



VIRTUAL/TELECONFERENCE
UNIFORM DWELLING CODE COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
August 25, 2022

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

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of April 27, 2021 (4-5)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Staff Introductions
 - 2) Election of Officers
 - 3) Department, Staff and Council Updates
 - 4) Council Members – Term Expiration Dates
 - a. Brunner, Donald – 7/1/2022
 - b. Degnan, Abe – 7/1/2020
 - c. Etrheim, Mark A. – 7/1/2023
 - d. Juarez, Brian – 7/1/2022
 - e. McIntosh, Dawn – 7/1/2022
 - f. Satula, W. Scott – 7/1/2020
 - g. Temme, Virge J. – 7/1/2022
 - h. Wald, Daniel – 7/1/2019
 - i. Wert, Brian E. – 7/1/2023
 - 5) Advisory Council Role and Overview
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Education and Examination Matters – Discussion and Consideration**
 - 1) Wisconsin Statutes Chapter 101.654 as it Relates to Regulation, Industry and Building Safety and Potential Rulemaking **(6-10)** *Update: Pages 9 and 10 replaced*

H. Administrative Rules Matters – Discussion and Consideration

- 1) Discussion of Administrative Rules Process
- 2) Potential Scope Statement for SPS 320 to 325, Wis. Admin. Code, Relating to the Uniform Dwelling Code
- 3) Pending or Possible Rulemaking Projects

I. Public Agenda Request – Discussion and Consideration

- 1) W. Scott Satula, Wisconsin Code Officials Alliance – Request for Side-by-Side Comparison of Uniform Dwelling Code (UDC) and International Residential Code (IRC) **(11-16)**
- 2) Mark Pekarske, Pekarske Builders, Inc. – SPS 321.10 Protection Against Decay and Termites **(17)**

J. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Legislative and Policy Matters
- 9) Administrative Rule Matters
- 10) Council Liaison Training and Appointment of Mentors
- 11) Informational Items
- 12) Division of Legal Services and Compliance (DLSC) Matters
- 13) Motions
- 14) Petitions
- 15) Appearances from Requests Received or Renewed

K. Public Comments

CONVENE TO CLOSED SESSION to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

L. Division of Legal Services and Compliance (DLSC) Matters

- 1) **Review of Building Inspector Complaints**
 - a. 20 COM 092 – T.D. **(18-23)**

M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Council Liaison Training
- 5) Motions
- 6) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dsps.wi.gov>. 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. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
UNIFORM DWELLING CODE COUNCIL
MEETING MINUTES
APRIL 27, 2021**

PRESENT: Donald Brunner, Abe Degnan, Mark Etrheim, Brian Juarez, Dawn McIntosh, W. Scott Satula, Virge Temme, Daniel Wald, Brian Wert

EXCUSED: Joseph Lotegeluaki, Edmund Weaver

STAFF: Christine Poleski, Executive Director, Jameson Whitney, Legal Counsel, Jon Derenne, Legal Counsel; Jack Wotruba, Consultant, Uniform Dwelling-Adv.; Michael McNally, Section Chief, Integrated Services Section; Garry Krause, Bureau Director, Safety and Buildings; Jeremy Kaukl, Consultant, Building Systems Senior; Megan Glaeser, Bureau Assistant; and other Department staff

Christine Poleski, Executive Director, called the meeting to order at 9:00 a.m. A majority was confirmed with nine (9) members present.

ADOPTION OF AGENDA

MOTION: Brian Wert moved, seconded by W. Scott Satula, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 20, 2019

Amendments to the Minutes:

- *Under members present, correct spelling of Abe Degnan*

MOTION: Abe Degnan moved, seconded by Brian Juarez, to adopt the minutes of December 20, 2019 as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Abe Degnan nominated Mark Etrheim for the Office of Chairperson.

NOMINATION: Scott Satula nominated Brian Wert for the Office of Chairperson.

NOMINATION: Brian Wert nominated Brian Juarez for the Office of Chairperson.

Christine Poleski, Executive Director, called for nominations three (3) times.

Brian Wert was elected as Chairperson by majority blind ballot vote.

Vice Chairperson

NOMINATION: Dan Wald nominated Mark Etrheim for the Office of Vice Chairperson.

NOMINATION: Brian Wert nominated Juarez for the Office of Vice Chairperson.

Christine Poleski, Executive Director, called for nominations three (3) times.

Mark Etrheim was elected as Vice Chairperson by majority blind ballot vote.

ELECTION RESULTS	
Chairperson	Brian Wert
Vice Chairperson	Mark Etrheim

ADMINISTRATIVE RULES MATTERS

Discuss and Consult with the Uniform Dwelling Code Council on Preliminary Draft for SPS 320-326, Relating to Legislative Updates to the Uniform Dwelling (one- and Two-Family Dwelling) Code and Manufactured Home Communities

MOTION: Brian Juarez moved, seconded by W. Scott Satula, to recommend that the Department post the preliminary rule draft for economic impact comments and submission to the Clearinghouse as drafted. Motion carried unanimously.

PUBLIC AGENDA REQUEST

Adoption of the International Residential Code as Basis for the Wisconsin Uniform Dwelling Code

MOTION: Brian Wert moved, seconded by Mark Etrheim, to table consideration of recommendations regarding the International Residential Code (IRC) for further research and discussion of relevant provisions of the IRC. Motion carried unanimously.


ADJOURNMENT

MOTION: Donald Brunner moved, seconded by W. Scott Satula, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:16 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 08/15/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Uniform Dwelling Code Council			
4) Meeting Date: 08/25/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Education and Examining Matters – Discussion and Consideration. 1. Wisconsin Statutes Chapter 101.654 as it Relates to Regulation, Industry and Building Safety and Potential Rulemaking	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <i>The changes implemented in 2021 WI Act 237 affect only continuing education and affect only the requirements for the "dwelling contractor qualifier" credential. Requirements for "dwelling contractor" and "dwelling contractor - restricted" credentials are not affected in any way.</i>			
Authorization			
		08/15/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

State of Wisconsin



2021 Assembly Bill 994

Date of enactment: April 8, 2022
Date of publication*: April 9, 2022

2021 WISCONSIN ACT 237

AN ACT to renumber and amend 101.654 (3); to amend 101.654 (1m) (b) 1.; and to create 101.654 (1m) (f), 101.654 (3) (a) 1., 101.654 (3) (a) 2. and 101.654 (3) (a) 3. of the statutes; relating to: certification requirements for building contractors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.654 (1m) (b) 1. of the statutes is amended to read:

101.654 (1m) (b) 1. Completion every 2 years of at least 12 hours of continuing education relevant to the professional area of expertise of the person seeking to obtain a building permit, approved by the department. The hours of continuing education required under this subdivision shall include a total of at least 4 hours of continuing education on construction laws and codes and contracts, liability, and risk management every 2 years.

SECTION 2. 101.654 (1m) (f) of the statutes is created to read:

101.654 (1m) (f) A provider of a continuing education course approved by the department under this subsection shall do all of the following:

1. Submit to the department test questions related to the course.
2. After each occasion that a person completes the course over the Internet, submit to the department verification that the person completed the course and any test related to the course.

SECTION 3. 101.654 (3) of the statutes is renumbered 101.654 (3) (a) (intro.) and amended to read:

101.654 (3) (a) (intro.) Upon receipt of the proof required under sub. (2) and the fee required by rules promulgated under s. 101.63 (2m) all of the following, the department shall issue to the applicant a certificate of financial responsibility:

(b) A certificate of financial responsibility issued under this subsection is valid for one year after the date of issuance, unless sooner suspended or revoked.

SECTION 4. 101.654 (3) (a) 1. of the statutes is created to read:

101.654 (3) (a) 1. The proof required under sub. (2).

SECTION 5. 101.654 (3) (a) 2. of the statutes is created to read:

101.654 (3) (a) 2. The fee required by rules promulgated under s. 101.63 (2m).

SECTION 6. 101.654 (3) (a) 3. of the statutes is created to read:

101.654 (3) (a) 3. Proof of completing at least 12 hours in an educational course approved by the department that satisfies all of the following:

- a. The educational course consists of in-person or online instruction.
- b. The provider of the educational course requires the applicant to show photo identification to register attendance for the course.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

c. The educational course includes instruction on accounting, lien law, ethics, and best business practices.

SECTION 7. Initial applicability.

(1) The renumbering and amendment of s. 101.654 (3) and the creation of s. 101.654 (3) (a) 1., 2., and 3. first apply to an application for a certificate of financial

responsibility received by the department of safety and professional services on the effective date of this subsection.

SECTION 8. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

tices, techniques or measures that the department determines to be effective means of preventing or reducing pollutants of surface water generated from construction sites.

(2) SOIL EROSION PREVENTION RULES. The department shall promulgate rules that establish standards for practices to prevent soil erosion related to the construction of one- and 2-family dwellings, subject to all of the following requirements:

(a) At a minimum, the rules shall require the use of best management practices.

(b) The rules shall require the use of more restrictive or additional practices on an area with a slope that is greater than 12 percent.

(2m) RULES FOR ADMINISTRATION. The department shall promulgate rules for the administration of construction site erosion control under this subchapter by counties, cities, villages and towns, including provisions regarding the issuance of building permits and the collection and distribution of fees.

(4) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted to a county, city, village or town under s. 236.45 may be exercised by it with respect to construction site erosion control regulation if the county, city, village or town has or provides a planning commission or agency.

(5) MUNICIPAL RESPONSIBILITIES; DEPARTMENT REVIEW. (a) Each city, village, town or county that enforces those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion shall do all of the following:

1. Obtain the services of an inspector certified to conduct all inspections related to the soil erosion control standards under this section.

2. Obtain the services of a plan reviewer certified to review all erosion control plans submitted under this section.

3. Review erosion control plans, conduct inspections of erosion control practices and enforce the requirements of this section as provided in s. 101.65 (1) (d).

4. Complete the review of an erosion control plan no later than the 15th working day after the day that the erosion control plan is submitted.

(b) The department shall review the construction site erosion control program for one- and 2-family dwellings of each city, village, town or county that enforces those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion to ascertain compliance with par. (a) and the rules promulgated under this section. This review shall include all of the following:

1. A performance audit of the erosion control program of the county, city, village or town.

2. A written determination by the department, issued every 5 years, of whether or not the county, city, village, or town complies with par. (a).

(6m) REVIEW. The department and the department of natural resources shall enter into a memorandum of agreement that establishes a process for reviewing the standards established under sub. (2), periodically updating those standards and reviewing the training program. The memorandum of understanding shall ensure that local officials and other persons interested in the standards established under sub. (2) and the training program may participate in the process.

(7) ENFORCEMENT; REMEDIES. (a) A county, city, village or town may submit orders to abate violations of those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion to the district attorney, the corporation counsel or the attorney general for enforcement. The district attorney, the corporation counsel or the attorney general may enforce those orders.

(b) The department or a city, village, town or county may issue a special order directing the immediate cessation of work on a one- or 2-family dwelling until the necessary plan approval is

obtained or until the site complies with the rules promulgated under sub. (2).

(8) INAPPLICABILITY. This section does not apply to a construction site that has a land disturbance area that is one acre or more in area.

History: 1991 a. 309; 2013 a. 20; 2017 a. 329.

Cross-reference: See also s. SPS 321.125 and ch. SPS 360, Wis. adm. code.

101.654 Contractor certification; education. (1) (a) Subject to par. (b), no person may obtain a building permit unless the person annually obtains from the department a certificate of financial responsibility showing that the person is in compliance with sub. (2), completes the continuing education requirements described under sub. (1m), and furnishes to the issuer of the permit proof of completion of those continuing education requirements.

(b) Paragraph (a) does not apply to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.

(c) 1. In this paragraph, “license” means an occupational license, as defined in s. 101.02 (1) (a) 2.

2. The continuing education requirements under par. (a) and the rules promulgated by the department under sub. (1m) do not apply to any person who holds a current license issued by the department at the time that the person obtains a building permit if the work the person does under the permit is work for which the person is licensed.

(1m) (a) The department shall promulgate rules establishing continuing education requirements for persons seeking to obtain a building permit under sub. (1) (a).

(b) The rules promulgated under this subsection shall require all of the following:

1. Completion every 2 years of at least 12 hours of continuing education relevant to the professional area of expertise of the person seeking to obtain a building permit, approved by the department. The hours of continuing education required under this subdivision shall include a total of at least 4 hours of continuing education on construction laws and codes and contracts, liability, and risk management every 2 years.

Note: Subd. 1. is shown as amended eff. 11–1–22 by 2021 Wis. Act 237. Prior to 11–1–22 it reads:

1. Completion every 2 years of at least 12 hours of continuing education relevant to the professional area of expertise of the person seeking to obtain a building permit, approved by the department.

2. Attendance at one or more professional meetings or educational seminars designed for both building contractors and building inspectors.

3. For a person who does not hold a certificate of financial responsibility on April 11, 2006, successful completion of an examination developed by the department on the continuing education courses required under this subsection.

(c) The rules promulgated under this subsection may not require a person who holds a certificate of financial responsibility on April 11, 2006, to take an examination on the continuing education courses required under this subsection.

(cm) The rules promulgated under this subsection may not require a person to take continuing education courses, or to take an examination on continuing education courses, that are not relevant to that person’s professional area of expertise.

(d) Subject to the continuing education requirements under pars. (b) and (c), the rules promulgated under par. (a) may specify different continuing education course requirements for persons who hold a certificate of financial responsibility on April 11, 2006, and for persons who do not hold a certificate of financial responsibility on April 11, 2006.

(e) The department may approve continuing education courses that are offered by other states.

(f) A provider of a continuing education course approved by the department under this subsection shall do all of the following:

1. Submit to the department test questions related to the course.
2. After each occasion that a person completes the course over the Internet, submit to the department verification that the person completed the course and any test related to the course.

Note: Par. (f) is created eff. 11–1–22 by 2021 Wis. Act 237.

(2) An applicant for a certificate of financial responsibility shall provide to the satisfaction of the department proof of all of the following:

(a) That the applicant has in force one of the following:

1. A bond endorsed by a surety company authorized to do business in this state of not less than \$5,000, conditioned upon the applicant complying with all applicable provisions of the one- and 2-family dwelling code and any ordinance enacted under s. 101.65 (1) (a).

2. A policy of general liability insurance insuring the applicant in the amount of at least \$250,000 per occurrence because of bodily injury to or death of others or because of damage to the property of others and issued by one of the following:

a. An insurer authorized to do business in this state.

b. An insurer that is eligible to provide insurance as a surplus lines insurer in one or more states.

(b) If the applicant is required under s. 102.28 (2) (a) to have in force a policy of worker's compensation insurance or if the applicant is self-insured in accordance with s. 102.28 (2) (b) or (bm), that the applicant has in force a policy of worker's compensation insurance issued by an insurer authorized to do business in this state or is self-insured in accordance with s. 102.28 (2) (b) or (bm).

(c) If the applicant is required to make state unemployment insurance contributions under ch. 108 or is required to pay federal unemployment compensation taxes under 26 USC 3301 to 3311, that the applicant is making those contributions or paying those taxes as required.

(2m) If an applicant wishes to use a bond under sub. (2) (a) 1. of less than \$25,000 to comply with sub. (2) (a), the applicant shall agree not to perform any work on a dwelling for which the estimated cost of completion is greater than the amount of the bond. The department shall indicate any restriction under this subsection on the certificate of financial responsibility issued under sub. (3).

(3) (a) Upon receipt of all of the following, the department shall issue to the applicant a certificate of financial responsibility:

1. The proof required under sub. (2).

2. The fee required by rules promulgated under s. 101.63 (2m).

3. Proof of completing at least 12 hours in an educational course approved by the department that satisfies all of the following:

a. The educational course consists of in-person or online instruction.

b. The provider of the educational course requires the applicant to show photo identification to register attendance for the course.

c. The educational course includes instruction on accounting, lien law, ethics, and best business practices.

(b) A certificate of financial responsibility issued under this subsection is valid for one year after the date of issuance, unless sooner suspended or revoked.

Note: Sub. (3) is shown as affected eff. 11–1–22 by 2021 Wis. Act 237. Prior to 11–1–22 it reads:

(3) Upon receipt of the proof required under sub. (2) and the fee required by rules promulgated under s. 101.63 (2m), the department shall issue to the applicant a certificate of financial responsibility. A certificate of financial responsibility issued under this subsection is valid for one year after the date of issuance, unless sooner suspended or revoked.

(4) (a) A bond or insurance policy required under sub. (2) may not be canceled by the person insured under the bond or policy or by the surety company or insurer except on 30 days' prior written notice served on the department in person or by 1st class mail or,

if the cancellation is for nonpayment of premiums to the insurer, on 10 days' prior written notice served on the department in person or by 1st class mail. The person insured under the bond or policy shall file with the department proof to the satisfaction of the department of a replacement bond or replacement insurance within the 30-day notice period or 10-day notice period, whichever is applicable, and before the expiration of the bond or policy. The department shall suspend without prior notice or hearing the certificate of financial responsibility of a person who does not file satisfactory proof of a replacement bond or replacement insurance as required by this subsection.

(b) A bond under sub. (2) (a) 1. shall be executed in the name of the state for the benefit of any person who sustains a loss as a result of the person insured under the bond not complying with an applicable provision of the one- and 2-family dwelling code or any ordinance enacted under s. 101.65 (1) (a), except that the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(5) The department may revoke or suspend a certificate of financial responsibility if any of the following apply:

(a) The holder fails to comply with the continuing education requirements specified under subs. (1) and (1m).

(b) The holder engages in the construction of a dwelling without a permit required under this chapter.

(c) The holder is convicted of a crime related to the construction of a dwelling.

(d) The holder has been adjudged bankrupt on 2 or more occasions.

History: 1993 a. 126; 1995 a. 392; 1997 a. 39; 2005 a. 200; 2007 a. 14; 2009 a. 276; 2015 a. 55, 180; 2017 a. 16, 331; 2021 a. 237.

Cross-reference: See also ss. SPS 305.31 and 305.315, Wis. adm. code.

A particular municipal licensure requirement may be preempted if that requirement logically conflicts with, defeats the purpose of, or violates the spirit of state contractor financial responsibility and continuing education requirements. Ordinances requiring local licensure are preempted if they impose on persons seeking a building permit for one- or two-family dwellings greater financial responsibility, education, or examination requirements than required by state law. OAG 6–10.

101.66 Compliance and penalties. **(1)** Except as provided in subs. (1m) and (1r), every builder, designer, and owner shall use building materials, methods, and equipment which are in conformance with the one- and 2-family dwelling code.

(1m) (a) No person may use in a one- or 2-family dwelling load-bearing dimension lumber that has not been tested and approved for conformance as required by the department unless the lumber is approved for use under par. (c) and one of the following applies:

1. The lumber has been milled at the request of the person owning the lumber for use in the construction of the dwelling, and the dwelling will be inhabited by the person owning the lumber.

2. The person milling the lumber sells the lumber directly to a person who will inhabit the dwelling or to a person acting on his or her behalf and for whom a building permit has been issued for the dwelling.

(b) The lumber shall be milled so that it meets or exceeds the requirements of the one- and 2-family dwelling code. The person milling the lumber shall provide to the person receiving the lumber a written certification that the lumber meets or exceeds these requirements. The department shall design and provide forms for this purpose.

(bn) A person may not provide a written certification under par. (b) unless the person has been issued a certificate of accomplishment evidencing certification or recertification under the lumber grading training program under s. 36.25 (48) and the person has received the certificate within the 5 years before providing the written certification. The person shall attach to the written certification a copy of his or her certificate of accomplishment.

(c) Upon receipt of a copy of the certification required under par. (b) an inspector who is certified under sub. (2) may either authorize the use of the lumber, reject the use of the lumber, or authorize its use subject to more restrictive construction require-



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the "[Suggest an Agenda Item](#)" page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed "Public Agenda Request" form and send.

First Name: W. Scott

Last Name: Satula

Association/Organization: Wisconsin Code Officials Alliance

Subject: Initiate a side-by-side comparison of the Uniform Dwelling Code (UDC) and International Residential Code (IRC) as a follow-up to the attached Public Agenda Request considered by the Uniform Dwelling Code Council on 4/27/21.

Issue to Address:

See attachment.



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the “[Suggest an Agenda Item](#)” page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed “Public Agenda Request” form and send.

First Name: Robert

Last Name: DuPont

Association/Organization: Alliance for Regulatory Coordination, 418 Blue Moon Drive, Verona, WI 53593 robertgdupont@gmail.com 608-712-2398

Subject: Adoption of the International Residential Code as the basis for the Wisconsin UDC

Issue to Address:

The Alliance for Regulatory Coordination is advocating for adoption of the International Residential Code (IRC) as the basis for the Wisconsin Uniform Dwelling Code (UDC). We believe there are many compelling reasons for adoption, including direction found in State Statutes. Included below are three ARC white papers that explain and support adoption of the IRC in Wisconsin.

Since 2001, the Wisconsin Commercial Building Code has been based on the International Building Code (IBC), a companion to the IRC. ARC members believe that IRC adoption will afford Wisconsin the same benefits achieved from adopting the IBC; namely – safer buildings achieved at less cost to the DSPS and ultimately to the citizens of Wisconsin.

We recognize that consideration of the IRC will involve fire safety aspects of construction as well as coordination between the UDC and other DSPS codes. As a result, we have reached consensus on the following recommendations pertaining to those matters.

The ARC recommends that any review or consideration pertaining to Wisconsin adopting the IRC as the basis of the UDC include efforts to advance fire safety for home occupants, visitors and emergency first responders. Those efforts should include the following.

1. Take into account that, under Wisconsin Statutes, the legislative Joint Committee for Review of Administrative Rules has grounds to object to any UDC code change proposal that would increase the cost of a new or remodeled home by more than \$1000.

2. Ensure that, at a minimum, the IRC requirements for sprinklers and fire protection for light frame wood floor assemblies are clearly codified within the UDC as design options, with building design trade-offs, or use limitations, put into place for new or remodeled homes not provided with sprinklers or fire protection for light frame wood floor assemblies.
3. Ensure that allowances in the IRC – that are premised on the installation of sprinklers, or the installation of fire protection for light frame wood floor assemblies – are not included in the UDC for new or remodeled homes built without sprinklers or fire protection for light frame wood floor assemblies.

The ARC recommends that any review or consideration pertaining to Wisconsin adopting the IRC as the basis of the UDC include efforts to coordinate the UDC with the Wisconsin Plumbing Code and Electrical Code. Those efforts should include the following:

- listing both the Wisconsin Plumbing Code and Electrical Code in the project Scope Statement;
- involving both the Plumbing Code Committee and the Electrical Code Committee in the IRC review and consideration process;
- coordinating the requirements of the IRC/UDC with the plumbing and electrical codes; and
- placing code requirements pertaining to plumbing and electrical systems into those respective Wisconsin codes.

We welcome any opportunity to discuss this idea with Department staff and the UDC Council.

Wisconsin Should Adopt the International Residential Code

The Most Feasible Option

March 16, 2021

In 1976, the Wisconsin State Legislature, and Governor Patrick J. Lucey, enacted Chapter 404, Laws of 1975, which directed creation of the Wisconsin One- and Two-Family Dwelling Code and Wisconsin Modular Home Code.

The stated purpose of those actions was to establish statewide construction standards and inspection procedures for one- and 2-family dwellings, and for the manufacture and installation of modular homes, and to promote interstate uniformity in construction standards.

Chapter 404, Laws of 1975, provides direction to the Department of Safety and Professional Services to utilize model codes, such as the IRC, where feasible. That direction is found in Sections 101.63 and 101.73, Wisconsin Statutes, concerning the dwelling code and modular home code, respectively. Both of those sections read in part: “Where feasible, the standards used shall be those nationally recognized...” [Emphasis added.]

The Alliance for Regulatory Coordination (ARC) believes that adoption of the International Residential Code (IRC) as the foundation for the Wisconsin Uniform Dwelling Code is feasible. In fact, the ARC believes the IRC is the most feasible option available to Wisconsin.

The Wisconsin Uniform Dwelling Code (UDC) has historically been a “home grown” code written by state employees with input from the Uniform Dwelling Code Council, a statutorily created 11-member council generally made up of persons involved in dwelling design, construction and regulatory services.

Updating a home-grown code is resource intensive for the DSPS and the UDC Council. The last comprehensive update of the UDC, effective January 1, 2016, took 20 months, and an estimated 800 hours of staff time to develop.

The IRC is a nationally recognized model code developed by the International Code Council. It is updated every three years with the input of national experts in building design, materials, and regulatory services from across the nation.

Within the United States, the IRC is in use or adopted in 49 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands. The IRC is adopted for statewide application by the states of Michigan and Minnesota. Iowa has adopted the IRC for state owned and rented residential buildings, and 62 Iowa communities, including the City of Dubuque, have adopted the IRC. In Illinois, 355 communities, including the City of Rockford, have adopted the IRC.

Wisconsin stands alone as the only U.S. state in which the IRC is not in use or adopted. This is in stark contrast to the stated purpose of Chapter 404, Laws of 1975 – to promote interstate uniformity in construction standards for homes.

The ARC believes current widespread use of the IRC throughout the country proves its feasibility and its utility in promoting interstate uniformity in construction standards. Adoption of the IRC is the most feasible option available to promote safety of Wisconsin residents while saving time and money associated with code development.

The International Residential Code

The preferred model code for new homes in the United States

March 16, 2021

Use and Development

The International Residential Code (IRC) is in use or adopted in 49 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands. Developed and maintained by the International Code Council (ICC), with input from experts in safety, building design, construction, materials, and regulatory services, the IRC promotes building safety without stifling economic development or the use of innovative products.

The IRC code development process is open and transparent, assuring that all impacted stakeholders can participate. Anyone can propose a change to the IRC. Those changes are considered during a three-year update cycle that relies on expertise from the building industry. Changes are initially reviewed in a public forum with stakeholder debate by code development committees. The IRC provisions are heard by one of three committees made up of homebuilders, designers, manufacturers, code officials, public safety advocates, and other stakeholders. Recommendations from the committees are then presented to ICC governmental members (again in a public forum with opportunities for stakeholder debate) for their vote on the final content of the next edition of the IRC. Governmental member votes are captured both in person and online through cdpACCESS allowing the participation of public safety officials from across the country. Through this open consensus process, the IRC provides a cost effective and efficient approach to achieving building safety.

History and Legacy

The ICC was formed in 1994, and officially incorporated in 2003, by three legacy organizations; the Building Officials and Code Administrators International, Inc., (BOCA), the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International, Inc. (SBCCI).

Formation of the ICC was not the first time these organizations collaborated to address matters of common concern. In 1972, they formed the Council of American Building Officials (CABO). One of the first joint code-writing efforts resulted in the CABO One-and Two-Family Dwelling Code. By the mid-1990s that CABO code was the most widely used model dwelling code in the United States.

But the legacy of the IRC goes back many years before the first CABO code. Long before 1972, each ICC legacy organization had established standards and traditions of excellence – which today are continued by the ICC.

Founded in 1915, BOCA International, was the first model building code association in the United States. ICBO was formed in 1922, and 1941 saw the formation of the SBCCI.

The Alliance for Regulatory Coordination believes that Wisconsin should adopt the IRC to benefit from its ongoing tradition of excellence – a tradition that began over 100 years ago.

Model Code Adoption in Wisconsin

The History and Process

March 16, 2021

The Alliance for Regulatory Coordination supports adoption of the International Residential Code (IRC) as the foundation of the Wisconsin Uniform Dwelling Code. We believe IRC adoption will promote the safety of Wisconsin residents while saving time and money associated with code development.

Wisconsin's History of Model Code Adoption

On July 1, 2002, the Wisconsin Commercial Building Code first adopted by reference, four companion codes to the IRC – the International Building Code, the International Energy Conservation Code, the International Fuel Gas Code and the International Mechanical Code. All developed by the International Code Council.

Prior to adoption of the ICC model codes, Wisconsin had written its own Commercial Building Code from the ground up; a practice started in 1913 – before model codes existed.

Although switching from a Wisconsin - grown Commercial Building Code, to adoption of ICC codes was a significant change for Wisconsin, it was not the first time Wisconsin utilized the expertise and national consensus reflected in national model codes and standards.

Wisconsin has a long history of adopting model codes as the foundation of state building safety codes; adopting various types and editions of model codes for more than 60 years.

Since 1957, the National Boiler Code, developed by the American Society of Mechanical Engineers (ASME), has been the foundation of the Wisconsin Boiler and Pressure Vessel Code.

Since 1972, the National Electrical Code, developed by the National Fire Protection Association (NFPA), has been the foundation of the Wisconsin Electrical Code. And since 1983, the ASME National Elevator Code has been the foundation of the Wisconsin Elevator Code.

Model Code Adoption Process

For over 60 years, these model code adoptions have been guided by input from Wisconsin subject matter experts on dozens of advisory code committees, councils and work groups. Model codes are just what the name implies – they are models to be used by state and local governments as the starting point in code development efforts.

Wisconsin has a long history of amending model code language as the result of citizen concerns or applicable state law. In those instances, the amended language is applied in Wisconsin – not the unamended model code language.

Due to the high quality of national model codes, Wisconsin amendments have been relatively few. For the most part, advisory committee, council, and work group members, have found model codes to be well organized and written, with sound basis and reasonable requirements.

The ARC believes that will also be the case with the IRC. We encourage Wisconsin to maintain its more than 60-year tradition of model code adoption by next adopting the International Residential Code as the foundation of the Wisconsin Uniform Dwelling Code.

The Alliance for Regulatory Coordination is a consortium of 23 organizations involved in building design, construction and regulatory services. Alliance membership consists of business, labor, advocacy, professional and governmental groups; numbering thousands of members, all committed to promoting more coordinated and efficient regulatory services for citizens and businesses of Wisconsin. Learn more about the Alliance at www.4ARC.org.



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the "[Suggest an Agenda Item](#)" page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed "Public Agenda Request" form and send.

First Name: Mark

Last Name: Pekarske

Association/Organization: Pekarske Builders Inc.

Subject: SPS 321.10 Protection against decay and termites

Issue to Address:

Treated lumber used for:

(h) Bottom plates or sole plates of walls that rest on concrete or masonry and that are below exterior grade or less than 8 inches above final exterior grade.

We build new home and remodel existing homes for over 25 years. I believe there is no need in the code to require treated lumber for the bottom plate of any non-load-bearing wall below grade. If the foundation has a vapor barrier, crushed rock, and sump pit, why does the code require pressure treated lumber? Where is the moisture coming from to cause decay?

Treated lumber cost much more than standard lumber, it is wet with treatment, it is caustic to fasteners, and is dimensionally larger than standard lumber until dry in a couple of months.

If the foundation and basement floor is wet, there is a failure with landscaping or sump pump failure. Requiring treated lumber for the bottom plate or sole plate is a Band-Aid for other problems. It is not a solution to the problem.