plan examinations specified in sub. (5) (b).

2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

(k) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (b) to (i), except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

2. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures that exceed the limits specified in sub. (5) (c), a municipality or county shall comply with subd. 1. and all of the following:

- a. Obtain authorization for these inspections from the department.
- b. Use an inspection process that is based on the inspection process used by the department.
- c. Retain inspection records in a manner that is accessible to the department.
- d. Forward to the department any information requested by the department relative to the inspection of buildings.

3. A municipality or county may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.

(l) The department may revoke the certification or delegation of authority for any municipality or county where the plan examiners or inspectors do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: For any certified municipality or county, the department may review the competency of plan examiners on a regular basis, and review the correspondence and inspection reports, to determine if uniformity in code application decisions is being maintained, and to determine if the standards specified by the department are being met. Regular meetings and correspondence may be maintained between a certified municipality or county and the department in order to discuss and resolve any problems.

SECTION 54. Comm 50.21 (5) (b) to (g) are renumbered Comm 50.21 (5) (c) to (h).

SECTION 55. Comm 50.21 (5) (b) is created to read:

Comm 50.21 (5) (b) *Second class cities performing expanded plan examination.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 50.12 (1), except state-owned buildings and structures, to be constructed within the limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings and structures in accordance with sub. (2) (j). Second class cities performing these expanded examinations are not subject to the plan examination limits specified in par. (c).

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed-agent process in s. Comm 50.22.

SECTION 56. Comm 50.21 (5) (c) is repealed and recreated to read:

Comm 50.21 (5) (c) *Other municipalities and counties.* 1. Drawings, specifications and calculations for all the types of buildings and structures specified in s. Comm 50.12 (1), except state-owned buildings and structures, to be constructed within the limits of a municipality or county that is not included in pars. (a) and (b) shall be submitted to either the department or 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 any of the construction specified in this paragraph.

2. A new building or structure containing less than 50,000 cubic feet of total volume.

3. a. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.

b. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

4. An alteration of a space involving less than 100,000 cubic feet of total volume.



SECTION 57. Comm 50.21 (5) (d) is renumbered Comm 50.21 (5) (d) 1. and amended to read:

Comm 50.21 (5) (d) 1. ~~An agent~~ A certified municipality or county may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case, plans and specifications shall be submitted to the department for review and approval.

SECTION 58. Comm 50.21 (5) (d) 2. is created to read:

Comm 50.21 (5) (d) 2. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality or county, in which case plans and specifications shall be submitted to the certified municipality or county for review and approval.

SECTION 59. Comm 50.21 (5) (e) 1. is renumbered Comm 50.21 (5) (e) 1. a.

SECTION 60. Comm 50.21 (5) (e) 1. b. is created to read:

Comm 50.21 (5) (e) 1. b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. Comm 50.22 shall include the department's plan approval application form specified in s. Comm 50.12 (5), unless a municipally supplied form is submitted that includes the owner's, designer's and supervising professional's statements and signatures which are required on the department's form.

SECTION 61. Comm 50.21 (5) (e) 3. is renumbered Comm 50.21 (5) (e) 3. a. and amended to read:

Comm 50.21 (5) (e) 3. a. Building plans submitted to a municipality or county for examination shall include the information specified in subd. 3. b. and s. Comm 50.12 (3) and (4).

SECTION 62. Comm 50.21 (5) (e) 3. b. and 4. to 9. are created to read:

Comm 50.21 (5) (e) 3. b. Plans that are submitted to a municipality under par. (c) by use of the volumes specified in pars. (c) 2. to 4., rather than use of the floor areas listed in par. (c) Note, shall include calculations showing the total volume.

4. After plans and specifications for a project have been submitted to a municipality or county under this section, or to a department office, any subsequent submittal for the purpose of complying with this code shall be submitted to that same office, except as provided in subds. 6. to 9.

5. Except as provided in subds. 6. to 9., plans and specifications for all components of a project, including but not limited to trusses, precast concrete, laminated wood, or heating, ventilating and air conditioning, shall be submitted to the same office.

6. The submitter may choose whether the municipality or county or any of the department's offices is to review plans and specifications for an individual building in a multiple-building complex, even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to petitions, application forms, preliminaries, staff notes and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality or county, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.

7. For multiple-tenant or -owner buildings, including but not limited to shopping centers or office buildings, the plans and specifications for the initial tenant or owner in each space, and the alteration plans and specifications for changing a previously approved space may be submitted either to the municipality or county or to a department office, provided the requirements in s. Comm 50.12 (4) (e) are met.

8. Decisions as to whether plans and specifications for building additions may be submitted to offices other than where the previous approvals occurred shall be handled between the municipality or county, department and submitter on a case-by-case basis. These submittals shall comply with s. Comm 50.12 (4) (f).

9. Departmental review of plans and specifications under this subsection does not satisfy any need for municipal review of these plans and specifications for conformance with local requirements adopted under s. Comm 50.06 that are in addition to or more stringent than chs. Comm 50 to 64, 70, and 75 to 79.

SECTION 63. Comm 50.21 (5) (f) 1. b. and c. and (6) (intro.) are amended to read:

Comm 50.21 (5) (f) 1. b. One set of the conditionally approved plans, and all calculations and correspondence shall be retained in their original form or as readable microfilm- or electronic-based copies for at least 4 years by the municipality or county, and all other approved 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. A copy of the notice shall be provided to the department of health and family services for health care facilities, and to the department of corrections for jails and places of detention.

(6) (intro.) INSPECTION. Inspections shall be conducted by ~~an agent~~ a certified 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. Comm 50 to 64 as follows:

SECTION 64. Comm 50.21 (7) is renumbered Comm 50.21 (7) (a).

SECTION 65. Comm 50.21 (7) (b) is created to read:

Comm 50.21 (7) (b) A second class city that is certified to perform the expanded plan examinations specified in sub. (5) (b) shall submit to the department the fees specified in s. Comm 2.31 (1) (e) or (g).

SECTION 66. Comm 50.21 (7) Note is amended to read:

Comm 50.21 (7) Note: ~~See Appendix A for a~~ A list of the municipalities and counties providing plan examinations and building inspections under this section is available from the Safety and Buildings Division at P.O. Box 2509, Madison, WI 53701-2509, or at telephone 608/266-1818, or at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 67. Comm 50.22 is created to read:

**Comm 50.22 Appointed agents.** (1) GENERAL. This section establishes the manner under which cities, villages, towns and counties may examine building plans and inspect buildings as appointed agents for the department under s. 101. 02 (5) (b), Stats.

(2) CONDITIONS OF PARTICIPATION. (a) Before assuming any of the department's plan examination or building inspection responsibilities that are not listed in s. Comm 50.21 (5), a city, village, town or county shall comply with pars. (b) to (e). While appointed, a municipality or county shall comply with pars. (f) to (i).

(b) Submit a written request to the department, at least 30 days prior to the date upon which the municipality or county desires to assume agent responsibilities for plan examination or building inspection.

(c) Include in the request a description of the desired responsibilities, such as plan examination for buildings that are not within the municipality or county, or plan examination for building additions or alterations that are beyond the limits specified in s. Comm 50.21 (5) (c).

(d) Include in the request a description of the qualifications the municipality or county has for assuming the desired responsibilities.

(e) Receive from the department a written statement prescribing the responsibilities that are to be assumed.

(f) Apply the corresponding requirements in s. Comm 50.21 (5) (d) to (h) and (6).

(g) Collect the plan examination fees that the department would otherwise collect, as specified in s. Comm 2.31, and submit to the department the fees specified in s. Comm 2.31 (1) (f) or (g).

(h) Provide a monthly report to the department of all projects completed under this section, in an electronic-based format prescribed by the department.

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

(3) REVOCATION. The department may revoke the agent appointment of any municipality or county where the plan examiners or inspectors do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: A list of the municipalities and counties providing plan examinations and building inspections under this section is available from the Safety and Buildings Division at P.O. Box 2509, Madison, WI 53701-2509, or at telephone 608/266-1818, or at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 68. Comm 50.25 is repealed and recreated to read:

**Comm 50.25 Petition for variance.** The department shall consider and may grant a variance to a provision of this code in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: The department forms required in this chapter are available from the Safety and Buildings Division at P.O. Box 2509, Madison, WI 53701-2509, or at telephone 608/266-1818. Some of the department forms are also available from the Department's web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 69. Comm 50.26 is amended to read:

**Comm 50.26 Penalties.** Penalties for violations of this code shall be assessed in accordance with s. 101.02 (12) and (13) (a), Stats.

SECTION 70. Comm 50.27 is created to read:

**Comm 50.27 Appeals.** (1) Any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order, as specified in ss. 101.02 (6) (e) to (i), Stats.

(2) Any person affected by a local order that is in conflict with a rule of the department may petition the department for a hearing on the local order, as specified in ss. 101.02 (6) (e) to (i) and (7) (b), Stats.

(3) In addition to any other right provided by law, any interested person may file a written request for a contested case hearing, as specified in s. 227.42, Stats.

SECTION 71. Comm 51.01 (1a) and (6m) are renumbered Comm 51.01 (1m) and (1g).

SECTION 72. Comm 51.01 (6m) is created to read:

Comm 51.01 (6m) "Authorized representative" means any certified municipality or county as specified in s. Comm 50.21, and any appointed agent as specified in s. Comm 50.22.

SECTION 73. Comm 51.01 (11a) and (11a) Note (intro.) are amended to read:

Comm 51.01 (11a) "Bed and breakfast establishment", has the meaning given in s. ~~246 (1)~~ 254.61, Stats.

(11a) Note (intro.): Section ~~246 (1)~~ 254.61, Stats., reads: "Bed and breakfast establishment" means any place of lodging that:

SECTION 74. Comm 51.01 (13m) and Note are created to read:

Comm 51.01 (13m) "Building, public" has the meaning given in s. 101.01 (12), Stats.

Note: Section 101.01 (12), Stats., reads: "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1)

SECTION 75. Comm 51.01 (42b) is repealed and recreated to read:

Comm 51.01 (42b) "Farm premises" means areas used for the operations set forth in s. 102.04 (3), Stats., but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants.

SECTION 76. Comm 51.01 (104a) and Note are repealed

SECTION 77. Comm 51.01 (114m) is created to read:

Comm 51.01 (114m) "Second class city" has the meaning given in s. 62.05 (1) (b), Stats.

Note: Section 62.05 (1) (b), Stats., reads: Cities of 39,000 and less than 150,000 population shall constitute 2nd class cities.

SECTION 78. Comm 51.015 is amended to read:

**Comm 51.015 Scope.** This chapter covers minimum standards for common types of building designs being constructed. This chapter does not specifically include standards for uncommon building designs such as shells, domes, space frames, ~~inflatable~~ and similar types of designs. The standards contained in this chapter shall be used as a guide for uncommon building designs to achieve the degrees of safety intended by these standards.

SECTION 79. Comm 51.065 (1) (b) and (c) are repealed and recreated to read:

Comm 51.065 (1) (b) Light-transmitting plastic shall meet one of the following combustibility classifications:

1. Classification CC 1 for plastic materials that have a burning rate of one inch per minute or less when tested in a nominal 0.060-inch thickness or in the thickness intended for use, in accordance with ASTM D 635.

2. Classification CC 2 for plastic materials that have a burning rate of 2.5 inches per minute or less when tested in a nominal 0.060-inch thickness or in the thickness intended for use, in accordance with ASTM D 635.

(c) Each unit or package of light-transmitting plastic shall be identified with a mark or decal satisfactory to the department that includes identification as to the material classification.

SECTION 80. Comm 51.15 (4) is amended to read:

Comm 51.15 (4) A standard exit door shall not be less than 6 feet 4 inches high by 3 feet 0 inches wide, except where especially provided under occupancy classifications and in s. ~~ILHR~~ Comm 51.20. Where double doors are provided with or without mullions, the width of each single door may be reduced to 2 feet 6 inches, except double doors utilized to provide accessibility in accordance with s. ~~ILHR 52.04~~ ch. Comm 69 shall have the clear width of at least one single door increased to ~~2 feet 8~~ 32 inches.

SECTION 81. Comm 51.167 (1) Note is repealed

SECTION 82. Comm 51.25 (1) is amended to read:

Comm 51.25 (1) CONSENT. Pursuant to s. 227.21 (2), Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in sub. (4) (3).

SECTION 83. Comm 51.25 (1) Note is created to read:

Note: Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies of the standards may be purchased through the respective organizations listed in sub. (3).

SECTION 84. Comm 51.25 (2) is repealed and recreated to read:

Comm 51.25 (2) ALTERNATE STANDARDS. (a) Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this code may be used in lieu of incorporated standards when approved by the department or if written approval is issued by the department in accordance with par. (b).

(b) 1. a. Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

b. The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees, and documents required to complete the review.

2. Determination of approval shall be based on an analysis of the alternate standard and the incorporated standard, prepared by a qualified independent third party or the organization that published the incorporated standard.

3. The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

4. If the department determines that the alternate standard is not equivalent to or more stringent than the standards incorporated by reference, the request for approval shall be denied in writing.

5. The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based. The department may re-examine an approved alternate standard and issue a revised approval at any time.

6. Fees for review of standards under this paragraph shall be submitted in accordance with ch. Comm 2.

SECTION 85. Comm 51.25 (3) is repealed.

SECTION 86. Comm 51.25 (4) is renumbered Comm 51.25 (3).

SECTION 87. Comm Table 51.25-17 Lines 35 and 36 are renumbered Comm Table 51.25-17 Lines 36 and 37.

SECTION 88. Comm Table 51.25-17 Line 35 is created to read:

Comm Table 51.25-17 Line 35. 701-1999 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films.

SECTION 89. Comm 52.02 (1) (b) is amended to read:

Comm 52.02 (1) (b) Windows shall not be required in storage rooms, factories, offices, mercantile facilities, educational facilities, or areas where the nature of occupancy will not permit windows, provided artificial lighting as specified in ch. ~~Ind 19~~ Comm 73 is provided.

SECTION 90. Comm 52.22 Note is amended to read:

Comm 52.22 Note: Public schools are required by s. 120.12 (5), Stats., to have annual building maintenance schedules, and are required by s. 121.02 (1) (i), Stats., to be safe and healthful. ~~The inspections conducted by the department under s. Comm 56.21 include a review of these maintenance schedules.~~

SECTION 91. Comm 52.60 (3) (a) is amended to read:

Comm 52.60 (3) (a) *Lavatories*. Except as provided in sub. (6), lavatories shall be of an approved type and shall be provided with hot and cold running water. ~~The faucets of such lavatories shall be of a type which limits the flow of water through the faucet, after the handle is released, to not more than one gallon.~~ Lavatories in toilet rooms of private living units shall be equipped to limit the flow of water to not more than 3 gallons per minute. The lavatories may be equipped with a hot and cold regulating device. If a multiple-use lavatory is installed, 24 lineal inches of wash sink or 20 inches measured along the edge of a circular basin will be considered equivalent to one lavatory. At least one lavatory shall be provided either in each toilet room or in a sex-designated lounge adjacent to the toilet room.

SECTION 92. Comm 54.05 (1) (intro.) is amended to read:

Comm 54.05 (1) (intro.) In calculating the aggregate width of exits, the capacity of ~~the buildings~~ a building shall be established as follows:

SECTION 93. Comm 54.05 (4) is created to read:



Comm 54.05 (4) For determining the number of sanitary fixtures required in all uses covered by this chapter, the number of occupants determined in accordance with subs. (1), (2), or (3) shall be used, unless a different number of occupants is approved by the department or its authorized representative.

SECTION 94. Comm 54.12 (1) (a) is amended to read:

Comm 54.12 (1) (a) The toilet rooms shall be available for all occupants and employees during all hours of operation, except as provided in subs. (2) (b) 4. and (f) 2. b., and shall be located as specified in sub. (2) (b) 2.

SECTION 95. Comm 54.12 (1) (c) Note is created to read:

Comm 54.12 (1) (c) Note: Chapter Comm 90 also has requirements for minimum numbers of sanitary fixtures for a public swimming pool, as based on the pool area. For some buildings, the minimum number of sanitary fixtures determined in that manner may be larger than the minimum number determined in accordance with this paragraph. Compliance with this paragraph does not relieve an owner from complying with ch. Comm 90.

SECTION 96. Comm Table 54.12-A and Footnotes 1 and 2 are amended to read:

**Table 54.12-A**  
**NUMBER OF SANITARY FIXTURES REQUIRED FOR**  
**PATRONS/OCCUPANTS FOR PUBLIC BUILDINGS**  
(Partial Table, column headings are provided for reference only)

Number of Patrons/Occupants of Each Sex	(WC) Males (M)	(WC) Females (F)	(U) Urinals	Drinking Facilities (DF)	Lavatories (L)
Over 600	One (WC) for each additional 600 (M) or 275 (F) or fraction		One (U) for each additional 500 (M) or fraction	One additional (DF) for each additional 3000 occupants or fraction	
<b><u>Swimming Pools</u></b>					
<u>1-50</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>

<sup>1</sup>Showers shall be ~~required only in~~ provided for public swimming pool facilities as required by ch. Comm 90, and for occupants exposed to occupational hazards such as poisonous, infectious or irritating materials.

<sup>2</sup>The determination of the number of each sex shall be based on an equal number of each sex unless other information is made available to the department and accepted. Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more

than 10 employes ~~and~~ or 25 patrons/occupants. In determining the number of sanitary fixtures, including showers, employes shall be counted as patrons.

SECTION 97. Comm Table 54.12-B Notes (2) and (3) are amended to read:

Comm Table 54.12-B Note: As illustrated in the following two examples, fixtures must be provided based on the greater number that is determined by comparing occupants and employees against both Tables 54.12-A and 54.12-B. When referring to Table 54.12-A, employes are considered occupants. Examples:

Example 1: Mercantile building with 300 patrons and 50 employes = 350 total occupants; equally divided between the sexes = 175 males, 175 females. From Table 54.12-A, 101-200 occupants of each sex: males require one water closet, one urinal, one lavatory; females require 2 water closets, one lavatory. Check for compliance with Table 54.12-B for employes: 50 employes, equally divided between sexes = 25 males, 25 females; 16-35 employes of each sex, males require one water closet, one urinal, one lavatory; females require 2 water closets, one lavatory. Therefore, the number of fixtures required by Table 54.12-A also satisfies the requirements of Table 54.12-B for employes and governs.

Example 2: Office building with 300 employes and 50 patrons = 350 total occupants; equally divided between sexes = 175 males, 175 females. From Table 54.12-A, 101-200 occupants of each sex: males require one water closet, one urinal, one lavatory; females require 2 water closets, one lavatory. Check for compliance with Table 54.12-B for employes: 300 employes, equally divided between sexes = 150 males, 150 females; 111-150 employes for each sex, males require 4 water closets, 2 urinals, 3 lavatories; females require 6 water closets, 3 lavatories. Therefore, the number of fixtures required by Table 54.12-B for employes is more restrictive and governs.

Note: See also rules of the department of health and family services for sanitary fixtures for ~~public swimming places~~, mobile home parks, camping grounds, camping resorts, recreational camps and educational camps.

SECTION 98. Comm 54.12 (2) (b) 4. is created to read:

Comm 54.12 (2) (b) 4. Toilet rooms may be omitted in a small retail or mercantile building where all of the following requirements are met:

- a. No more than 25 occupants are accommodated.
- b. Other restrooms are conveniently located and available to the patrons and employes during all hours of operation.
- c. The omission is approved in writing by the local unit of government.

d. A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

SECTION 99. Comm 54.12 (2) (f) 2. is renumbered Comm 54.12 (2) (f) 2. a.

SECTION 100. Comm 54.12 (2) (f) 2. b. is created to read:

Comm 54.12 (2) (f) 2. b. A self-service filling station that has a key- or card-operated fuel dispensing device which can be used while the station is unattended by an employee is not required to have toilet rooms available during the unattended periods.

SECTION 101. Comm 55.32 (2) Note is created to read:

Comm 55.32 (2) Note: Chapter Comm 90 also has requirements for minimum numbers of sanitary fixtures for a public swimming pool, as based on the pool area. For some buildings, the minimum number of sanitary fixtures determined in that manner may be larger than the minimum number determined in accordance with this subsection. Compliance with this subsection does not relieve an owner from complying with ch. Comm 90.

SECTION 102. Comm Table 55.32 is amended to read:

**Table 55.32**  
**NUMBER OF FIXTURES REQUIRED FOR**  
**PATRONS/OCCUPANTS IN PLACES OF ASSEMBLY**  
(Partial Table, column headings are provided for reference only)

Number of Patrons/Occupants of Each Sex	(WC) Males (M)	(WC) Females (F)	(U) Urinals	Drinking Facilities (DF)	Lavatories (L)
<b>Taverns and Restaurants<sup>1</sup></b>					
	One (WC) for each 75 (M) or fraction; one (WC) <del>or</del> for each 30 (F) or fraction		One (U) <sup>2</sup> for each 50 (M) or fraction	0	
<b>Swimming Pools<sup>4</sup></b>					
<u>1-100</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>One (DF) for each 150 occupants or fraction up to 600; one additional (DF) for each additional 3000 occupants or fraction</u>	<u>1</u>
<u>101-200</u>	<u>1</u>	<u>3</u>	<u>2</u>		<u>2</u>
<u>201-400</u>	<u>2</u>	<u>4</u>	<u>2</u>		<u>2</u>
<u>401-700</u>	<u>2</u>	<u>4</u>	<u>3</u>		<u>3</u>
<u>700+</u>	<u>3</u>	<u>5</u>	<u>3</u>		<u>3</u>

SECTION 103. Comm Table 55.32 Footnote 4 is created to read:

Comm Table 55.32 <sup>4</sup>Showers shall be provided for public swimming pool facilities as required by ch. Comm 90.

SECTION 104. Comm Table 55.32 Note (2) is amended to read:

Comm 55.32 Note: See also rules of the department of health and family services for sanitary fixtures for ~~public swimming places~~, mobile home parks, camping grounds, camping resorts, recreational camps and educational camps.

SECTION 105. Comm Table 55.32 Note (5) is created to read:

Comm 55.32 Note: For a multi-use building, as illustrated in the following example, fixtures must be provided as required for each of the differing uses represented in Table 55.32 and in the rules of other agencies. The requirements in other codes pertaining to sanitary facilities must be considered when determining fixture counts and the proximity of toilet rooms to users. When referring to the upper portion of Table 55.32, the total number of occupants/patrons of each sex in various restaurant, tavern, or pool areas of a building must be used in determining the total number of fixtures for the building.

Example: A multi-use recreation center located at a resort has 6 exercise rooms, each with a capacity of 50 patrons; 5 racquetball courts, each with a capacity of 2 persons; an aquatic area having several pools and play areas, with a combined capacity of 200 persons; and a small restaurant with a capacity of 100 persons. There are 50 employees in the building. Two sets of toilet rooms are proposed – one immediately adjacent to the restaurant to satisfy the licensing rules of another agency, and the second centrally located between the exercise rooms, racquetball courts, and aquatic area. To determine the fixtures that are required in these toilet rooms, the designer proceeds to Table 55.32. The restaurant capacity of 100 persons, when equally divided between the sexes, is 50 males and 50 females. From the part of the table applying to restaurants and males, 50 males divided by 75 = 1 water closet male, 50 males divided by 50 = 1 urinal, and 2 total fixtures divided by 2 = 1 lavatory male. For the females, 50 divided by 30 = 2 water closets female, and 2 total fixtures divided by 2 = 1 lavatory female. The aquatic area is then compared to the part of the table applying to swimming pools. For the capacity of 200 persons, using 100 patrons of each sex, males must have 1 water closet, 1 urinal, and 1 lavatory; and females must have 2 water closets and 1 lavatory. The fixtures provided in the toilet rooms for the restaurant and the aquatic area then provide the building with the following total number of fixtures. Male water closets = 1 (restaurant) + 1 (aquatic area) = 2 water closets male. Urinals = 1 (restaurant) + 1 (aquatic area) = 2 urinals. Male lavatories = 1 (restaurant) + 1 (aquatic area) = 2 lavatories male. Female water closets = 2 (restaurant) + 2 (aquatic area) = 4 water closets female. Female lavatories = 1 (restaurant) + 1 (aquatic area) = 2 lavatories female. The designer must now determine if the entire building has adequate fixtures. The total building capacity of 610 persons, when equally divided between the sexes, is 305 males and 305 females. From the upper part of Table 55.32, for 301-350 occupants of each sex, males must have 2 water closets, 2 urinals, and 2 lavatories. Therefore, the total number of fixtures initially determined for males is adequate. But, since females must have 5 water closets and 3 lavatories, the total number of fixtures initially determined for females is inadequate. An additional water closet and lavatory are needed for the females, and for ease of use, the designer chooses to locate the additional fixtures in the women's

room that is by the exercise rooms and aquatic area. In a final check for compliance with Table 54.12-B for employes, 50 employes equally divided between sexes is 25 males and 25 females. In that table's row for 16-35 employes of each sex, males must have 1 water closet, 1 urinal, and 1 lavatory; and females must have 2 water closets and 1 lavatory. Therefore, the number of fixtures provided to satisfy Table 55.32 also satisfies the requirements of Table 54.12-B for employes.

SECTION 106. Comm 56.21 is repealed.

SECTION 107. Comm 56 Subchapter IV is repealed.

SECTION 108. Comm 57.001 (1) (intro.) is amended to read:

Comm 57.001 (1) (intro.) GENERAL. Except as provided in sub. (2) and s. Comm 50.04, this subchapter applies to all places of abode, including, but not limited to:

SECTION 109. Comm 57.001 (1) (k) is created to read:

Comm 57.001 (1) (k) Any alterations or additions to an apartment building, rowhouse, town house, condominium, or manufactured building as defined in s. 101.71 (6), Stats., that was approved under this code prior to the implementation of ch. Comm 66 in 1995.

SECTION 110. Comm 57.001 (2) (a), (c), (i), and (j) are repealed.

SECTION 111. Comm 57.001 (2) (b) to (h) are renumbered Comm 57.001 (2) (a) to (f).

SECTION 112. Comm 57.001 (2) Note is amended to read:

Comm 57.001 (2) Note: See ch. ~~ILHR~~ DWD 301, for requirements regarding migrant labor camps.

SECTION 113. Comm 57.07 (2) is repealed and recreated to read:

Comm 57.07 (2) INTERIOR STAIRS. Interior stairs shall be as specified in s. Comm 51.16, except those used by up to 25 people shall have a width of at least 3 feet.

SECTION 114. Comm 60.001 (1) (a) is amended to read:

Comm 60.001 (1) (a) The requirements of this chapter shall apply to all buildings or parts of buildings which accommodate public or private day care centers for 9 4 or more children.

SECTION 115. Comm 60.36 (1) (a) is amended to read:

Comm 60.36 (1) (a) *Where required.* Except as specified in par. (b), in every building or portion of a building accommodating a day care center serving 9 up to 20 children, stand-alone, battery-operated smoke detectors shall be installed in front of doors to the stairways and in the corridors of all floors occupied by the day care center. Smoke detectors shall also be installed in lounges, recreation areas and sleeping rooms in the day care center. The smoke detector alarm shall be audible throughout the day care center.

SECTION 116. Comm 60.40 (3) is amended to read:

Comm 60.40 (3) OPENINGS IN BARRIERS. Openings in smoke barriers shall be protected as specified in ss. Comm 51.048 and 51.049. Door openings in smoke barriers shall be protected with fire doors with a rating of not less than 20 minutes.

SECTION 117. Comm 62.34 (2) is amended to read:

Comm 62.34 (2) TOILET FACILITIES. Toilet facilities provided for the employees, as specified in s. Comm 62.31 (2), shall comply with ~~the requirements of s. Comm 52.04 (4) (c) ch. Comm 69.~~

SECTION 118. Comm 62.40 is amended to read:

**Comm 62.40 Antenna system support.** Poles or other structures used for electric power or for communication lines may not be used for supporting or for guying any antenna system, unless calculations are prepared, signed, and sealed or stamped by a Wisconsin registered architect or engineer that show the support system will support all live, dead, and special loads imposed upon it.

SECTION 119. Comm 62.50 and 62.51 are renumbered Comm 62.493 and 62.496.

SECTION 120. Comm 62 Subchapters IV to IX are renumbered Comm 62 Subchapters V to X.

SECTION 121. Comm 62 Subchapter IV is created to read:

#### Comm 62 SUBCHAPTER IV – MEMBRANE STRUCTURES

**Comm 62.50 Scope.** (1) GENERAL. The provisions of this subchapter apply to air-inflated, air-supported, membrane-covered cable, and membrane-covered frame structures that are erected for a period of 180 days or longer, except as provided in sub. (2).

(2) UNOCCUPIED. A membrane structure that is not used for human occupancy, such as covering a water storage facility, water clarifier, water or sewage treatment plant, or greenhouse which is not used for retail or educational purposes, is only required to conform to ss. Comm 62.503 and 62.508.

**Comm 62.501 Definitions.** In this subchapter:

(1) “Air-inflated structure” means a structure having a shape that is maintained by air pressurization of cells or tubes to form a barrel vault over the usable area. Occupants of such a structure do not occupy the pressurized area used to support the structure.

(2) “Air-supported structure” means a structure having a shape that is attained by elevated air pressure, and occupants of the structure are within the elevated pressure area.

(3) “Membrane” means a thin, flexible, impervious material capable of being supported by air pressure or structural frames or cables.

(4) “Membrane-covered structure” means a nonpressurized structure having a cable or rigid frame structural system that supports a membrane weather barrier.

**Comm 62.502 Construction requirements.** (1) (a) A membrane structure shall be classified as Type 8 wood frame unprotected construction, except as specified in par. (b).

(b) A membrane structure may be classified as Type 6 metal frame unprotected construction if the structure and membrane are noncombustible materials as defined in s. Comm 51.01 (86).

(2) A membrane structure, regardless of occupancy, shall comply with the allowable floor area requirements in s. Comm 54.01.

(3) No membrane structure may exceed one story in height.

(4) Except as required by s. Comm 55.02 (2m), a membrane structure shall be at least 10 feet from a property line or another building, unless separated therefrom with a 4-hour fire division wall as specified in s. Comm 51.02 (13).

(5) A membrane structure may be used as specified in this subchapter as a portion of a building of another type of construction, provided the following requirements are met:

(a) Height and area limits shall be as specified for the type of construction and occupancy of the building.

(b) A membrane structure used as a roof or skylight shall be at least 20 feet above any floor, balcony or gallery.

(c) A flame-resistant membrane may not be used as a roof or skylight in Types 1 to 7 construction.

**Comm 62.503 Membrane requirements.** (1) GENERAL. A membrane shall be either of the following, except as provided in sub. (2):

(a) Noncombustible as defined in s. Comm 51.01 (86).

(b) Flame-resistant as determined in accordance with both the small-scale and large-scale tests in NFPA 701, and with the manufacturer's test protocol.

(2) UNOCCUPIED GREENHOUSE. A membrane which has a thickness of less than 20 mils or which is less than 20 feet above the floor is not required to be flame resistant if used for an unoccupied greenhouse.

**Comm 62.504 Exit requirements.** (1) GENERAL. All exits from a membrane structure shall comply with the requirements of s. Comm 51.15 to 51.20, except as provided in sub. (2) and s. Comm 62.509.

(2) REVOLVING DOORS. A membrane structure requiring the use of revolving doors for maintaining pressurization of the structure may utilize revolving doors for up to 50% of the required exit width if all of the following requirements are met:

(a) The leaves of a revolving door shall be capable of collapsing into a book-fold position.

(b) The two parallel egress paths formed in a revolving door when the leaves are in the book-fold position shall each have a width of at least 18 inches.

(c) A revolving door shall not be within 10 feet of the top or foot of stairs or escalators. Under all conditions, there shall be a dispersal area between the stairs or escalators and the revolving door.

(d) The revolutions per minute (RPM) of a revolving door shall not exceed the values specified in Table 62.504.

**TABLE 62.504**

Inside Diameter, feet	Power-Driven Type Speed Control, RPM	Manual-Type Speed Control, RPM
6.5	11	12
7	10	11
7.5	9	11
8	9	10
8.5	8	9
9	8	9
9.5	7	8
10	7	8

(e) Each wall containing a revolving door shall have a side-hinged swinging door that complies with this code, within 10 feet of the revolving door.



**Comm 62.505 Equipment requirements.** (1) The inflation system shall consist of one or more blowers and shall include provisions for automatic control to maintain the required inflation pressures. The system shall be designed to prevent over-pressurization.

(2) (a) In addition to the primary inflation system, in buildings exceeding 1,500 square feet in area, an auxiliary inflation system shall be provided that has sufficient capacity to maintain the inflation of the structure in case of primary system failure. The auxiliary inflation system shall operate automatically if there is a loss of internal pressure or if the primary blower system becomes inoperative.

(b) Blower equipment shall meet the following requirements:

1. Blowers shall be powered by continuous-rated motors at the maximum power required for any flow condition as required by the structural design.

2. Blowers shall be provided with inlet screens, belt guards, and other protective devices to provide protection from injury.

3. Blowers shall be housed within a weather-protecting structure.

4. Blowers shall be equipped with back-draft check dampers to minimize air loss when inoperative.

5. Blower inlets shall be located to provide protection from air contamination. The location of inlets shall be approved by the department or its authorized representative prior to installation.

**Comm 62.506 Support provisions.** A system capable of supporting the membrane in the event of deflation shall be provided for an air-inflated or air-supported structure having an occupant load of more than 50, or where covering a swimming pool regardless of occupant load. For a membrane structure used as a roof for a place of assembly of more than 100 persons, the support system shall be capable of maintaining the membrane at least 20 feet above the floor, seating area, or surface of the water. For all other membrane structures, the support system shall be capable of maintaining the membrane at least 7 feet above the floor, seating area, or surface of the water.

**Comm 62.507 Standby power.** Whenever an auxiliary inflation system is required, an approved standby power-generating system shall be provided. The system shall be equipped with a suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer and operation of all of the required electrical functions at full power within 60 seconds of such service failure. Standby power shall be capable of operating independently for a minimum of 4 hours.

**Comm 62.508 Engineering design.** A membrane structure shall be structurally designed and constructed to sustain dead loads, loads due to tension or inflation, and live loads including wind and snow, and in accordance with ch. Comm 53.

**Comm 62.509 Occupancy requirements.** A membrane structure shall comply with all other applicable provisions of the appropriate occupancy chapter.

SECTION 122. Comm 64.21 is repealed and recreated to read:

**Comm 64.21 Location of equipment.** (1) GENERAL. Heating equipment shall be installed in accordance with the limitations specified in Table 64.21.

Note: The footnotes after the table designate special requirements for the listed equipment.

Note: The department will accept net ratings as listed by the Mechanical Contractors Association of America, Inc., or the Institute of Boiler and Radiator Manufacturers.

(2) CENTRAL FURNACES. For the purpose of this section, a central furnace shall be considered as a direct vent sealed combustion chamber appliance if the furnace conforms to the requirements of ANSI standard Z21.47 for direct vent central furnaces.

(3) BOILERS AND WATER HEATERS. For the purpose of this section, a low-pressure boiler or a water heater shall be considered as a direct vent sealed combustion chamber appliance if the boiler or water heater conforms to those parts of ANSI standard Z21.13, Z21.10.1, or Z21.10.3, whichever is applicable, relating to direct vent appliances.

SECTION 123. Comm 64.22 (3) (e) 1. is amended to read:

Comm 64.22 (3) (e) 1. The appliance ~~has been issued a material approval under s. Comm 50.19 recognizing conformance to~~ complies with the requirements for separated combustion appliances as specified in ANSI Z83.8 or Z83.9, whichever is applicable, and conformance of all parts of the direct vent system for the duct furnace or unit heaters to s. 1.1.7 of ANSI Z21.64; and

SECTION 124. Comm 50 to 64 Appendix Sections A-50.10 to 50.25 and A-50.21 are repealed.

[Note to Revisor: Please delete the department forms and Section A-51.044 from Comm 50 to 64 Appendix A.]

SECTION 125. Comm 50 to 64 Appendix Section A-51.15 (6) is repealed.

SECTION 126. Comm 66.02 (1) (a) to (d) are amended to read:

Comm 66.02 (1) (a) Every multifamily dwelling as defined in s. Comm 66.03 which is constructed after April 1, the implementation of this chapter in 1995 and which was not approved under ch. Comm 57 prior to that implementation.

(b) ~~Every addition~~ Any additions to an existing a multifamily dwelling which is was constructed after April 1, the implementation of this chapter in 1995 and which was not approved under ch. Comm 57.

(c) Any building or portion of a building which is converted to a multifamily dwelling after April 1, the implementation of this chapter in 1995 and which was not approved under ch. Comm 57 prior to that implementation, except as provided in s. Comm 66.025.

(d) All remodeling or alteration ~~which that~~ affects the structural strength, fire hazard, exits, or required natural lighting, or the replacement of major equipment, for a multifamily dwelling which was constructed after April 1, the implementation of this chapter in 1995 and which was not approved under ch. Comm 57. These requirements do not apply to minor repairs necessary for the maintenance of any building.

SECTION 127. Comm 66.03 (1m) is created to read:

Comm 66.03 (1m) "Authorized representative" means any certified municipality or appointed agent, as specified in s. Comm 66.24.

SECTION 128. Comm 66.03 (10m) is created to read:

Comm 66.03 (10m) "Second class city" has the meaning given in s. 62.05 (1) (b), Stats.

Note: Section 62.05 (1) (b), Stats., reads: Cities of 39,000 and less than 150,000 population shall constitute 2nd class cities.

SECTION 129. Comm 66.09 (3) and (4) are amended to read:

Comm 66.09 (3) NAME OF SUPERVISING ARCHITECT, ENGINEER, OR DESIGNER. Prior to the start of construction, the owner of the building, whose name ~~must~~ shall be a part of or accompany all plans submitted for approval, or an authorized agent, shall designate in writing to the ~~department or its authorized representative~~ authority that issues plan approval the name and Wisconsin registration number of the architect, engineer, or designer retained to supervise construction of the building ~~or structure~~.

(4) COMPLIANCE STATEMENT. Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer, or designer shall file a written statement with the ~~department~~ authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be on a form prescribed by the department. ~~In a municipality administering this chapter, a copy of this statement shall be filed with the municipality.~~

SECTION 130. Comm 66.11 and Note (1) are renumbered Comm 66.11 (1) and (2).

SECTION 131. Comm 66.12 (2) is amended to read:

Comm 66.12 (2) FILING OF A WISCONSIN UNIFORM MULTIFAMILY BUILDING PERMIT APPLICATION. A Wisconsin uniform multifamily building permit application shall be filed with the municipality administering and enforcing this chapter or ~~its~~ with a representative that the municipality has authorized representative to receive the application.

SECTION 132. Comm 66.14 (1) (intro.), (b), and (d) are amended to read:

Comm 66.14 (1) (intro.) TYPES OF PLAN APPROVAL. ~~The~~ Except as provided in sub. (2) (f), the following types of plans shall be submitted to the department or its authorized representative for examination and ~~approval~~ be approved before construction for a multifamily dwelling is commenced:

(b) Structural plans and structural component plans.

(d) Data and information relative to the requirements of chs. Comm 63 and 64, for the replacement of a major piece of heating, ventilating, or air conditioning equipment, where the equipment to be installed is not identical or closely similar to the equipment being replaced.

SECTION 133. Comm 66.14 (1t) is created to read:

Comm 66.14 (1t) EXEMPTION THROUGH DESIGN AND SUPERVISION BY REGISTERED PROFESSIONALS. (a) Department plan examination and approval is waived for a building that contains less than 25,000 cubic feet total volume if the plans and specifications are designed by a registered individual in accordance with s. Comm 66.06 (3) or 66.07, and if the construction or installation is supervised by a registered individual in accordance with s. Comm 66.09.

(b) 1. Where the exemption in par. (a) is elected, a notice shall be filed with the department or its authorized representative, that identifies the building location, the name and address of the building owner, and the name and Wisconsin registration number for the designer and supervising professional.

2. A notice filed with the department under subd. 1 shall include the fee specified in s. Comm 2.31 (1) (g).

SECTION 134. Comm 66.14 (2) (a) 1. is amended to read:

Comm 66.14 (2) (a) 1. ~~At~~ Except as provided in par. (f), at least 4 complete, bound sets of plans, which are clear, legible, and permanent copies, and one copy of specifications shall be submitted to the department. The plans shall be bound in a manner that enables them to be reviewed without removing the binding.

SECTION 135. Comm 66.14 (2) (f) is created to read:

Comm 66.14 (2) (f) *Structural component plans*. 1. One set of plans for structural components, as specified in sub. (3) ( b), shall be submitted for examination before commencing construction, and one set shall be kept at the building site during construction.

2. Structural component plans for buildings containing more than 50,000 cubic feet total volume, or for additions in which the volume of the addition results in the entire building containing more than 50,000 cubic feet total volume, shall comply with all of the following:

a. Each set of plans shall be signed and sealed in accordance with s. Comm 66.06 (3).

b. Plans that are signed and sealed by someone other than the building designer of record shall include a signed or initialed indication from the building designer that the component plans are compatible with the building plans.

SECTION 136. Comm 66.15 is amended to read:

**Comm 66.15 Application for approval.** A ~~plans~~ plan approval application form prescribed by the department and the fee specified in ch. Comm 2 shall be included with the plans submitted to the department. 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.

SECTION 137. Comm 66.165 (1) is amended to read:

Comm 66.165 (1) All revisions and modifications which involve provisions of this chapter and which are made to plans or specifications that have previously been granted approval by the department or municipality shall be submitted ~~to the department or municipality~~ for review to the office that granted the approval. Revisions or modifications to approved plans may be shown on 8 1/2- by 11-inch addendums to bound plans.

SECTION 138. Comm 66.17 (1) (a) is amended to read:

Comm 66.17 (1) (a) The ~~plans~~ plan approval application form specified in s. Comm 66.15 or 66.24 (5) (d) 3. b., whichever is applicable.

SECTION 139. Comm 66.18 (1) (a) is amended to read:

Comm 66.18 (1) (a) The ~~plans~~ plan approval application form specified in s. Comm 66.15 or 66.24 (5) (d) 3. b., whichever is applicable.

SECTION 140. Comm 66.19 is amended to read:

Comm 66.19 **Evidence of plan approval.** The architect, engineer, designer, builder, manufacturer, or building 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~~ the department, its authorized representative, of the department or the municipality.

SECTION 141. Comm 66.22 (and title) are amended to read:

**Comm 66.22 (title) Department and construction limitation.** A conditional approval of a plan by the department or municipality may not be construed as an assumption of any responsibility for the design ~~responsibility~~ or construction of the building.

SECTION 142. Comm 66.24 (title) and (2) (b) are amended to read:

**Comm 66.24 (title) Certified municipalities and appointed agents.**

(2) (b) Notify the department in writing at least 30 days prior to the date upon which the municipality ~~or county~~ intends to assume the plan examination and building inspection responsibilities.

SECTION 143. Comm 66.24 (2) (k) to (m) and Note are created to read:

Comm 66.24 (2) (k) Second class cities intending to perform the expanded plan examinations and inspections specified in sub. (5) (b) shall comply with pars. (b) to (j), sub. (7) (b), and all of the following:

1. Employ at least one person who complies with all of the following:
  - a. Is registered under ch. 443, Stats., as an architect or professional engineer.
  - b. Is a certified commercial building inspector.
  - c. Performs or directly supervises the plan examinations specified in sub. (5) (b).
2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

(l) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality shall comply with pars. (b) to (j), except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

2. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures that exceed the limits specified in sub. (5) (c), a municipality shall comply with subd. 1. and all of the following:

- a. Obtain authorization for these inspections from the department.
- b. Use an inspection process that is based on the inspection process used by the department.
- c. Retain inspection records in a manner that is accessible to the department.
- d. Forward to the department any information requested by the department relative to the inspection of buildings.

3. A municipality may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.

(m) The department may revoke the certification or delegation of authority for any municipality where the plan examiners or inspectors do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: For any certified municipality, the department may review the competency of plan examiners on a regular basis, and review the correspondence and inspection reports, to determine if uniformity in code application decisions is being maintained, and to determine if the standards specified by the department are being met. Regular meetings and correspondence may be maintained between a certified municipality and the department in order to discuss and resolve any problems.

SECTION 144. Comm 66.24 (5) (b) to (g) are renumbered Comm 66.24 (5) (c) to (h).

SECTION 145. Comm 66.24 (5) (b) is created to read:

Comm 66.24 (5) (b) *Second class cities performing expanded plan examination.* Drawings, specifications, and calculations for all multifamily dwellings except state-owned buildings, to be constructed within the limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings in accordance with sub. (2) (k). Second class cities performing these expanded examinations are not subject to the plan examination limits specified in par. (c).

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed-agent process in sub. (8).

SECTION 146. Comm 66.24 (5) (c) is repealed and recreated to read:

Comm 66.24 (5) (c) *Other municipalities.* 1. Drawings, specifications, and calculations for all multifamily dwellings except state-owned buildings, to be constructed within the limits of a

municipality that is not included in pars. (a) and (b), shall be submitted to either the department or to that municipality if that municipality has assumed the responsibilities of plan examination and building inspection and if the plans are for any of the construction specified in this paragraph.

2. A new building containing less than 50,000 cubic feet of total volume.

3. a. An addition to a building where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.

b. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

4. An alteration of a space involving less than 100,000 cubic feet of total volume.

SECTION 147. Comm 66.24 (5) (d) is renumbered Comm 66.24 (5) (d) 1.

SECTION 148. Comm 66.24 (5) (d) 2. is created to read:

Comm 66.24 (5) (d) 2. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

SECTION 149. Comm 66.24 (5) (e) 3. b. is amended to read:

Comm 66.24 (5) (e) 3. b. The department's ~~plans~~ plan approval application form specified in s. Comm 66.15, unless a municipally supplied form is submitted that includes the building owner's, designer's, and supervising professional's statements and signatures which are required on the department's form. Any municipally supplied plan approval application form for a multifamily dwelling in a city, village, or town that does not administer and enforce this chapter shall also include the multifamily dwelling data prescribed by the department.

SECTION 150. Comm 66.24 (5) (e) 4. to 7. are created to read:

Comm 66.24 (5) (e) 4. After plans and specifications for a project have been submitted to a municipality under this section, or to a department office, any subsequent submittal for the purpose of complying with this chapter shall be submitted to that same office, except as provided in subds. 6. and 7.

5. Except as provided in subds. 6. and 7., plans and specification for all components of a project, including but not limited to trusses, precast concrete, laminated wood, or heating, ventilating and air conditioning, shall be submitted to the same office.

6. The submitter may choose whether the municipality or any of the department's offices is to review plans and specifications for an individual building in a multiple-building complex,



even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to petitions, application forms, preliminaries, staff notes, and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.

7. Decisions as to whether plans and specifications for building additions may be submitted to offices other than where the previous approvals occurred shall be handled between the municipality, department, and submitter on a case-by-case basis. These submittals shall comply with s. Comm 66.14 (3) (f).

SECTION 151. Comm 66.24 (7) is renumbered Comm 66.24 (7) (a) and amended to read:

Comm 66.24 (7) (a) ~~Municipalities and counties~~ having jurisdiction for plan examination and building inspection may set by ordinance the fees for plan examination and building inspection services.

SECTION 152. Comm 66.24 (7) (b) and (8) are created to read:

Comm 66.24 (7) (b) A second class city that is certified to perform the expanded plan examinations specified in sub. (5) (b) shall submit to the department the fees specified in s. Comm 2.31 (1) (e).

(8) APPOINTED AGENTS (a) *Conditions of participation.* Before assuming any of the department's plan examination or building inspection responsibilities that are not listed in sub. (5), a municipality shall comply with pars. (b) to (e). While appointed, a municipality shall comply with pars. (f) to (i).

(b) Submit a written request to the department, at least 30 days prior to the date upon which the municipality desires to assume agent responsibilities for plan examination or building inspection.

(c) Include in the request a description of the desired responsibilities, such as plan examination for buildings that are not within the municipality, or plan examination for building additions or alterations that are beyond the limits specified in sub. (5) (c).

(d) Include in the request a description of the qualifications the municipality has for assuming the desired responsibilities.

(e) Receive from the department a written statement prescribing the responsibilities that are to be assumed.

(f) Apply the corresponding requirements in subs. (5) (d) to (h) and (6).

(g) Collect the plan examination fees that the department would otherwise collect, as specified in s. Comm 2.31, and submit to the department the fees specified in s. Comm 2.31 (1) (f) or (g).

(h) Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

(i) Notify the department in writing at least 30 days prior to the date upon which the municipality intends to relinquish the responsibilities assumed under this subsection.

SECTION 153. Comm 66.24 (7) Note is created to read:

Comm 66.24 (7) Note: A list of the municipalities providing plan examinations and building inspections under this section is available from the Safety and Buildings Division at P.O. Box 2509, Madison, WI 53701-2509, or at telephone 608/266-1818, or at the Safety and Buildings' web site at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).

SECTION 154. Comm 66.25 is repealed and recreated to read:

**Comm 66.25 Building product approvals. (1) VOLUNTARY APPROVAL. (a)** Materials, equipment and products regulated by this chapter may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this chapter.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment, and products that meet the intent of this chapter and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this chapter.

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

(3) EXPERIMENTAL APPROVAL. (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this chapter.

(b) The department may require the submission of any information deemed necessary for review.

(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department in accordance with s. Comm 66.14.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the installation shall be attached to the submitted plans and approved plans.

b. The letter shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. If a supervising professional is not required for the project by s. Comm 66.09, a person responsible for construction of the project shall be designated in writing by the owner.

5. The supervising professional or person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person approved by the department, at time intervals as specified by the department, but not less than once a year. An inspection report shall be written.

2. The department may assess a fee for each inspection.

(f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

(g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, the determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this chapter.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this chapter, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party providing information, or as a result of material, equipment or product failure.

2. The department may re-examine an approved material, equipment or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with this chapter or the intent of this chapter due to a change in the chapter or department interpretation of the chapter.

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. Comm 2.

(5) **UNGRADED OR USED MATERIALS.** (a) Ungraded or used building materials may be used or reused as long as the materials possess the essential properties necessary to achieve the level of performance required by this chapter for the intended use.

(b) The department or the municipality enforcing this chapter may require tests in accordance with sub. (1) or (2). Approval for use of ungraded or used materials may be issued under this section or may be issued for a specific project under s. ILHR 66.14.

SECTION 155. Comm 66.29 (4) is amended to read:

Comm 66.29 (4) PENALTIES. Penalties for violations of this chapter shall be assessed in accordance with s. 101.978, Stats.

SECTION 156. Comm 66.345 (3) (a) is amended to read:

Comm 66.345 (3) (a) Except as provided in par. (e), sub. (2), and s. Comm 66.39 (3) (e), at least 2 means of egress shall be provided from each habitable floor above the main floor of a multilevel dwelling unit. As used in this subsection, the main floor of a multilevel dwelling unit means the floor level that contains the main entrance to the unit.

SECTION 157. Comm 66.41 (4) (d) is created to read:

Comm 66.41 (4) (d) 1. Atriums may be constructed in accordance with s. Comm 52.07.

2. In applying s. Comm 52.07, a multifamily dwelling shall be treated as a ch. Comm 57 occupancy.

SECTION 158. Comm 66.45 (2) (b) 2. is amended to read:

Comm 66.45 (2) (b) 2. Swimming pool facilities shall be provided with sanitary fixtures, including showers and drinking fountains, in accordance with ~~ss ch. Comm 90.16 and 54.05 90;~~ and either ch. Comm 54 or 55, whichever is applicable.

SECTION 159. Comm 70.03 (1) (a) 3. is amended to read:

Comm 70.03 (1) (a) 3. Chapters Comm 75 to 79, existing building code, for buildings erected prior to October ~~19~~9, 1914; or

SECTION 160. Comm 70.07 (1) (a) and (b) are amended to read:

Comm 70.07 (1) (a) *Altered or remodeled.* If a qualified historic building is remodeled or altered and that portion being remodeled or altered affects the structural strength, fire hazard, exits of the building, required natural lighting, or replacement of major equipment, plans and specifications shall be submitted to the department or its authorized representative as specified in s. Comm 50.21 and 50.22 for examination and approval ~~approval~~ be approved before commencing work.

(b) *Change in use.* If a qualified historic building is changed to a new use, or converted from a use as a nonpublic building to a public building, plans and specifications showing compliance with this chapter shall be submitted to the department or its authorized representative as specified in s. Comm 50.21 and 50.22 for examination and approval ~~approval~~ be approved before commencing work.

SECTION 161. Comm 70.14 is repealed and recreated to read:

**Comm 70.14 Petition for variance.** The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: Form SBD-9890 is available at no charge from the department at the Safety and Buildings Division, P.O. Box 2509, Madison WI 53701, telephone 608/266-1818.

SECTION 162. Comm 70.17 (2) is amended to read:

Comm 70.17 (2) "Authorized representative" means any ~~first class city or certified municipality or county~~ as specified in s. Comm 50.21, and any appointed agent as specified in s. Comm 50.22.

SECTION 163. Comm 75.001 (1) (e) and Note are created to read:

Comm 75.001 (1) (e) Qualified historic buildings for which the owner has elected to use ch. Comm 70. Those buildings are not required to comply with any of the provisions of these orders that are addressed by ch. Comm 70.

Note: The owner of a qualified historic building may select which code will apply to the building. The options include (1) complying with ch. Comm 70 - Historic Buildings Code; (2) complying with chs. Comm 50 to 64 - Building and Heating, Ventilating and Air Conditioning Code; (3) complying with the Building and Heating, Ventilating and Air Conditioning Code that was in effect at the time of the last approved addition, alteration, or change in use, provided the building and use have remained unchanged since then; or (4) complying with these orders, provided the building was constructed prior to October 9, 1914, and continues to have the same use as on that date.

SECTION 164. Comm 90.16 (1) is amended to read:

Comm 90.16 (1) GENERAL REQUIREMENTS. All pools shall be provided with conveniently located dressing, shower and toilet facilities except as stated in sub. (2). All applicable building requirements of chs. ~~ILHR Comm 50 to 54, 63~~ 64, 66 and 64 69 apply to the construction of indoor pool housing and bathhouses.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

\*\*\*\*\*

*File reference: 50-70 changes 5a*

*6/21/00*

7/5/00

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 99 - 143

RULE NO.: Comm 2, 3, 20, 50 to 64, 66, 70, 75, and 90

RELATING TO: One- and Two-Family Dwellings, Commercial Buildings, and Multifamily Dwellings

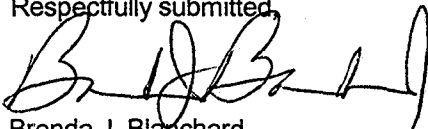
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Brenda J. Blanchard  
Secretary

