



**TELECONFERENCE/VIRTUAL
COMMERCIAL BUILDING CODE COUNCIL
Room N206, 4822 Madison Yards Way, Madison
Contact: Jon Derenne (608) 266-0955
December 18, 2019**

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.

AGENDA

11:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes from December 20, 2018 (3-4)

C. Administrative Matters

- 1) Introductions
- 2) Department Updates
- 3) Election of Officers

D. Legislative and Administrative Rules Matters – Discussion and Consideration (5-11)

- 1) SB 400/AB 445 Relating to an Exception to the Commercial Building Code Requirements for the Installation or Operation of a Stairway Chair Lift in a Church Constructed Before 1919
- 2) SPS 314 and 361 Relating to the Inspection and Testing of Fire and Smoke Dampers
- 3) IBC Ch. 17
- 4) Wedding/Event Barn Regulation Summary
- 5) Uniformity of Codes
- 6) Section 101.12 (3c)
- 7) Pending or Possible Rulemaking Projects

E. Legislative and Policy Matters - Discussion and Consideration

F. Public Comments

ADJOURNMENT

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the council's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**TELECONFERENCE/VIRTUAL
COMMERCIAL BUILDING CODE COUNCIL
MEETING MINUTES
DECEMBER 20, 2018**

PRESENT: Kevin Bierce, David Enigl, Steven Howard, Steven Klessig, Samuel Lawrence, Brian Rinke, Peter Scheuerman

EXCUSED: Irina Ragozin, Hunter Bohne, Corey Rockweiler,

STAFF: Mindy Allen, Rules Coordinator; Kate Stolarzyk, Bureau Assistant; and other Department staff

CALL TO ORDER

Samuel Lawrence, Chair, called the meeting to order at 9:02 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

MOTION: David Enigl moved, seconded by Brian Rinke, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES FOR DECEMBER 27, 2017

MOTION: Steven Klessig moved, seconded by David Enigl, to approve the minutes of December 27, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

COUNCIL CHAIR

NOMINATION: David Enigl nominated Samuel Lawrence for the Office of Council Chair.

Samuel Lawrence called for nominations three (3) times.

Samuel Lawrence was elected as Chair by unanimous consent.

VICE CHAIR

NOMINATION: Steven Howard nominated Brian Rinke for the Office of Vice Chair.

Samuel Lawrence called for nominations three (3) times.

Brian Rinke was elected as Vice Chair by unanimous consent.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

MOTION: David Enigl moved, seconded by Brian Rinke, to recommend DSPS staff add IBC Ch. 17 to the agenda for discussion and consideration at a meeting to occur in the first quarter of 2019. Motion carried unanimously.

Updates on Recent Legislation affecting the Commercial Building Code (SPS 361 to 366) and Related Administrative Rule Chapters

2017 Wisconsin Act 330

MOTION: David Enigl moved, seconded by Peter Scheuerman, to request legal counsel clarification on Section 101.12(3c), relating to requested assistance for municipal inspectors. Motion carried unanimously.

2017 Wisconsin Act 331

MOTION: David Enigl moved, seconded by Brian Rinke, to recommend to the Department for possible scope statement to address legislative changes effected by 2017 Wisconsin Act 198, 330, 331, and any other legislation that effects the commercial building code. Motion carried unanimously.

PUBLIC COMMENTS

MOTION: David Enigl moved, seconded by Peter Scheuerman, to request DSPS staff add the topic of uniformity of codes, relating to early start on the next agenda for discussion and consideration. Motion carried unanimously.

MOTION: David Enigl moved, seconded by Peter Scheuerman, to request DSPS staff provide a summary of the regulations concerning “event/wedding barns”.

ADJOURNMENT

MOTION: Brian Rinke moved, seconded by Peter Scheuerman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:57 a.m.



2019 SENATE BILL 400

September 16, 2019 - Introduced by Senators MARKLEIN, KOOYENGA and L. TAYLOR, cosponsored by Representatives NOVAK, HORLACHER, KULP, PLUMER, THIESFELDT, TUSLER and WICHGERS. Referred to Committee on Utilities and Housing.

- 1 **AN ACT** *to create* 101.05 (6) of the statutes; **relating to:** an exception to
2 commercial building code requirements for the installation or operation of a
3 stairway chair lift in a church constructed before 1919.

Analysis by the Legislative Reference Bureau

Subject to certain limitations discussed below, this bill provides an exception to the commercial building code that allows the owner of a church constructed before January 1, 1919, to install and operate a stairway chair lift in the church if all of the following are satisfied:

1. Each floor level connected by the stairway in which the stairway chair lift is installed has at least one other stairway or other type of fire escape that provides safe egress.

2. The installation and operation of the stairway chair lift complies with the requirements under state statutes and rules promulgated by the Department of Safety and Professional Services related to elevators and other conveyances, other than requirements related to a minimum required stairway width.

Under current law, DSPS has general authority to promulgate rules necessary to ensure that public buildings and places of employment are safe. Those rules are commonly called the commercial building code.

The bill also provides that, if the chief of the local fire department or, if the city, village, or town in which the church is located does not have a local fire department, DSPS determines that the installation or operation of a stairway chair lift as allowed under the bill may create an unsafe condition, the chief or DSPS may require the

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to create SPS 314.001 (3) and 361.03 (16), relating to the inspection and testing of fire and smoke dampers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Section 101.02 (1) (b) and (15) (j), Stats.

Explanation of agency authority:

Section 101.02 (1) (b), Stats., provides “[t]he department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings ...”

Section 101.02 (15) (j), Stats., provides “[t]he department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe.”

Related statute or rule:

None.

Plain language analysis:

This proposed rule updates chs. SPS 314 and 361 to 366 to require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments and feedback on the statement of scope and the Department’s responses:

The Department held a public comment period and conducted a public hearing on November 1, 2019. The Department did not receive written comments or testimony concerning the statement of scope.

Comparison with rules in adjacent states:

Illinois: Illinois rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Iowa: Iowa rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Michigan: Michigan rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Minnesota: Minnesota rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Summary of factual data and analytical methodologies:

Current rules require the inspection and testing of fire and smoke dampers to be performed by a qualified person with knowledge and understanding of the operating components of the type of assembly to be tested. The Department has determined that more specific requirements are needed to ensure qualified persons are conducting inspections and testing of fire and smoke dampers. The proposed rule will require the inspection of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. SPS 314.001 (3) is created to read:

SPS 314.001 (3) INSPECTION OF FIRE AND SMOKE DAMPERS. In addition to the other requirements concerning the inspection and testing of fire and smoke dampers under this chapter and chs. SPS 361 to 366, the inspection and testing of fire and smoke dampers shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 2. SPS 361.03 (16) is created to read:

SPS 361.03 (16) INSPECTION OF FIRE AND SMOKE DAMPERS. In addition to the other requirements concerning the inspection and testing of fire and smoke dampers under chs. SPS 314 and 361 to 366, the inspection and testing of fire and smoke dampers shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)



DATE: June 2015 (updated: August 2018)

RE: Use and Occupancy of Repurposed Agriculture Buildings

TO: Owners of Repurposed Agriculture Buildings, Building Designers and Contractors and Municipal Fire and Code Officials

FROM: Wisconsin Department of Safety and Professional Services (DPS)

Over the course of the last few years, there has been a growing interest and desire on the part of many individuals throughout the state that own repurposed agriculture buildings to use these buildings for purposes such as hosting weddings or other public events.

There are many questions about what the Wisconsin Commercial Building Code (Wis. Admin. Code chs. SPS 361-366, hereinafter “Code”) allows for and requires in order for these buildings to be used for nonagricultural purposes. **Note: Other requirements may or may not apply. Please check with your local municipality on other requirements such as zoning, liquor license, etc.**

The following is a series of “If, then” statements designed to educate you as to the various situations that may exist:

- 1.) If a repurposed agriculture building is being used as a public building or place of employment, then the building must be brought into compliance with the Code.
- 2.) If a building owner wishes to use their building for public use or as a place of employment on a temporary basis, then they may pursue getting a temporary use permit from their local municipality as allowed by the Commercial Building and Fire Prevention Codes. (See Wis. Admin. Code §§ SPS 361.03(12) and SPS 314.01(5) for more details.) Municipalities are not required to issue a temporary use permit.
- 3.) If a repurposed agriculture building is only being used for personal use, then the building is not required to become compliant with the Code.
- 4.) If DPS has issued orders¹ against a building, then the municipality may not issue a temporary use permit that would conflict with the Department’s orders. Wis. Stat. § 101.02(7)(a).
- 5.) If a building owner or designer is not able to comply with the Code, then they may petition the Department for a variance to the Code pursuant to Wis. Admin. Code ch. SPS 303. Variances are only granted when the petitioned requirement is offset by an equivalency which meets the intent of the requirement being petitioned. (Click [here](#) to find the variance application.)

¹ Orders include corrective action pursuant to building plan approval as well as corrective action pursuant to building code violations.

- 6.) If a building owner would like to formally sit down with the Department and go through the specific Code requirements, they may e-mail the Department at DspsSbBuildingTech@wi.gov and ask for a preliminary review. (Note: Depending on the complexity of and time required to address your issue, a preliminary review fee may be charged.)