

June 1, 2007

RE: Delegation of Wisconsin Commercial Building Code Authority

This letter is in response to your inquiry concerning the requirements for a municipality to receive delegation of Commercial Building Code authority from the Wisconsin Department of Commerce Division of Safety & Buildings. There are several options as follows:

- Delegated authority as a second class city per s. Comm 61.60(5)(b) to do **plan review and inspections** for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city.
- Delegated authority as a municipality or county per s. Comm 61.60(5)(c) to do **plan review and inspections** of **smaller** commercial building projects (new buildings and their additions totaling 50,000 cubic ft. and alterations affecting 100,000 cubic ft.).
- Authorization per s. 101.12(3)(g), WI stats., to do **inspections only** of **all size** buildings in lieu of the state.
- Delegated authority as a municipality or county per s. Comm 61.60(5)(c) to do **plan review and inspections** of **smaller** commercial building projects (new buildings and their additions totaling 50,000 cubic ft. and alterations affecting 100,000 cubic ft.) and authorization per s. 101.12(3)(g), WI stats., to do **inspections only** of **all size** buildings in lieu of the state.
- Delegated authority as an appointed agent per s. Comm 61.61 whereby a city, village, town or county may request desired responsibilities and if approved by the department, receive a written statement prescribing responsibilities that are to be assumed.

In summary, the following are the requirements that must be met by a municipality:

1. The municipality adopts for enforcement the current editions of the Wisconsin Commercial Building Code, Chs. Comm 61 – 65, the Existing Buildings Code Chs. Comm 75-79 and the Historic Building Code, Ch. Comm 70.

ADOPTION OF CODES. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be certified as a commercial building inspector by the State of Wisconsin Department of Commerce in delegated agent municipalities.

Chs. Comm 61-65	Wisconsin Commercial Building Code
Chs. Comm 75-79	Existing Buildings Code
Ch. Comm 70	Historic Building Code

2. The municipality submits a letter of intent to the State of Wisconsin Department of Commerce Division of Safety and Buildings requesting that the Department delegate authority to the municipality 30 days before the desired effective date. The letter must state which of the above options will be chosen. (Enclosed is a form letter for your use)
3. The municipality agrees to obtain the services of an inspector certified in the category of commercial building inspection in accordance with the administrative rules of Comm 5.

4. The municipality agrees to follow the plan examination and inspection procedures under (5) and (6) of s. Comm 61.60. Municipalities may refer more complex projects to our agency as needed. We will periodically monitor municipalities and request activity reports to ensure that our delegated responsibilities are being properly fulfilled by the municipality.

6. In the case of a second class city or appointed agent desiring to review and inspect all size buildings, there are several additional requirements. These include the retention of a Wisconsin registered architect or engineer that also has the commercial building inspector certification who will be perform or directly supervise the plan examinations, provide a monthly report to the department of all projects and the remission of a portion of permit fees to the State of Wisconsin Department of Commerce Division of Safety and Buildings.

Note that conditions of our delegation may change in the future. Municipalities are always free to relinquish their delegated authority.

I hope this response adequately answers your inquiry. Should you have additional questions or need further clarification, please feel free to contact Henry Kosarzycki at 608-212-0138.

Enclosure (form letter)

State of Wisconsin Department of Commerce
Safety and Buildings Division
Henry Kosarzycki, Program Manager
Auditor and Training Coordinator
141 NW Barstow Street
Waukesha, WI 53186-3789

Our municipality has adopted Wisconsin Commercial Building Code, Chs. Comm 61 – 65, the Existing Buildings Code Chs. Comm 75-79 and the Historic Building Code, Ch. Comm 70 for local enforcement. (Copy of ordinance enclosed.)

Our inspector for such enforcement is _____, who can be reached at

(address)

(phone number) _____

(fax) _____.

We request that we be delegated the authority to (check one):

- become appointed a second class city per s. Comm 61.60(5)(b) to do **plan review and inspections** for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city.
- become appointed a municipality or county per s. Comm 61.60(5)(c) to do **plan review and inspections** of **smaller** commercial building projects (new buildings and their additions totaling 50,000 cubic feet and alterations affecting 100,000 cubic feet).
- be authorized per s. 101.12(3)(g), WI stats., to do **inspections only** of **all size** buildings in lieu of the state.
- become appointed as a municipality or county per s. Comm 61.60(5)(c) to do **plan review and inspections** of **smaller** commercial building projects (new buildings and their additions totaling 50,000 cubic feet and alterations affecting 100,000 cubic feet) and authorization per s. 101.12(3)(g), WI stats., to do **inspections only** of **all size** buildings in lieu of the state.
- become an appointed agent per s. Comm 61.61 whereby a city, village, town or county may request desired responsibilities and if approved by the department receive a written statement prescribing responsibilities that are to be assumed.

Sincerely,

Signature of Elected or Administrative Official

Title

Date

Name

Municipality

Address

City, Zip Code