



2013 WI Act 270 – Uniform Commercial Building Code FAQ's

In 2014 the Legislature passed and Governor Scott Walker signed into law 2013 WI Act 270 which created a uniform commercial building code. Below is a list of frequently asked questions on this new law.

1. **What DSPS building codes are now uniform in the state of Wisconsin as a result of Act 270?**
 - a. SPS 361-366 – Commercial Buildings
 - b. SPS 316 – Electrical (Became uniform as a result of 2015 WI Act 55 which is the 2015-2017 Budget Bill)
 - c. SPS 318 – Elevators
 - d. SPS 340 – Gas systems (If they are located in or part of a commercial building)
 - e. SPS 341 – Boilers and Pressure Vessels
 - f. SPS 345 – Mechanical Refrigeration

2. **Did Act 270 affect the Uniform Dwelling Code or Plumbing Code which were already uniform across the state?**

No, Act 270 did not affect the UDC or Plumbing Codes. They are still uniform.

3. **Are there exceptions to the uniformity of the commercial building code?**

Yes, Act 270 allowed municipalities to submit preexisting fire detection, prevention or suppression ordinances to the department to be grandfathered. For a complete list of grandfathered ordinances, click [here](#).

4. **Can a municipality make changes to an ordinance that was grandfathered under Act 270?**

Yes, see 101.02(7r)(c).

[101.02\(7r\)\(c\)](#) (c) A town, village, or city may amend an ordinance that is enforceable under par. (b) if all of the following apply:

1. The amendment will not broaden the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.
2. The amendment will not change the specific subject matter regulated by the ordinance.
3. The town, village, or city submits a copy of the enacted amendment to the department at least 120 days before the effective date of the amendment.
4. The town, village, or city publishes the enacted amendment in the manner required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date of the amendment.

Amended ordinances should be sent to DSPSPolicyDevelopment@wisconsin.gov.

5. **What about the State Fire Maintenance Code in SPS 314?**

SPS 314 is the fire maintenance code and is not intended to be used as a design standard. Therefore the State Fire Maintenance Code in SPS 314 is not uniform.

6. **What municipal ordinances were in effect during the time the Department was reviewing ordinances submitted for grandfathering?**

Ordinances that were pending grandfathering review were not in effect or enforceable. Ordinances which adopted the state commercial building code for purposes of delegated plan review or inspection were enforceable.

7. **What is the effective date of the Uniform code?**

April 18, 2014. Grandfathered municipal ordinances took effect on January 26, 2015.

8. **Who enforces the municipal ordinances that were grandfathered under Act 270?**

Pursuant to 101.02(7r)(b) the municipality in which the ordinance was grandfathered is responsible for the enforcement of the grandfathered ordinance.

9. **If a local ordinance required additional smoke detection on an existing building, and that local ordinance was not grandfathered under Act 270, is the building still required to be maintained based on the old ordinance?**

Yes, see SPS 361.(13)(a)

Unless otherwise specifically stated in this code, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code provisions that applied when the building, structure, element, system, or component was constructed, or altered, except when required by subsequent editions of the building code.

10. **Who is authorized to make inspections that relate to constructing, altering or adding to commercial buildings?**

Pursuant to 101.12(4)(a) only a licensed Commercial Building Inspector is permitted to perform inspections that relate to constructing, altering or adding to commercial buildings.

11. **Can a licensed UDC inspector make inspections on commercial building projects?**

Yes, but only if he/she holds a current Commercial Building Inspector license issued by DSPS.

12. **Can a Fire Chief or Fire Inspector make inspections that relate to constructing, altering or adding to commercial buildings?**

Yes, but only if he/she holds a current Commercial Building Inspector license issued by DSPS.

13. **Was there a new Fire Suppression, Detection and Prevention Inspector credential created with Act 270?**

Yes, pursuant to 101.14(4r) the department is currently working on creating a Fire Detection, Prevention and Suppression Inspector credential.

101.14(4r)

(b) A 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 only if he or she has received certification as an inspector from the department.

14. When will the Fire Suppression, Detection and Prevention Inspector credential be available for people to apply for and obtain?

Pursuant to Act 270, there was a three-year delayed effective date for this new credential. This credential will become available for new applicants no later than the spring of 2017, and possibly sooner depending upon how quickly it can be added into the administrative code.

15. Can 2nd class cities that have been delegated by DSPS to do plan review and inspections issue their own variances on commercial code requirements?

Yes, pursuant to State Statute 101.12(3m)(d) 2nd class cities that have been delegated by DSPS to perform plan reviews or inspections may issue petitions for variance. 101.12(3)(bq) states that variance must be reviewed and decided in a manner approved by the department. Click [here](#) to find a copy of the Department's variance application.

16. What are the requirements to be considered a 2nd class city?

Pursuant to State Statute 62.05:

s. 62.05 Classes of cities.

(1) Cities shall be divided into 4 classes for administration and the exercise of corporate powers as follows:

(a) Cities of 150,000 population and over shall constitute 1st class cities.

(b) Cities of 39,000 and less than 150,000 population shall constitute 2nd class cities.

(c) Cities of 10,000 and less than 39,000 population shall constitute 3rd class cities.

(d) Cities of less than 10,000 population shall constitute 4th class cities.

(2) Population of cities shall be determined by the last federal census, including a special federal census taken of such city, except in newly incorporated cities when a census is taken as provided by law. Cities shall pass from one class to another when such census shows that the change in population so requires, when provisions for any necessary changes in government are duly made, and when a proclamation of the mayor, declaring the fact, is published according to law.

17. Are administrative functions like number of plan sets, fees, plan review and inspection processing times all part of the new uniform code?

No, the newly created uniformity only applies to design and construction standards and does not apply to administrative requirements.

18. Can a municipality require a duplicative or additional plan review after plans have been conditionally approved by DSPS?

Yes, the newly created uniformity only applies to design and construction standards and does not apply to administrative requirements.

19. Can a municipality that has been delegated by DSPS to do plan review require seals and signatures on plan submittals for projects < 50,000 cubic feet?

No, pursuant to State Statute 443.15, seals and signatures cannot be required on plans for buildings less than 50,000 cubic feet total volume. SPS 361.31(1) adopts 443 into the commercial building code. SPS 361.60 requires a municipality to adopt the commercial building code in its entirety. As a result, a delegated municipality is bound by 443 in the administration of the commercial building code and cannot require seals and signatures for projects less than 50,000 cubic feet, unless done by an individual licensed under 443.