

Wisconsin Department of Safety and Professional Services
Division of Industry Services
1400 East Washington Avenue
PO Box 7302
Madison WI 53703-7302



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

Scott Walker, Governor
Dave Ross, Secretary

July 7, 2015

Email: dps@wi.gov
Phone: 608-261-2112

Thad Birmingham, Mayor
City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235

COPY

Re: City of Sturgeon Bay Commercial Building Delegation Request

Dear Mr. Birmingham,

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 Brett Temme will be the primary code officials responsible for enforcement and has the proper certification to do so.

Please contact Peggy Thran at (608)267-9706 or Peggy.Thran@wisconsin.gov with changes in your contact information.

Our building inspection deputy for your area, Roger Strege, 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,


Jeff Weigand
Division Administrator

cc: Roger Strege
Brian Ferris
✓ Robin Zentner

Application for Commercial Building Delegated Municipality Authority
10/29/2012

Complete this application to request agent municipality delegation authority for commercial buildings from the State of Wisconsin Department of Safety & Professional Services, Division of Safety & Buildings 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 Brett Temme, S&B Credential # 844081 who can be reached at:

Independent Inspections, Ltd., W241 S4135 Pine Hollow Court, Waukesha, WI 53189

(address, if different than municipality address below)

(phone number) 800-422-5220 (e-mail) iil@independentinspections.com

Your inspector has 2,000 hours of commercial building code enforcement experience in the past five years.

Additional Enforcement Staff: Please complete for all other certified commercial building inspectors (CBI) that will be involved.

Name	Credential#	Hours of Commercial Building Enforcement in Past 5 Years
Dave Enigl	989572	40-60
Terry Knapp	6824	5,000

Additional Information:

Large Building Plan Review Delegation: For delegation type 4, and type 5 if desiring plan review authority for all buildings, indicate who is your Wisconsin-registered architect or engineer with the commercial building inspector credential that will oversee commercial building enforcement.

_____ Architect or Engineer Reg.# _____

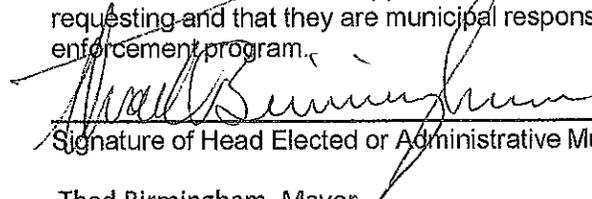
S&B CBI Credential# _____ Date of Passage of S&B or ICC CBI Exam _____

Fire Protection Delegation: For fire sprinkler and fire alarm plan review delegation, indicate who will be your reviewer(s) and what their credentials and experience are:

Name	Credential Types (WI Fire Sprinkler Contractor, WI Registered Fire Protection Designer, NICET Fire Alarm Systems & Water-Based Layout, NFPA CFPE, ICC F-3)	Hours of Fire Sprinkler Review/Design in Past 5 Years	Hours of Fire Alarm Review/Design in Past 5 Years

Comments: _____

I understand the attached applicable responsibilities and expectations for the type of delegation we are requesting and that they are municipal responsibilities, regardless of how we provide staffing for our enforcement program.



 Signature of Head Elected or Administrative Municipal Official **Mayor** **February 11, 2015**
 Title Date

Thad Birmingham, Mayor
 Name (printed)
City of Sturgeon Bay
 Municipality
421 Michigan Street
 Address
Sturgeon Bay, WI 54235
 City, Zip Code

Return to:
DSPS – Division of Industry Services
 P.O. Box 7302
 1400 E. Washington Ave.
 Madison, WI 53703

ORDINANCE NO. 1309-0215

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 15.01 of the Municipal Code (Building Code) is hereby repealed and recreated as follows:

15.01 Permits generally.

(1) *Applications.* All applications for licenses and permits under this chapter or chapters 16 and 17 of this Municipal Code shall be made to the building inspector and all licenses and permits shall be issued by him/her.

(2) *Permit required.*

- (a) No building or structure or any part thereof shall hereafter be moved, built, enlarged, altered, or demolished, or electrical wiring, plumbing or heating apparatus or fire suppression system as defined by NFPA 301.3.3.28, installed within the city (except as hereafter provided) unless a permit therefor shall be obtained by the owner or agent from the building inspector or the fire department for fire suppression systems. If the required permits have not been obtained prior to commencement of the work, all fees for such permits shall be double the fees listed.
- (b) All work which affects the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building requires a permit. Minimum repairs or alterations which are less than \$500.00 in value (of labor and materials) do not require a permit if they do not affect the occupancy, area, structural strength, fire protection, exits, lights or ventilation of a building.
- (c) Fire protection systems. Any new installations, alterations or additions to any fire suppression system (a fixed system designed to extinguish a fire or substantially reduce the heat release rate of the fire) in a commercial building shall have a third party plan review prior to the issuance for a permit. Copies of the plan review shall be forwarded to the fire department.

(3) *Inspection.* When any work for which a permit is required shall be completed, the person to whom the permit is issued shall immediately notify the building inspector and no such work shall be covered or concealed until a certificate of inspection has been issued by him/her. Such certificate of inspection shall be issued only after all work under a permit shall have been completed in accordance with the requirements of city ordinances and the state code applicable thereto and after a personal inspection of the work has been made by the building inspector.

(4) *Certified Municipality Status.* The City of Sturgeon Bay has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

(a) *Responsibilities.* The City 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 City of Sturgeon Bay 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. The City 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 the city, in which case plans and specifications shall be submitted to the City 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 302.31-2 and SPS 302.31.
 - b. Fees apply to all commercial projects.
3. 4 sets of plans.
 - a. Signed and sealed per SPS 361.31.
 - b. One (1) set of specifications.
 - c. Component and system plans.
 - d. Calculations showing code compliance.

(5) Building-HVAC-Electrical-Plumbing Inspector.

- (a) Creation and Appointment. There is hereby created the office of building inspector. The building inspector shall be appointed by the city council. The building inspector shall be

certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.

- (b) 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.
- (c) Duties. The building inspector shall administer and enforce all provisions of this ordinance.
- (d) 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 building inspector or his/her agent while in the performance of his/her duties. In the event that the building 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.
- (e) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
 - 1. Footing.
 - 2. Foundation.
 - 3. Rough Carpentry, HVAC, Electric and Plumbing.
 - 4. Drain tile/Basement Floor.
 - 5. Underfloor Plumbing.
 - 6. Electric Service.
 - 7. Insulation.
 - 8. Final Carpentry, HVAC, Electric & Plumbing.
 - 9. Erosion Control.
- (f) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the building inspector.
- (g) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- (h) Records. The building inspector shall perform all administrative tasks required by the Department under all codes covered in 15.02 (1). In addition, the building inspector shall

keep a record of all applications for permits and shall number each permit in the order of its issuance.

(6) *Permit fees.* Fees for permits and commercial plan reviews required under all subsections of this chapter shall be established by resolution of the common council.

(7) *Expiration.* Work contemplated under permits herein granted shall be completed within two years from the date of the permit, except that all permits granted hereunder may be extended by the building inspector for up to one year periods. If the permit is extended, the building inspector shall endorse the permit.

(8) *Certificate of occupancy.*

(a) *One-family and two-family dwellings or buildings.* The building inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations which jeopardize public health or safety are found, the building inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. If any violations of this chapter or Municipal Code are found which do not jeopardize public health or safety, they shall be ordered corrected within 30 days of the date of issuance of the certificate of occupancy.

(b) *Multifamily, commercial and public buildings.* The building inspector and the fire chief or his designee shall make a final inspection of all new buildings, additions, and alterations. If no violations to the state building code, state fire code, or Municipal Code which jeopardize public health or safety are found, the building inspector and the fire chief or his designee, shall issue a certificate of occupancy stating the purpose for which the building is to be used. If any violations of this chapter or Municipal Code are found which do not jeopardize public health or safety, they shall be ordered corrected within 30 days of the date of issuance of the certificate of occupancy.

(c) *Change of use.* Any building which the existing use is changed, as defined in the State of Wisconsin Building Code, shall obtain a certificate of occupancy, subject to the provisions in section 15.01(8)(a) and (b).

(9) *Park and playground fees.* At the issuance of a building permit for new residential construction, or a change in use from a nonresidential land use to a residential land use, a fee of \$300.00 per residential unit shall be paid for park and playground purposes, except that, on any lot where a payment has been made prior to March 27, 1986, the first unit shall be exempt from payment. Residential care apartment complexes as defined in § 50.01(1d), Wis. Stats., shall be exempt from this fee. Should any existing residential land use which has been exempted from this fee change to a residential land use which is not exempt from said fee, then said fee shall become due and payable at the current existing fee level. All applicable conditions of section 21.09 of this Municipal Code shall apply to the collection, handling and use of this fee.

(10) *Tree planting deposit.* At the issuance of a building permit for new residential construction, or a change in use from a nonresidential land use to a residential land use, a deposit in an amount to be determined by the common council by resolution shall be paid for each tree required to be planted under section 8.07(10)(a)5. Such deposit shall be returned to the property owner upon proof of compliance with section 8.07(10)(a) in the planting of trees, meeting the requirements of that section.

SECTION 2: Section 15.02 of the Municipal Code (Building Code) is hereby repealed and recreated as follows:

15.02 State building codes adopted.

(1) The following chapters of the Wisconsin Administrative Code are adopted and incorporated in this chapter by reference, including all amendments thereto:

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

(2) The provisions of Chs. SPS 320-325, Wis. Adm. Code, including all amendments thereto, shall apply to all one- and two-family dwellings where initial construction permits were issued prior to June 1, 1980.

(3) Unattached garages and sheds, storage buildings and other structures not specifically included in subsections (1) and (2) are hereby expressly included therein and shall be constructed or altered to the standards required by this section.

SECTION 3: Section 15.10 of the Municipal Code (Building Code) is hereby repealed and recreated as follows:

15.10 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) Except as otherwise provided herein, any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, shall, upon conviction thereof, be subject to a penalty as provided in section 25.04 of this Municipal Code.

(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 which may be enjoined in a civil action.

SECTION 4: This ordinance shall take effect on the day after its publication.

Approved: Thad Birmingham, Mayor
Attest: Stephanie Reinhardt, City Clerk
Date of 1st Reading: 01/20/15
Date of 2nd Reading: 02/03/15
Adoption: 02/03/15
Publication: 02/07/15
Effective Date: 02/08/15

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10/29/2012

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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.
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Additional Information:

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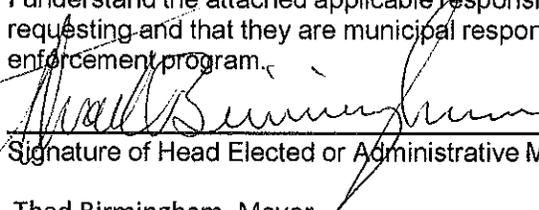
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 _____ **Mayor** **February 11, 2015**
 Signature of Head Elected or Administrative Municipal Official Title Date

Thad Birmingham, Mayor
 Name (printed)
City of Sturgeon Bay
 Municipality
421 Michigan Street
 Address
Sturgeon Bay, WI 54235
 City, Zip Code

Return to:
DSPS – Division of Industry Services
 P.O. Box 7302
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- (e) **Inspections.** In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
 - 1. Footing.
 - 2. Foundation.
 - 3. Rough Carpentry, HVAC, Electric and Plumbing.
 - 4. Drain tile/Basement Floor.
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 - 6. Electric Service.
 - 7. Insulation.
 - 8. Final Carpentry, HVAC, Electric & Plumbing.
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- (f) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the building inspector.
- (g) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- (h) **Records.** The building inspector shall perform all administrative tasks required by the Department under all codes covered in 15.02 (1). In addition, the building inspector shall

keep a record of all applications for permits and shall number each permit in the order of its issuance.

(6) *Permit fees.* Fees for permits and commercial plan reviews required under all subsections of this chapter shall be established by resolution of the common council.

(7) *Expiration.* Work contemplated under permits herein granted shall be completed within two years from the date of the permit, except that all permits granted hereunder may be extended by the building inspector for up to one year periods. If the permit is extended, the building inspector shall endorse the permit.

(8) *Certificate of occupancy.*

(a) *One-family and two-family dwellings or buildings.* The building inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations which jeopardize public health or safety are found, the building inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. If any violations of this chapter or Municipal Code are found which do not jeopardize public health or safety, they shall be ordered corrected within 30 days of the date of issuance of the certificate of occupancy.

(b) *Multifamily, commercial and public buildings.* The building inspector and the fire chief or his designee shall make a final inspection of all new buildings, additions, and alterations. If no violations to the state building code, state fire code, or Municipal Code which jeopardize public health or safety are found, the building inspector and the fire chief or his designee, shall issue a certificate of occupancy stating the purpose for which the building is to be used. If any violations of this chapter or Municipal Code are found which do not jeopardize public health or safety, they shall be ordered corrected within 30 days of the date of issuance of the certificate of occupancy.

(c) *Change of use.* Any building which the existing use is changed, as defined in the State of Wisconsin Building Code, shall obtain a certificate of occupancy, subject to the provisions in section 15.01(8)(a) and (b).

(9) *Park and playground fees.* At the issuance of a building permit for new residential construction, or a change in use from a nonresidential land use to a residential land use, a fee of \$300.00 per residential unit shall be paid for park and playground purposes, except that, on any lot where a payment has been made prior to March 27, 1986, the first unit shall be exempt from payment. Residential care apartment complexes as defined in § 50.01(1d), Wis. Stats., shall be exempt from this fee. Should any existing residential land use which has been exempted from this fee change to a residential land use which is not exempt from said fee, then said fee shall become due and payable at the current existing fee level. All applicable conditions of section 21.09 of this Municipal Code shall apply to the collection, handling and use of this fee.

(10) *Tree planting deposit.* At the issuance of a building permit for new residential construction, or a change in use from a nonresidential land use to a residential land use, a deposit in an amount to be determined by the common council by resolution shall be paid for each tree required to be planted under section 8.07(10)(a)5. Such deposit shall be returned to the property owner upon proof of compliance with section 8.07(10)(a) in the planting of trees, meeting the requirements of that section.

SECTION 2: Section 15.02 of the Municipal Code (Building Code) is hereby repealed and recreated as follows:

15.02 State building codes adopted.

(1) The following chapters of the Wisconsin Administrative Code are adopted and incorporated in this chapter by reference, including all amendments thereto:

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

(2) The provisions of Chs. SPS 320-325, Wis. Adm. Code, including all amendments thereto, shall apply to all one- and two-family dwellings where initial construction permits were issued prior to June 1, 1980.

(3) Unattached garages and sheds, storage buildings and other structures not specifically included in subsections (1) and (2) are hereby expressly included therein and shall be constructed or altered to the standards required by this section.

SECTION 3: Section 15.10 of the Municipal Code (Building Code) is hereby repealed and recreated as follows:

15.10 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) Except as otherwise provided herein, any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, shall, upon conviction thereof, be subject to a penalty as provided in section 25.04 of this Municipal Code.

(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 which may be enjoined in a civil action.

SECTION 4: This ordinance shall take effect on the day after its publication.

Approved: Thad Birmingham, Mayor
Attest: Stephanie Reinhardt, City Clerk
Date of 1st Reading: 01/20/15
Date of 2nd Reading: 02/03/15
Adoption: 02/03/15
Publication: 02/07/15
Effective Date: 02/08/15

