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**COMMERCIAL BUILDING CODE COUNCIL**  
**Room N208, 4822 Madison Yards Way, Madison**  
**Contact: Jon Derenne (608) 266-2112**  
**January 29, 2020**

*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**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1)**
- B. Approval of Minutes from December 18, 2019 (2-3)**
- C. Administrative Matters**
  - 1) Election of Officers
  - 2) Department Updates
- D. Legislative and Administrative Rules Matters – Discussion and Consideration**
  - 1) SPS 314 and 361 Relating to the Inspection and Testing of Fire and Smoke Dampers **(4-6)**
  - 2) Senate Bill 400/Assembly Bill 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 **(7-8)**
  - 3) Plan Review Process and Related Standards for Submissions
  - 4) Pending or Possible Rulemaking Projects
- E. Informational Item Only**
  - 1) Sample Letters Relating to Early Start **(9-12)**
- F. Public Comments**

**ADJOURNMENT**

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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 19, 2019**

**PRESENT:** Jennifer Emberson Acker, Michael Adamavich, Kevin Bierce, William Hebert, Steven Howard, Richard Paur, Brian Rinke

**EXCUSED:** Irina Ragozin

**STAFF:** Jon Derenne, Administrative Rules Coordinator; Randy Dahmen, Engineering Consultant; David Pedersen, Building Inspector-Objective; Kimberly Wood, Program Assistant Supervisor-Adv.

**CALL TO ORDER**

Brian Rinke, Vice Chairperson, called the meeting to order at 11:03 a.m. A quorum was confirmed with seven (7) members present.

**ADOPTION OF AGENDA**

**MOTION:** Richard Paur moved, seconded by Kevin Bierce, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES FOR DECEMBER 20, 2018**

**MOTION:** Steven Howard moved, seconded by Kevin Bierce, to approve the Minutes of December 20, 2018 as published. Motion carried unanimously.

**Election of Officers**

*Chairperson*

**NOMINATION:** Richard Paur nominated himself for the Office of Chairperson.

Jon Derenne, Administrative Rules Coordinator, called for nominations three (3) times.

Richard Paur was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** Richard Paur nominated Brian Rinke for the Office of Vice Chairperson.

Jon Derenne, Administrative Rules Coordinator, called for nominations three (3) times.

Brian Rinke was elected as Vice Chairperson by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Richard Paur
<b>Vice Chairperson</b>	Brian Rinke

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**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**

**MOTION:** Brian Rinke moved, seconded by Jennifer Emberson Acker, to recommend that DSPS work to draft and send a letter to the Legislature regarding SB 400 and 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. Motion carried unanimously.

*(Kevin Bierce was excused at 12:05 p.m.)*

**Uniformity of Codes**

**MOTION:** Richard Paur moved, seconded by Steven Howard, to recommend DSPS provide the documents related to early start for footing and foundation for commercial buildings, and the documents related to an early start permit for sub-grade plumbing for an early start for commercial buildings. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Richard Paur moved, seconded by William Hebert, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:42 p.m.

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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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 19-154)

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PROPOSED ORDER

An order of the Department of Safety and Professional Services to amend SPS 305.627 (1) and 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.

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ANALYSIS

**Statutes interpreted:**

Subchapter I of ch. 101, Stats.

**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 305, 314, and 361 to 366 to require the periodic inspection and testing of fire and smoke dampers required under NFPA 1, NFPA 80, and NFPA 105 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 were 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. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**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.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on January 8, 2020, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. SPS 305.627 (1) is amended to read:

**SPS 305.627 (1) GENERAL.** No person may perform inspections of fire detection, prevention, and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment for the purpose of administering and enforcing chs. SPS 361 to 366 and 375 to 379 unless the person holds a certification issued by the department as a certified fire detection, prevention, and suppression inspector or holds a certification as a commercial building inspector.

SECTION 2. SPS 314.001 (3) is created to read:

**SPS 314.001 (3) INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS.** The periodic inspection and testing of fire and smoke dampers required under NFPA 1, NFPA 80, and NFPA 105 shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 3. SPS 361.03 (16) is created to read:

**SPS 361.03 (16) INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS.** The periodic inspection and testing of fire and smoke dampers required under NFPA 1, NFPA 80, and NFPA 105 shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 4. INITIAL APPLICABILITY. This rule first applies to periodic inspections and testing of fire and smoke dampers conducted on the effective date of this rule.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the 13th month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## 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.

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### *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





Tony Evers, Governor  
Dawn B. Crim, Secretary

December 18, 2019

CUST ID No. 259207

*ATTN: Buildings & Structures Inspector*

KNUTE W VILLAND  
TRANSCEND ARCHITECTS & ENGINEERS  
193 DEWEY ST  
SUN PRAIRIE WI 53590-2321

MUNICIPAL CLERK  
TOWN OF SUN PRAIRIE  
5556 TWIN LANE RD  
MARSHALL WI 53559-9489

**PERMISSION TO START CONSTRUCTION**

**SITE:**

Schonheit Gardens  
3577 Bailey Rd  
Town of Sun Prairie, 53590  
Dane County

**FOR:**

Facility: 795524 SCHONHEIT GARDENS OFFICE  
3577 BAILEY RD  
SUN PRAIRIE 53590

Tenant Name or Addn/Alt Description: Office Addition

Object Type: Building ICC Regulated Object ID No.: 1837338 Code Applies Date: 09/25/19

Revision; Alteration Level: 2; Major Occupancy: Business; Type VB Combustible Unprotected class of construction; Addition-Alteration plan; 2,021 project sq ft; Unsprinklered; Occupancy: B Business; Allowable area determined by: Unseparated Use

Identification Numbers
<b>Transaction ID No. 3292233</b> <b>Site ID No. 860355</b>
Please refer to both identification numbers, above, in all correspondence with the agency.

The Department of Safety & Professional Services has received construction plans for review for the subject project, submitted in accordance with the provisions of SPS 361.32, accompanied by the owner's request to begin construction work on the footings and foundations prior to departmental review and approval.

This letter will serve as the department's permission to the local building officials to allow construction of the footings and foundations only, for the subject project prior to review and approval by this department.

**NO REVIEW OF THE SUBMITTED DOCUMENTS HAS BEEN UNDERTAKEN BY THE DEPARTMENT AT THIS TIME FOR CODE COMPLIANCE.**

In accordance with the provisions of the owner's signed request to begin construction prior to departmental review and approval, the owner will be required to make any changes after the plans have been reviewed, and to remove or replace non-code complying parts of the foundations and/or footings.

Prior to the start of construction, all applicable building permits should be obtained from the local authorities having jurisdiction in accordance with local laws and ordinances. You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. For more information, visit the Department of Natural Resources wetlands identification web page or contact a Department of Natural Resources service center.

**DEPARTMENT CONDITIONS**

1. If this project is in an unsewered area, a sanitary permit must be obtained prior to the issuance of a local building permit.
2. This permission is only for footing and foundation work. Construction of the remainder of the building shall not take place prior to departmental review and conditional approval of the construction plans.

- 3. If this construction project will disturb one or more acres of land, a Water Resources Application for Project Permits (WRAPP) (previously known as the Notice of Intent) shall be filed with the Department of Natural Resources prior to any land-disturbing activities. More information regarding the DNR’s permitting requirements for runoff management for construction sites can be found at the DNR’s website, <http://dnr.wi.gov/topic/stormwater/construction/>
- 4. This “**Permission to Start**” does not include permission to install any underground plumbing, including sanitary/storm sewers, or water or mains. All projects needing submittal per SPS Tables 382.20-1&2 must have complete plumbing plans, application, and fees submitted and approved prior to commencement of any plumbing work.
- 5. A copy of the plans that were submitted to our agency for which this Permission to Start was issued shall be kept on the jobsite with this letter.
- 6. **IBC 1809.4** - Exterior wall and column footings shall be at least 12 inches below grade and shall extend below the frost line of the locality. The designer is cautioned that the actual frost depths for that locality may extend deeper than the footing depths indicated on the submitted plans. Where applicable, the requirements of Section 1809.5 shall also be satisfied.

**IBC 1809.5** - Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- 1. Extending below the frost line of the locality,
- 2. Constructing in accordance with ASCE 32.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead. Please refer to **Transaction ID No. referred to in the regarding line** when making an inquiry or submitting additional information.

Sincerely,

Randall R Dahmen, P.E.  
 Engineering Consultant , Division of Industry Services  
 (608)266-3162 , Mon-fri, 7:00 a.m. - 3:30 p.m.  
 randy.dahmen@wi.gov

Fee Received \$	125.00
WiSMART code: 7648	

cc: David Pedersen, Building Inspector, (608) 669-0372, 7:45 A.M. - 4:30 P.M.  
 Heidi Kuhman, Schonheit Gardens  
 Heidi L Kuhman



October 3, 2019

DEPT. OF SAFETY & PROFESSIONAL SERVICES  
INDUSTRY SERVICES  
1400 E WASHINGTON AVE  
MADISON WI 53703

Re: Description: ALTERNATE APPROVAL  
Manufacturer: DEPT. OF SAFETY & PROFESSIONAL SERVICES  
Product Name: OPTIONAL SERVICE - PERMISSION TO START  
Model Number(s): Trans ID 2954871  
Product File No: 20170175  
eSLA File No. PP-061703578

The specifications and/or plans for this plumbing product have been reviewed and determined to be in compliance with chapters SPS 382 through 384, Wisconsin Administrative Code, and Chapters 145 and 160, Wisconsin Statutes.

The Department hereby issues an alternate approval to s. SPS 382.20(1)(a) & (b) based on the Wisconsin Statutes and the Wisconsin Administrative Code. This approval is valid until the end of June 2022.

This alternate approval is contingent upon compliance with the following stipulation(s):

- This approval permits, in lieu of requirements specified in s. SPS 382.20(1)(a) & (b) Wis. Adm. Code., a building owner may request, and the Department or its authorized representative may grant permission to start the installation of plumbing upon submission of construction documents under s. SPS 382.20(4) and application where a scheduled plan review date is greater than ten (10) business days. The plumbing installations covered under this alternate approval are:
  1. water services;
  2. private water mains;
  3. sanitary sewers;
  4. sanitary private interceptor main sewers;
  5. storm sewer;
  6. storm private interceptor main sewer;
  7. interior underfloor building drain, waste and vent systems;
  8. interior underfloor water distribution systems; and
  9. interior underfloor storm sewers.
- Permission to start will not be granted for:
  - a. stormwater subsurface infiltration; and
  - b. stormwater detention;
- The Department shall review and make a determination on an application for permission to start the installation of plumbing within five (5) business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.
- A building owner who has been granted permission to start plumbing installations may proceed at the owner's own risk without assurance that a conditional approval for the plumbing will be granted. A building owner shall be held responsible for any changes required after plans have been reviewed, and to remove or replace any non-code complying plumbing installations.
- The provisions of s. SPS 382.21 apply.

Department of Safety & Professional Services

June 6, 2017

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Product File No.: 20170175

- This alternate approval does not supersede local permitting.
- The fee for this service shall be assessed per SPS 302.04(1).

The department is in no way endorsing this product or any advertising, and is not responsible for any situation which may result from its use.

Sincerely,

Thomas Braun  
Section Chief Plumbing and Public Swimming Pool Programs  
Department of Safety and Professional Services  
Division of Industry Services  
Bureau of Technical Services  
715-634-5124 **Phone**  
715-634-5150 **Fax**  
[thomas.braun@wisconsin.gov](mailto:thomas.braun@wisconsin.gov) **Email**