



NEW LAW CREATES UNIFORM COMMERCIAL BUILDING CODE IN WISCONSIN

The Important Facts You Need to Know

- In 2001 Wisconsin moved from a “home-grown” commercial building code to a Wisconsin Commercial Building Code based on the International Building Code (IBC).
- While the Wisconsin Commercial Building Code was based on model codes, local units of government were free to adopt additional code provisions by virtue of local ordinances.
- 2013 Wisconsin Act 270, creating a uniform commercial building code in Wisconsin, became effective April 18, 2014.
- This new law creates a uniform commercial building code by prohibiting local units of government from enacting or enforcing an ordinance that establishes minimum standards for the construction or alteration of, or an addition to a public building or addition to, a public building or a building that is a place of employment unless that ordinance strictly conforms to the Wisconsin Commercial Building Code.
- Act 270 allows for certain existing ordinances related to fire detection, prevention or suppression to be grandfathered if they meet specific criteria.
- The Act also creates a central repository of grandfathered ordinances making it easier for architects, builders, and developers to comply with these grandfathered local code requirements.
- The Act creates a code council comprised of industry professionals to aid the department in code development and administration.
- The Act expands the ability to conduct commercial plan review and determine variances to 2nd class cities who meet certain criteria.
- The Act also ensures those who are conducting commercial building inspections are qualified.

What is the Commercial Building Code?

The Commercial Building Code are those building codes (electrical, elevator, boiler, plumbing, etc.) applied to the construction of, altering of, or addition to, a public building or a building that is a place of employment.



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Groundwork Laid a Decade Ago

In July of 2001, Wisconsin adopted a Wisconsin Commercial Building Code based on national model codes. This was the culmination of years of effort to move Wisconsin from its own “home-grown” state code to the use of national model codes. Because nearly every state used the model codes, the promise of this move was uniformity across state lines.

While the Wisconsin Commercial Building Code was based on model codes, local units of government were still free to adopt additional code provisions by virtue of local ordinances. These local ordinances created confusing pockets of local variations to the model codes.

Uniform Commercial Building Code

2013 Wisconsin Act 270 establishes a Uniform Commercial Building Code (UCBC) for the State of Wisconsin. The previous Commercial Building Code acted as a minimum standard because it allowed municipalities to enact ordinances above and beyond those described in the code. The UCBC replaces the previous Commercial Building Code and eliminates (most) municipal variations.

Certain Existing Ordinances Eligible for Grandfathering

Act 270 allows any town, village or city to submit ordinances to the Department of Safety and Professional Services (DSPS) within 60 days of publication of the law (April 18, 2014) for review and grandfathering if the ordinance meets all of the following requirements:

- The ordinance was enacted before May 1, 2013.
- The ordinance was published by the town, village, or city in the manner required under Statute 60.80, 61.50, or 62.11 (4).
- The ordinance relates to fire detection, prevention, or suppression components of buildings.
- The building is not a multifamily dwelling, as defined in Statute 101.971 (2).
- The ordinance is submitted to the department within 60 days after the effective date of this subdivision, Friday, April 18, 2014.
- The department determines that the ordinance requires standards that are at least as strict as the rules promulgated by the department.

Municipalities who wish to have ordinances considered for grandfathering should send the ordinance and contact information to DSPSPolicyDevelopment@wisconsin.gov by June 17, 2014. Any submissions received after June 17, 2014 will not be considered.

Nearly all construction in Wisconsin is governed by the Uniform Dwelling Code, the Uniform Multi-family Dwelling Code, the Manufactured Housing Code, or the Commercial Building Code. Of this list, the Commercial Building Code was the only building code left in Wisconsin that was not uniform.



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Grandfathered Ordinances in One Place

For many years it has been difficult to determine just how many municipalities had unique commercial building code provisions, much less what those provisions were. Additionally, because municipalities could change those ordinances at any time, builders were left trying to hit a moving target.

Act 270 not only significantly limits local variations eligible for grandfathering; it also requires DSPS to collect grandfathered ordinances in a central location accessible to builders and designers. This repository will make it easier for the industry to identify and comply with unique local code requirements.

Commercial Building Code Council

Act 270 creates a Building Code Council for the purpose of reviewing the code and making recommendations to DSPS to keep the UCBC current. Membership of the council is as follows:

- Two members representing the skilled building trades, each of whom is actively engaged in his or her trade.
- Two members representing local building inspectors, each of whom is authorized to do inspections under s. 101.12 (4) and who is employed by a city, village, or county.
- Two members representing the fire services, each of whom is actively engaged in fire service work and at least one of whom is a fire chief.
- Two members representing building contractors, each of whom is actively engaged in on—site construction of public buildings and buildings that are places of employment.
- Two members representing architects, engineers, and designers, each of whom is actively engaged in the design or evaluation of public buildings and buildings that are places of employment.
- An employee of the department shall serve as nonvoting secretary of the council.

Expands Variance Review

The department has traditionally accepted the plan review (examination of essential drawings, calculations and specifications) performed by cities of the 1st class and certain cities of the 2nd class.

Cities of the 2nd class may apply for certification by the department if that city employs at least one architect or one professional engineer. Under, Act 270 cities of the 2nd class who have plan review status can now also petition the department for the ability to review petitions for variance.

Inspection of Commercial Buildings

In addition, the Act requires inspections to determine compliance with the commercial building code be performed by individuals certified by DSPS (Commercial Building Inspectors). Inspections of fire detection, prevention and suppression devices being installed during construction can also be performed by individuals certified by the department (fire inspector) under separate (to be developed) rules.

There is a delayed effective date related to inspectors who inspect fire detection, prevention and suppression devices being installed during construction, alteration or additions to give time to the industry implement the training and certification necessary.

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