

Wisconsin Department of Safety and Professional Services
Division of Industry Services
1400 East Washington Avenue
PO Box 2658
Madison WI 53701-2658



Phone: 608-266-2112
Web: <http://dsps.wi.gov>
Email: dsps@wisconsin.gov

Scott Walker, Governor
Dave Ross, Secretary

October 28, 2015

Email: dsps@wi.gov
Phone: 608-261-2112
Fax: 608-266-2264

Tom Winker
Town of Belgium
5698 Lake Church Road
Belgium, WI 53004

Re: Town of Belgium Delegation Request

Dear Mr. Winker:

I am pleased to inform you that your municipality has been delegated commercial building code enforcement authority per your request. Per s. SPS 361.60(5)(c), I delegate your municipality the primary responsibility to do building plan review and inspections of small building projects (new buildings and their additions totaling not more than 50,000 cubic feet and alterations affecting not more than 100,000 cubic feet) to be constructed within the limits of your municipality. This delegation does not include fire sprinkler or fire alarm plan review delegation, which you may request as a separate delegation. Building plans for such buildings may be submitted by the owner to your municipality or our agency. I also authorize your municipality per s. 101.12(3)(g), Wis Stats., to do inspections of all size buildings in lieu of our department.

An exception to this inspection authority delegation is that our agency retains jurisdiction for plan review and inspection for all state-owned buildings, as well as projects for which the owner chooses to submit plans to our agency.

We will periodically monitor municipalities and request activity reports to ensure that our delegated responsibilities are being properly fulfilled by the municipality. We do require that delegated municipal code officials hold the Wisconsin Commercial Building Inspector certification and attend agency-approved continuing education to maintain their certification. Municipalities are always free to relinquish their delegated authority at any time, given proper notice.

I understand that Paul Mortimer will be the primary code official responsible for enforcement and has the proper certification to do so. Your code official's contact information is:

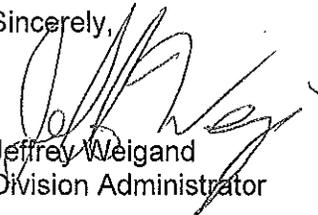
Mailing Address: SAFEbuilt Inc., W241 S4135 Pine Hollow Court, Waukesha, WI 53189
Telephone: (262)544-8280 email: gglan@safebuilt.com

Please contact Carol Lochner at (608)267-9706 or Carol.Lochner@wi.gov with changes in your contact information.

Our building inspection deputy for your area, Betty Wiese, (414)852-3694 will be contacting your code official in the near future to discuss transitional and coordination issues.

The Division of Industry Services looks forward to working with you.

Sincerely,



Jeffrey Weigand
Division Administrator

cc: Robin Zentner
Betty Wiese
✓ Amy Millard
Steve Dobratz

Application for Commercial Building Delegated Municipality Authority
10/31/2014

Complete this application to request agent municipality delegation authority for commercial buildings from the State of Wisconsin Department of Safety & Professional Services, Division of Industry Services based on the request described below. See the attached list of delegated municipality general obligations. Please request our separate application for plumbing delegation.

You are requesting delegation (check one):

1. (Base Delegation) As a municipality (city, village, town or county) per s. SPS 361.60(5)(c) to do **plan review and inspections of small** commercial building projects (new buildings and their additions totaling not more than 50,000 cubic feet and alterations affecting not more than 100,000 cubic feet) to be constructed within the municipality.
2. As a municipality (city, village, town or county) per s. SPS 361.60(5)(c) to do **plan review of small** commercial building projects (new buildings and their additions totaling not more than 50,000 cubic feet and alterations affecting not more than 100,000 cubic feet) to be constructed within the municipality **and** authorization per s. 101.12(3)(g), Wis Stats., to do **inspections of all size** buildings in lieu of the department.
3. Per s. 101.12(3)(g), Wis Stats., to do **inspections only** of **all size** buildings within the municipality in lieu of the department.
4. As a **second class city** per s. SPS 361.60(5)(b) to do **plan review and inspections** for all the types of buildings and structures specified in s. SPS 361.30, except state-owned buildings and structures, to be constructed within the municipality. **(Note that fees per s. SPS 302.31(1)(g) must be remitted to our agency for projects beyond the base delegation size limits.)**
5. As an **appointed agent** per s. SPS 361.61 whereby a municipality (city, village, town or county) may request desired administrative responsibilities (e.g., fire sprinkler & fire alarm plan review only, or other expanded plan review beyond the limits outlined in options #1 & #2) and if approved by the department, receive in writing the prescribed responsibilities that are to be assumed. **(Note that fees per s. SPS 302.31(1)(g) must be remitted to our agency for building projects beyond the base delegation size limits and for all fire protection systems.)**
If appointed agent status is requested, fill in the desired enforcement responsibilities:

Ordinance: Attach your proposed or current ordinance showing: 1) adoption of the Wisconsin State Building Code, chs. SPS 361-366, 2) authorization of municipal code official to enforce, 3) duty of owners to submit for permits, 4) fee schedule or reference to fees to be set by resolution and 5) fines and penalties. Contact us for a model ordinance if desired.

Projects: Estimate the number of expected delegated projects per year:

For plan review: 4-5

For inspections: 40-50

Primary Enforcement Contact: Your primary certified commercial building inspector (CBI) for such enforcement is Paul Mortimer, Credential # 132429 who can be reached at: SAFEbuilt, Inc., W241 S4135 Pine Hollow Court, Waukesha, WI 53189

(address, if different than municipality address below)

(phone number) 262-544-8280 (e-mail) ggulan@safebuilt.com

Your inspector has 1,200 hours of commercial building code enforcement experience in the past five years.

**Summary of ss. SPS 361.60 & 361.61 and Other Code & Statutory Requirements for
Delegated Municipalities**

All Delegations (per s. SPS 361.60, unless noted):

1. Adopt an acceptable ordinance to enforce the Commercial Building Code per the desired delegation.
2. Retain certified commercial building inspector(s).
3. Code officials shall comply with s. SPS 305.10 conflict of interest prohibitions.
4. Provide requested information to our agency, including:
 1. Changes in personnel
 2. Annual project activity
 3. Annual staff activity
 4. Cooperation with departmental monitoring efforts.
5. Provide a building permit application to project applicants.
6. Set fees by ordinance. (Note that s. 66.028, WI stats, directs that fees reflect the actual cost of providing the service.)
7. Do not issue local permits before any required state plan approval of projects per SPS 361.29(1).
8. Conduct plan review of delegated projects for "substantial compliance" in a manner acceptable to the department.
9. After plans are reviewed, stamp them "conditionally approved" or "not approved" as appropriate.
10. Retain one set of reviewed plans, calculations and correspondence for four years, subject to the open records law of ch.19, WI statutes.
11. Provide written notice of review action to the submitter and owner.
12. Require submittal of components not part of the original submittal.
13. Conduct inspections in a manner acceptable to the department.
14. Create written inspection reports with copies to the file, owner and submitter.
15. Issue orders to correct if items are not corrected after inspection.
16. Comply with open records requirements for enforcement program documents.

Second Class City Delegations (additional requirements):

1. Retain a registered architect or professional engineer who is also a certified commercial building inspector by examination and that supervises the plan examination function.
2. Provide a plan approval application form for projects exceeding base plan review limits.
3. Provide a monthly or quarterly report of projects delegated under this option.
4. Forward fees per s. SPS 302.31(1)(h) to the Division of Industry Services for projects exceeding base plan review limits.

Appointed Agents (additional requirements):

1. Provide a plan approval application form for projects exceeding base plan review limits.
 2. Forward fees to the Division of Industry Services s per SPS 302.31(1)(h) for specified projects.
-

Additional Typical Expectations in Order to Meet Statutory Requirement of s. 101.12 for Enforcement in a Manner or Per Standards Approved by the Department

General:

1. Staff to attend occasional Industry Services' meetings or teleconferences for delegated municipalities.
2. Ensure that current adopted codebooks and critical references are available to staff.
3. Check for proper credentials of contractors and tradespersons.
4. Investigate complaints filed regarding commercial buildings in your jurisdiction.
5. Legal counsel provides reasonable follow-up of expired correction orders.
6. Verify proper designer and supervising professional credentials for projects in buildings of greater than 50,000 cubic feet.
7. Provide timely plan review turnaround.

Building Plan Review - Conduct building plan reviews within 15 business days in accordance with WI Administrative Code SPS 361.31(3)(a).

Fire Sprinkler Plan Review – Review of system design, hazard determinations, hydraulic calculations, and material data sheets.

Fire Alarm Plan Review - Review of system design, battery calculations, material data sheets, voltage drop calculations, and sequence of operations.

Inspections:

1. Inspect construction in a manner and frequency at least similar to the Department of Safety & Professional Services.
2. Require compliance statements for buildings over 50,000 cubic feet prior to occupancy.

ADOPTION OF COMMERCIAL BUILDING CODE

ORDINANCE NO. 2015-04

The Board of Supervisors of the Town of Belgium, Ozaukee County, Wisconsin, do ordain as follow:

Section 1 - Permit Required

No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

- 1) The construction which shall require a building permit includes, but is not limited to:
 - a) New 1 & 2 family and Commercial buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
 - b) Additions that increase the physical dimensions of a building including decks.
 - c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
 - d) Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit except as noted in 2)b) below.
 - e) Any electrical wiring for new construction or remodeling.
 - f) Any HVAC for new construction or remodeling.
 - g) Any plumbing for new construction or remodeling.
 - h) Any new or re-wired electrical service, including services for agricultural buildings.

Section 2 - Adoption of State Codes

- 1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Chs. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Chs. SPS 361-366	Commercial Building Code
Ch. SPS 375-79	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

Section 3 - Certified Municipality Status

- 1) Certified Municipality. The Town has adopted the Certified Municipality Status as described in **SPS 361.60** of the Wisconsin Administrative Code.
 - a) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.

- b) **Plan Examination.** Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
1. A new building or structure containing less than 50,000 cubic feet of total volume.
 2. 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.
 3. 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.
 5. A certified municipality 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.
 6. 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.
- c) **Plan Submission Procedures.** All commercial buildings, structures and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
1. Building permit application
 2. Application for review – SBD-118
 - a. Fees per Table SPS 302.31-2 and SPS 302.31
 - b. Fees apply to all commercial projects
 3. Four sets of plans
 - a. Signed and sealed per SPS 361.31
 - b. One set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance

Section 4 - Building-HVAC-Electrical-Plumbing Inspector

- 1) **Creation and Appointment.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
- 2) **Assistants.** The Building Inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department.
- 3) **Duties.** The Building Inspector shall administer and enforce all provisions of this ordinance.
- 4) **Powers.** The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

Section 5 - Violations and Penalties

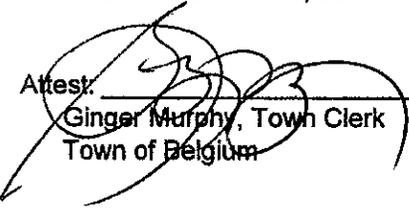
- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Adopted by the Town of Belgium Board of Supervisors this 5th day of October, 2015.

THOMAS WINKER
Thomas Winker, Town Chairman
Town of Belgium **CHAIRMAN**

Ayes 3 Noes 0 Absent 0

Date Posted: October 6, 2015

Attest: 
Ginger Murphy, Town Clerk
Town of Belgium