

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 to perform certain administrative activities regarding the Commercial Building Code on behalf of the Wisconsin Department of Commerce, Division of Safety & Buildings. There are several options as follows:

1. Delegation as a municipality (city, village, town or county) per s. Comm 61.60(5)(c) to do **plan review and inspections of small** commercial building projects to be constructed within the limits of the municipality (new buildings and their additions totaling not more than 50,000 cubic ft. and alterations affecting not more than 100,000 cubic ft.).
2. Delegation as a municipality (city, village, town or county) per s. Comm 61.60(5)(c) to do **plan review of small** commercial building projects to be constructed within the limits of the municipality (new buildings and their additions totaling not more than 50,000 cubic ft. and alterations affecting not more than 100,000 cubic ft.) **and** authorization per s. 101.12(3)(g), Wis. Stats., to do **inspections of all size buildings** in lieu of the department. (Note this is in lieu of option #1)
3. Delegation per s. 101.12(3)(g), Wis Stats., to do **inspections only of all size buildings** in lieu of the department.
4. Delegation of 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.
5. Delegation as an appointed agent per s. Comm 61.61 whereby a municipality (city, village, town or county) may request desired administrative responsibilities (i.e., fire protection plan review only, or other expanded plan review beyond the limits outlined under #1 & #2 above) and if approved by the department, receive in writing the prescribed responsibilities that are to be assumed.

In summary, the following are requirements that must be met by a municipality in order to receive any delegation:

1. The municipality submits an application (on page 3) to the State of Wisconsin, Department of Commerce, Safety and Buildings Division requesting the Department's delegation to the municipality 30 days before the desired effective date. The application must indicate which of the above options will be chosen.
2. The municipality agrees to obtain the services of an individual who holds and maintains certification as a commercial building inspector in accordance with the administrative rules of Comm 5.
3. The municipality agrees to follow the plan examination and inspection procedures under s. Comm 61.60 (5) and (6). A municipality may refer more complex projects to the department as needed. We will periodically monitor municipalities and request activity reports to ensure that our delegated responsibilities are being properly fulfilled by the municipality.

4. 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 holds and maintains the commercial building inspector certification and who will 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, Safety and Buildings Division.

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

I hope this response adequately answers your inquiry. Should you have additional questions or need further clarification, please feel free to contact Todd Taylor, 608-267-3606.

Application Enclosed (next page)

