

Wisconsin Administrative Code

DEPARTMENT OF COMMERCE

Chapter Comm 70 HISTORIC BUILDINGS

DEPARTMENT OF COMMERCE

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INTRODUCTION

Purpose and Structure

The Legislature, by s. 35.93 and ch. 227, Stats., directed the publication of the rules of executive agencies having rule-making authority in a loose-leaf, continual revision system known as the Wisconsin Administrative Code. The Code is kept current by means of new and replacement pages. The pages are issued monthly, together with notices of hearings, notices of proposed rules, notices of emergency rules, instructions for insertion of new material, and other information relating to administrative rules and the administrative rulemaking process. This service is called the Wisconsin Administrative Register, and comes to the subscriber near the middle and at the end of each month. Code pages are issued to subscribers only with the end of the month Register. The editing and publishing of the Register and Code is done by the Revisor of Statutes Bureau, Suite 800, 131 W. Wilson St., Madison, Wisconsin, 53703. E-mail-gary.poulson@legis.state.wi.us Telephone (608-266-7275).

Availability

The complete code and the upkeep service are distributed to the county law libraries; to the libraries of the University of Wisconsin Law School and Marquette University Law School; to the State Historical Society; to the Legislative Reference Bureau and to the State Law Library, and to certain designated public libraries throughout the state.

The sale and distribution of the printed Register, Code and of its parts is handled by Department of Administration, Document Sales, P.O. Box 7840, Madison, Wisconsin 53707. (608-266-3358 information) (1-800-362-7253 or 608 264-9419 charge card orders).

The entire Code and Registers from January, 1996, can be found on the WisLaw® CD-ROM. End-user license and subscription order forms are available from Document Sales and Distribution.

The Code and Register can also be found on the internet at www.legis.state.wi.us/rsb

Arrangement and Table of Contents

The Code is arranged in the complete set alphabetically by agency. Certain descriptors such as "Department" and "Wisconsin" are ignored for arrangement purposes. Several agencies further subdivide their rules either by program e.g. Department of Commerce - Plumbing or by division within the agency e.g. Department of Health & Family Services - Health, chs. HFS 110-. These Codes are arranged in numerical order within the appropriate alphabetical arrangement for the agency.

Each agency adopts a prefix to identify their rules. For example, the Department of Natural Resources uses "NR" before each chapter number.

Each Code with more than one chapter will have a table of chapters. After the title of each chapter will be the page numbers on which the chapter begins. Each chapter will have a table of sections.

History Notes

Each page of the Code as it was originally filed and printed pursuant to the 1955 legislation, had a date line "1-2-56". A rule which is revised or created subsequent to the original printing date is followed by a history note indicating the date and number of the Register in which it was published and the date on which the revision or creation of the rule became effective. Additions to a section's history note will be shown in bold face when those affected code sections are first released. The absence of a history note at the end of a section indicates that the rule has remained unchanged since the original printing in 1956. The date line at the bottom of the page indicates the month in which the page was released, but does not necessarily mean a substantive change has occurred on that page. Some common abbreviations used in the history notes are: cr. - created, am. - amend, r. - repeal, recr. - recreate, renum. - renumber, eff. - effective and emerg. - emergency.

In some instances an *entire* chapter has been repealed and recreated or renumbered subsequent to the original printing date. When this occurs a note has been placed at the beginning of the chapter after the table of sections to contain this information. A separate history note appears after each section indicating the date when the revision or creation became effective.

Beginning July 2001, history notes will indicate the Clearinghouse Rule number associated with a rule revision. The Clearinghouse Rule number is assigned by the Legislative Council Rules Clearinghouse to a proposed rule near the start of the rulemaking process. This number is portrayed in a history note as, for example, the following: **CR 01-041**. The first 2 numbers indicate the year the rule proposal was initiated and the last 3 numbers refer to a sequential numbering of proposals as the rule proposals are received by the Legislative Council during the course of the year.

Emergency Rules

The Legislature has granted state agencies the authority to enact rules without using the normal rule-making process by publishing those rules in the official state newspaper. To justify the use of the emergency rule process, an agency must find that the preservation of the public peace, health, safety or welfare will be jeopardized without the emergency rule. Readers should review the current Wisconsin Administrative Register to see if a particular published rule is also affected by an emergency rule. Most emergency rules are eventually adopted as permanent rules and published in the Code.

Index

The index for the complete Wisconsin Administrative Code will be found in the last volume of the complete set. It will be recompiled, reprinted and distributed at least 3 times a year. Some Codes have a separate index prepared by the agency involved. Agency prepared indexes tend to be more comprehensive than the general index prepared by the Revisor of Statutes. See the Uniform Dwelling Code (chs. Comm 20-25) as an example.

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Note: Chapter ILHR 70 as it existed on January 31, 1998 was renumbered Chapter Comm 70 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1998, No. 505. Chapter Comm 70 as it existed on December 31, 2004, was repealed and a new chapter Comm 70 was created, Register December 2004 No. 588, effective January 1, 2005.

Note: The first commercial building code was effective on October 15, 1914. Chapters Comm 75 to 79, existing buildings code, may be used for buildings constructed prior to October 15, 1914.

Subchapter I — Scope and Application

Comm 70.01 Purpose of code. Pursuant to s. 101.121, Stats., this chapter provides elective design and construction alternatives when repairing, altering, or changing the occupancy of buildings or structures designated as qualified historic buildings, or converting qualified historic buildings to be used as public buildings or places of employment. The alternative requirements are intended to facilitate the restoration of historic buildings so as to preserve their historic fabric or restored architectural elements and features, to encourage energy conservation, to permit a cost-effective approach to preservation and restoration and to provide for the health, safety and welfare of occupants and visitors in historic buildings.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.02 Scope. (1) GENERAL. This chapter applies to a qualified historic building or a portion of qualified historic buildings used as a public building or a place of employment, except as provided in sub. (2).

(2) NON-APPLICABLE BUILDINGS. Compliance with this chapter may not be elected for any of the following:

- (a) Group I institutional occupancies.
- (b) Group E educational occupancies.
- (c) Group R-4 residential occupancies.
- (d) New buildings or structures constructed in a historic district.
- (e) New additions to qualified historic buildings.
- (f) Buildings exempt from the prevailing code specified in s. Comm 61.02 (3).

Note: See IBC chapter 3 for occupancy designations.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.03 Application. (1) RETROACTIVITY. This chapter does not apply retroactively to a qualified historic building unless specifically stated in an administrative rule.

(2) ELECTION AND APPLICATION. (a) Repairs. When repairs are made to a qualified historic building, the applicable code in effect at the time of the original construction shall be applied to the repair.

(b) Alterations. 1. Except as specified in subd. 2., an alteration to a qualified historic building shall comply with the prevailing code.

2. This chapter may be applied when an alteration affects elements, features or spaces that are specifically addressed in this chapter.

(c) Change of occupancy. When a change of occupancy occurs in a qualified historic building or portion of a qualified historic building, this chapter or the prevailing code shall be applied to the building.

(d) Exhibit buildings. When a qualified historic building is changed to an exhibit building, subch. VI or the prevailing code shall be applied.

(3) IMPACT OF OTHER CODES. When compliance to this chapter is elected, the provision of any other building code, including any county or municipal building code, or of any other local ordinance or regulation does not apply, if that provision concerns a matter dealt with in this chapter.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.04 Verification of historic status. When an owner of a qualified historic building elects to be subject to the requirements in this chapter, a verification of historic status form shall be completed and submitted with the plans and specifications to the department or an authorized representative for review. The state historic preservation officer or an authorized municipal official shall sign the verification of historic status form verifying the building complies as a qualified historic building.

Note: Copies of the verification of historic status form, SBD 7728, are available at no charge from the Safety and Buildings Division, P.O. Box 7162, Madison, WI 53707-7162, or telephone (608) 266-3151 and TTY (608) 264-8777, or at the Safety and Buildings' web site at www.commerce.wi.gov.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Subchapter II — Administration and Enforcement

Comm 70.07 Plan review. (1) ALTERATION OR CHANGE OF OCCUPANCY. Except as specified in sub. (2) and (3), before a qualified historic building undergoes an alteration or change of occupancy, plans and specifications shall be submitted to the department or an authorized representative as specified in ss. Comm 61.30.

(2) EXHIBIT BUILDINGS. When a qualified historic building is changed to an exhibit building as specified in subch. VI and the

building is not altered, plans and specifications are not required to be submitted to the department or an authorized representative as specified in s. Comm 61.30.

(3) **EXPIRATION OF PLAN APPROVAL.** Plan approval by the department or its authorized representative for interior building alterations shall expire 2 years after the approval date indicated on the approved building plans if the alteration work is not completed within those 2 years.

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.08 Supervision and inspection.

(1) **SUPERVISION.** The proposed construction of a project within the scope of this chapter shall comply with the supervision requirements specified in s. Comm 61.50.

(2) **INSPECTION.** On-site inspections shall be conducted as specified in s. Comm 61.51.

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.09 Fees. (1) **DEPARTMENT FEES.** Fees for plan examination and inspection, as specified in s. Comm 2.31 shall be submitted to the department with the appropriate completed application form, plans and specifications.

(2) **MUNICIPAL FEES.** Municipalities providing plan examination and inspection services as agents of the department shall comply with subch. VI of ch. Comm 61.

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.10 Petition for variance. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter Comm 3 requires the department to process petitions on requirements contained in chapter Comm 70 within 10 business days.

Note: The petition for variance form, SBD 9890, required in this chapter is available from the Safety and Buildings Division at P.O. Box 7162, Madison, WI 53707-7162, or at telephone (608) 266-3151 and (608) 264-8777 (TTY), or at the Safety and Buildings' web site at www.commerce.wi.gov.

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.11 Penalties. Penalties for violations shall be assessed in accordance with s. 101.02 (12) and (13) (a), Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department constitutes a separate and distinct violation of such order.

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Subchapter III — Definitions

Comm 70.17 Definitions.

In this chapter:

(1) "Accessible" means capable of being reached without undesired removal or alteration of any part or parts of the permanent structure finish material or paved sidewalk or driveway, which would cause damage to historic fabric of the building.

(2) "Alter" or "alteration" includes any physical construction or renovation to an existing building other than repair or addition.

(3) "Authorized representative" means any certified municipality or county as specified in s. Comm 61.60, and any appointed agent as specified in s. Comm 61.61.

(4) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

(5) "Certified municipal register of historic property" means a register of historic property which is part of an historic preserva-

tion ordinance promulgated by a city, village, town or county if the ordinance is certified by the state historical society under s. 44.44, Stats.

(6) "Change of occupancy" includes a change in the purpose or level of activity within a building that involves a change in application of the requirements of the prevailing code.

(7) "Department" means the department of commerce.

(8) "Exhibit building" means a qualified historic building that is open to the general public only for display or tours.

(9) "Historic fabric" includes the existing materials, and portions of the building still intact when exposed or as they appeared and were used in the past.

(10) "IBC" means the *International Building Code*®.

(11) "National register of historic places in Wisconsin" means the places in Wisconsin that are listed on the national register of historic places maintained by the U.S. department of the interior.

(12) "Occupancy" means the purpose for which a building or structure is used or intended to be used as regulated in the prevailing code.

(13) "Prevailing code" means the current edition of chs. Comm 61 to 65, the Wisconsin Commercial Building Code.

Note: The Wisconsin Commercial Building Code, chs Comm 61 to 65, adopts by reference the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC). Comm 14, Fire Prevention Code, may have rules that may affect the maintenance and use of a qualified historic building.

(14) "Qualified historic building" has the meaning given in s. 101.121 (2) (c), Stats.

Note: Under section 101.121 (2) (c), Stats., "qualified historic building" means a historic building which:

1. Is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places;

2. Is included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district;

2m. Is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places;

3. Is listed on a certified local register of historic property; or

4. Is included in a district, which is listed on a certified local register of historic property, and has been determined by the city, village, town or county to contribute to the historic significance of the district.

Note: See s. 44.63, Stats., for criteria of significance for buildings to be considered for placement on the state register of historic places.

(15) "Repair" includes the replacement, cleanup, rebuilding or renewing of any portion of a qualified historic building for the purpose of its maintenance.

(16) "Seasonal use building" means a building that is only open from May 15 to September 15.

(17) "Thermal resistance" means a measure of the ability of materials to retard the transfer of heat.

Note: The higher R-value of a material, the more difficult it is for heat to flow through the material.

(18) "Thermal performance" means the design heat loss, excluding infiltration and ventilation, through above-grade gross walls and roof and attic assemblies facing the conditioned interior.

(19) "Vapor barrier" means a material, including paint, with a vapor transmission rate less than 1.00 perm.

(20) "Work area" includes that portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work associated with the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this code.

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Subchapter IV — Building Evaluation Method

Comm 70.20 Scope and application. This subchapter provides an alternative method for determining code compliance for an alteration or change of occupancy within a qualified historic

building. When the building evaluation method is used, the method shall be applied to the entire qualified historic building to determine compliance.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.21 Building evaluation method. (1) GENERAL. The building evaluation method evaluates the degree of life safety of a qualified historic building by comparing the 17 building safety parameters specified under s. Comm 70.22 with the requirements of the prevailing code. The degree of life safety shall be measured in terms of fire safety, means of egress and general safety in accordance with all of the following:

(a) *Fire safety.* The category of fire safety includes the building safety parameters affecting the structural fire resistance, automatic fire detection, fire alarm, and fire suppression features of a qualified historic building.

(b) *Means of egress.* The category of means of egress includes those building safety parameters affecting evacuation from a qualified historic building.

(c) *General safety.* The category of general safety includes all of the building safety parameters under fire safety and means of egress.

(2) DETERMINING NUMERICAL VALUES. A single numerical value shall be determined for each of the building safety parameters specified under s. Comm 70.22. After a numerical value has been determined for a building safety parameter, that value shall be entered for each of the applicable life safety categories in the corresponding row in Table 70.23. The values shall be entered in accordance with all of the following:

(a) A numerical value may not be interpolated and, except for zero, shall be listed with a positive or negative sign.

(b) When a building parameter does not apply, a value of zero shall be assigned.

(3) BUILDING SAFETY SCORE. (a) *Numerical values.* The numerical values entered in Table 70.23 shall be algebraically totaled within each life safety column, and the total shall be listed as a safety score under each column.

(b) *Total safety score.* 1. Where the total safety score in each life safety column is equal to or greater than zero, the qualified historic building is in compliance with this chapter.

2. When the total safety score in any of the life safety columns is less than zero, the building is not in compliance with this chapter, for the proposed alteration or change of occupancy. Additional safety measures may be proposed by the owner to bring any negative total safety score to a value which is equal to or greater than zero.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.22 Building safety parameters. A qualified historic building shall be evaluated in accordance with the building safety parameters specified in subs. (1) to (17).

(1) NUMBER OF STORIES. The allowable number of stories shall be determined in accordance with the prevailing code. The allowable height will not be evaluated as specified in IBC Table 503. A single numerical value for the number of stories of the building shall be established from Table 70.22-1.

Note: See IBC chapter 6 as adopted in the prevailing code for types of construction requirements.

Note: See s. Comm 62.0500 and IBC chapter 5 as adopted in the prevailing code for allowable number of stories.

Table 70.22-1
Number of Stories

Number of Stories	Numerical Value (per story)
Each story above the maximum number of stories allowed	-5
Building is at the maximum number of stories under the prevailing code	0
Each story below the maximum number of stories	+5 (maximum value of +10)

(2) BUILDING AREA. The allowable building area shall be determined in accordance with the prevailing code. A single numerical value shall be established from Table 70.22-2.

Note: See s. Comm 62.0500 and IBC chapter 5 as adopted in the prevailing code for allowable building area, which contains provisions for both aggregate and per story limitations.

Table 70.22-2
Building Area

Building Area	Numerical Value
More than 150% of the allowable area	-5
131% - 150% of the allowable area	-4
121% - 130% of the allowable area	-3
111% - 120% of the allowable area	-2
90% to 110% of the allowable area	0
80% - 89% of the allowable area	+2
70% - 79% of the allowable area	+3
50% - 69% of the allowable area	+4
Less than 50% of the allowable area	+5

(3) FIRE-RESISTANCE RATING BASED ON FIRE SEPARATION DISTANCE. The fire-resistance rating requirements for exterior walls based on the fire separation distance shall be determined in accordance with the prevailing code. A single numerical value, using the worst fire separation condition, shall be established from Table 70.22-3.

Note: See s. Comm 62.0702 and IBC section 702 for definition of fire separation distance, s. Comm 62.0704 and IBC section 704 for exterior wall construction and rating, and IBC section 602 for fire-resistance rating requirements for building elements, as adopted in the prevailing code.

Table 70.22-3
Building Fire-Resistance Rating Based on
Fire Separation Distance

Building Fire-resistance Rating Based on Fire Separation Distance	Numerical Value
Rating less than allowed under the prevailing code	-2
Complies with prevailing code	0
Rating greater than the prevailing code	+2

(4) ATTIC DRAFTSTOPPING. The attic area shall be evaluated in accordance with the attic draftstopping requirements specified in the prevailing code. A single numerical value shall be established from Table 70.22-4.

Note: See IBC section 716.4 as adopted in the prevailing code for attic draftstopping requirements.

Table 70.22-4
Attic Draftstopping and Compartmentalization

Attic Draftstopping and Compartmentalization	Numerical Value
No compartments provided but required	-5
Compartments are not more than 10% over the code permitted areas	-3
Complies with prevailing code	0
Compartments are less than 25% of the code permitted areas	+3

(5) FIREBLOCKING. The fireblocking requirements shall be determined in accordance with the prevailing code. A single numerical value, using the worst fireblocking condition, shall be established from Table 70.22-5.

Note: See IBC section 716.2 as adopted in the prevailing code for fireblocking requirements.

Table 70.22-5
Fireblocking

Fireblocking	Numerical Value
No fireblocking provided	-5
Fireblocking provided at basement and attic levels and wherever accessible	-3
Complies with prevailing code	0

(6) MIXED OCCUPANCIES. The separation of different occupancies shall be evaluated in accordance with the prevailing code. A single numerical value, using the worst separation condition, shall be established from Table 70.22-6.

Note: See IBC section 302.3 as adopted in the prevailing code for separation of occupancy requirements.

Table 70.22-6
Occupancy Separation

Occupancy Separation	Numerical Value
No separation provided, but required	-5
Provided, but 2 hours less than required	-4
Provided, but 1 hour less than required	-2
Complies with prevailing code for fire resistive ratings or no separation is required	0
Provided and 1 or more hours greater than required	+2

(7) VERTICAL OPENINGS. (a) *Fire-resistance ratings.* Except as specified in par. (b), the fire-resistance rating of enclosures of stairway exits, hoistways and other shafts or openings between 2 or more floors shall be evaluated in accordance with the prevailing code. An accumulative numerical value, using the worst vertical opening condition, shall be established from Table 70.22-7.

Note: See IBC sections 707 and 1005.3 as adopted in the prevailing code for shaft and vertical exit enclosure requirements.

(b) *Exception.* The construction of an atrium in a qualified historic building shall comply with the prevailing code.

Table 70.22-7
Vertical Openings

Vertical Openings	Numerical Value (per shaft or opening)
No enclosure, but required	-3
Enclosure provided with no rating	-2
Enclosure provided but 1 hour below the required protection level	-1
Complies with prevailing code or no enclosure required	0
1 hour required, but 2 hour provided	+1

(8) HEATING, VENTILATING, AND AIR CONDITIONING. The existing heating, ventilating and air conditioning (HVAC) system shall be evaluated in accordance with the prevailing code for the ability of the system to limit the movement of smoke and fire beyond the point of origin. A single numerical value shall be established from Table 70.22-8.

Note: See IBC section 715 as adopted in the prevailing code for ducts and air transfer openings.

Table 70.22-8
HVAC Systems

HVAC Systems	Numerical Value
Existing ducts and air transfer openings serving 3 or more stories do not comply with the fire and smoke damper requirements in the prevailing code	-10
Combustibles located in existing air plenums or existing corridors used as air plenums	-5
Existing ducts and air transfer openings serving 3 or more stories are provided with fire or smoke dampers complying with the prevailing code	-5
Existing ducts and air transfer openings serving not more than 2 stories do not comply with the fire and smoke damper requirements in the prevailing code	-2
Existing ducts and air transfer openings serving 2 stories are provided with fire or smoke dampers complying with the prevailing code	0
Complies with prevailing code	0
Duct system serving one story, or a central boiler or chiller system without ductwork connecting 2 or more stories	+5

2 stories

(9) **SMOKE DETECTION.** The smoke detection system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table 70.22-9.

Note: See s. Comm 62.0907 and IBC section 907 as adopted in the prevailing code for fire alarm and detection systems.

**Table 70.22-9
Smoke Detection**

Smoke Detection	Numerical Value
Complies with prevailing code	0
Elevator lobby only and not required by prevailing code	+1
HVAC return only and not required by prevailing code	+2
HVAC return and elevator lobby and not required by prevailing code	+3
Total coverage provided, in addition to that required by the prevailing code	+5

(10) **FIRE ALARMS.** The fire alarm system shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table 70.22-10.

Note: See s. Comm 62.0907 and IBC section 907 as adopted in the prevailing code for fire alarm and detection systems.

**Table 70.22-10
Fire Alarms**

Fire Alarms	Numerical Value
Manual fire alarm system required, but not provided	-5
Manual fire alarm system required and provided, but does not comply with prevailing code	-2
System complies with the prevailing code	0
Manual fire alarm system provided but not required ^a	+1
Manual fire alarm and voice alarm or manual fire alarm with public address system provided, but not required ^b	+3
Fire alarm system connected to a central control station ^c	+4
Fire alarm system connected to a central control station, which is interconnected to a remote control station that is permanently monitored ^c	+5

a If a numerical value of (+5) is taken under par. (9) smoke detection, the numerical value for this section is zero.

b Voice alarm and public address system shall be activated from a location, which is occupied by an employee during all periods of building occupancy.

c Fire department may require systems to be interconnected with the fire department.

(11) **SMOKE CONTROL.** The ability of a natural or mechanical venting, exhaust or pressurization systems to control the movement of smoke from a fire shall be determined in accordance with the prevailing code for the entire building based on the worst smoke control condition. If a building is 2 stories or less in height, the numerical value is zero. A single numerical value shall be established from Table 70.22-11.

Note: See s. Comm 62.0909 and IBC section 909 as adopted in the prevailing code for smoke control requirements.

**Table 70.22-11
Smoke Control**

Smoke Control	Numerical Value
Smoke control system required and provided in accordance with prevailing code	0
Operable windows required and provided in accordance with prevailing code	0
Operable windows, that are operable without special keys or tools, are provided throughout the entire building, but not required	+2
Automatic smoke vents provided throughout entire building, but not required.	+3
One smokeproof stairway enclosure provided and building has operable windows throughout, but neither required	+5
All stairways are pressurized in accordance with the prevailing code, but not required	+7
Engineered smoke control and removal system provided that covers the entire building, but not required	+10

(12) **EXITS.** The minimum number of means of egress and the minimum egress width for the applicable occupancy shall be provided as specified in the prevailing code. A single numerical value for additional exits or improving exit conditions shall be established from Table 70.22-12.

Note: See ss. Comm 62.1003 to Comm 62.1006 and IBC chapter 10 as adopted in the prevailing code for means of egress requirements.

**Table 70.22-12
Exits**

Exits	Numerical Value
Complies with prevailing code	0
Horizontal exits are provided in addition to the required exits ^a	+2
Exits to grade or enclosed stairways exceed the minimum number of exits ^b	+3
Fire escape is eliminated and a code complying enclosed exit stairway serving 3 or more levels is provided	+5

a No more than one-half the exits may be horizontal exits.

b Exits shall be at least 20 feet apart.

(13) **DEAD ENDS.** The length of exit access travel distance where the building occupants are confined to a single direction of egress shall be evaluated in accordance with Table 70.22-13. A single numerical value shall be established from Table 70.22-13.

**Table 70.22-13
Dead Ends**

Dead Ends	Numerical Value
Dead ends exceed the maximum permitted distance in prevailing code	-5
Complies with prevailing code	0

(14) **MAXIMUM TRAVEL DISTANCE TO AN EXIT.** (a) *General.* Except as specified in par. (b), the length of exit access travel and common path of egress travel shall be determined in accordance with the prevailing code. A single numerical value, using the worst travel distance condition, shall be established from Table 70.22-14.

Note: See IBC section 1004 as adopted in the prevailing code for travel distance requirements.

(b) *Exception.* Travel distances that are 25% above the maximum limitations are not permitted.

Table 70.22-14
Maximum Travel Distance

Maximum Travel Distance	Numerical Value
111% – 125% of limit allowed	-5
90% – 110% of prevailing code limit	0
50% – 89% of limit allowed ^a	+3
Less than 50% of limit allowed ^a	+5

^a For residential occupancies no credit may be taken for reduced exit distance.

(15) ILLUMINATION EMERGENCY POWER. The availability of illumination emergency power for means of egress shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table 70.22-15.

Note: See IBC section 1003.2.11 as adopted in the prevailing code for illumination emergency power systems.

Table 70.22-15
Illumination Emergency Power

Illumination Emergency Power	Numerical Value
Illumination emergency power required, but not provided	-5
Complies with prevailing code	0
Emergency power provided, but not required	+2

(16) ELEVATOR CONTROL. Except as provided in s. Comm 70.34, the elevator equipment and controls shall be evaluated in accordance with Table 70.22-16. A single numerical value shall be established from Table 70.22-16.

Note: See chapter Comm 18 for description of Phase I, emergency recall operation, and Phase II, emergency in-car operation.

Table 70.22-16
Elevator Control

Elevator Control	Numerical Value
No elevator in buildings 3 stories or more in height	-4
Buildings 3 stories or more in height containing an elevator without Phase I emergency recall operation or Phase II emergency in-car operation	-2
No elevator in buildings less than 3 stories in height	0

Buildings less than 3 stories in height containing an elevator without Phase I emergency recall operation or Phase II emergency in-car operation	0
Buildings less than 3 stories in height containing an elevator with Phase I emergency recall operation	+1
Buildings less than 3 stories in height containing an elevator with Phase I emergency recall operation and Phase II emergency in-car operation	+1
Buildings 3 stories or more in height containing an elevator with Phase I emergency recall operation	+2
Buildings 3 stories or more in height containing an elevator with Phase I emergency recall operation and Phase II emergency in-car operation	+4

(17) SPRINKLERS. Automatic sprinkler systems shall be evaluated in accordance with the prevailing code. A single numerical value shall be established from Table 70.22-17.

Note: See ss. Comm 62.0901 to Comm 62.0909 and IBC chapter 9 as adopted in the prevailing code for sprinkler requirements.

Note: See ss. Comm 70.33 and 70.34 for conditions where an automatic sprinkler system is required based on change of use to certain occupancies.

Table 70.22-17
Sprinklers

Sprinklers	Numerical Value
Sprinkler system is required but not provided	-5
Sprinkler coverage is provided as required but the sprinkler system does not comply with the prevailing code ^a	-3
Sprinkler system is not required and not provided	0
Sprinkler system is required and provided in accordance with the prevailing code ^a	0
Sprinkler system is required and equipped with quick response sprinklers where these sprinklers are not required	+2
Complete sprinkler system complying with the prevailing code and provided throughout entire building, but not required ^a	+7

^a Sprinklers may be omitted in combustible concealed spaces that are not accessible

History: CR 04-043: cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.23 Building evaluation form. The numerical values determined in s. Comm 70.22 shall be entered in Table 70.22-23.

Table 70.22-23
Building Evaluation Form

Building Safety Parameters	Life Safety Categories		
	Fire Safety	Means of Egress	General Safety
1. Number of stories			
2. Building area			
3. Building setback		NA	
4. Attic compartmentalization		NA	
5. Fireblocking and draftstopping		NA	
6. Mixed occupancies		NA	
7. Vertical openings			
8. HVAC systems			
9. Smoke detection			
10. Fire alarms			
11. Smoke control	NA		
12. Exits	NA		
13. Dead ends	NA		
14. Maximum travel distance	NA		
15. Illumination emergency power	NA		
16. Elevator control			
17. Sprinklers			
Total safety score			

NA as used in this Table means "Not applicable."

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Subchapter V — Miscellaneous Building Requirements

Comm 70.27 Roof coverings. (1) EXISTING ROOFS. Existing roof coverings not in conformance with the ratings specified in the prevailing code may be allowed to remain on the building.

(2) REPAIRS. Repairs may be made up to 50% of the entire roof surface with materials that match the existing roof coverings. If more than 50% of the entire roof surface needs to be repaired, the roof covering shall conform to the requirements of the prevailing code.

(3) WOOD SHINGLES. Where wood shingles are used to preserve the historic features, the shingles shall be of a fire treated type and of a class C rating.

Note: See IBC section 1507 as adopted in the prevailing code for roof covering requirements.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.29 Fire escapes. When a qualified historic building undergoes a change of occupancy, all existing fire escapes intended to be used as a required exit shall be inspected, structurally analyzed or load tested prior to use. A written report from the engineer or architect stating the results of the inspection and structural analysis or load test shall be submitted to the department. The report shall document the physical condition of the fire

escape, condition of the attachment of the fire escape to the exterior wall and capacity of the fire escape to support imposed loads.
History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.30 Means of egress. (1) STAIRWAY RISERS AND TREADS. (a) *10 or less people.* Existing stairways serving 10 or less people may have riser and tread dimensions not to exceed a 45° angle with the horizontal.

(b) *More than 10 people.* All existing required exit stairways serving more than 10 people shall have a uniform rise of not more than 7-3/4 inches and a uniform tread not less than 9-1/2 inches, measured from riser to riser and tread to tread.

(2) DOORS. (a) *General.* Except as specified in par. (b), exit door size and swing shall comply with the prevailing code.

(b) *Exceptions.* 1. When approved by the department or an authorized representative, existing front means of egress doors need not swing in the direction of exit travel, provided that other approved exits having sufficient capacity to serve the total occupant load are provided.

2. Double means of egress doors may be used with a door leaf less than 32 inches in width provided the total door width measures at least 36 inches.

(3) TRANSOMS. (a) *General.* Except as specified in par. (b), when a qualified historic building undergoes a change of occupancy to Group R occupancy and the corridor walls are required to be fire-resistance rated to provide a dwelling unit separation, existing transoms may be maintained if fixed in the closed position, and fixed wired glass set in a steel frame or other approved glazing is installed on one side of the transom.

(b) *Exception.* In a fully sprinklered building involving an occupancy of Group R-2, existing transoms in corridors and other fire-resistance-rated walls may be maintained if fixed in the closed position. A sprinkler shall be installed on each side of the transoms.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.31 Guardrails. (1) GENERAL. When a qualified historic building is changed in occupancy, the requirements in sub. (2) shall apply to guards from the work area floor to the level of exit discharge but shall be confined to the egress path of any work area.

(2) MINIMUM REQUIREMENTS. Every open portion of a stair, landing, or balcony that is more than 30 inches above the floor or grade below and is not provided with guards, or those portions in which existing guards are judged to be in danger of collapsing, shall be provided with guards. New guards shall comply with the applicable requirements referenced under the prevailing code.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.33 A-2 occupancies. An approved automatic sprinkler system in a qualified historic building shall be provided as described in IBC section 903 when the existing building or structure or a portion of existing building or structure is changed to an A-2 occupancy.

Note: See IBC chapter 9 and ch. Comm 62 for requirements relating to automatic sprinkler systems.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.34 High-rise buildings with R-occupancies. When a qualified historic building that is greater than 60 feet in height is changed to include a Group R occupancy, the building or portion of the building shall comply with all of the following:

(1) An approved automatic sprinkler system complying with the prevailing code shall be provided in all work areas.

(2) A standpipe system complying with the prevailing code shall serve all work areas.

(3) When an elevator serves a work area, at least one elevator shall be provided with Phase I and II emergency controls complying with ch. Comm 18.

Note: See s. Comm 70.17 (21) for definition of "work areas."

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.39 Structural requirements. (1) ADDITIONS, ALTERATIONS AND CHANGE OF OCCUPANCY. Except as specified in subs. (2) and (3), when an addition, alteration or change of occupancy imposes additional vertical or lateral loads on the structure of a qualified historic building, the areas of the building affected by the addition, alteration or change of occupancy shall comply with the prevailing code.

(2) FLOOR LIVE LOADS. (a) *Reductions.* The following floor live load reductions may be used in all occupancies, except for storage areas and assembly occupancies, in lieu of augmenting the structure to accommodate the required loading specified in the prevailing code:

1. The live load specified in the prevailing code may be reduced by 15% for flexure, if 3 or more wood structural members are spaced less than 24 inches on center and are joined by a load-distributing element. This live load reduction may not be applied to the supports or if the existing design used repetitive allowable stresses.

2. The live load specified in the prevailing code may be reduced by 10% if the existing structure provides a 2-hour fire-resistive rating. This reduction may be applied to steel and concrete systems only.

3. The permitted reductions specified in subds. 1. and 2. are not to be used cumulatively.

(b) *Posting.* If the actual live load capability is less than the required live load specified in the prevailing code, the actual live load capability shall be conspicuously posted and no greater load may be imposed upon the building.

(3) LIVE, DEAD AND WIND LOADS. The roof dead load, live load and wind load of a qualified historic building are considered to comply with the prevailing code provided all of the following conditions are met:

(a) The structure has met the combined service loads and environmental stresses imposed upon it or at least 20 years.

(b) The structure has stood for more than 20 years with no visible signs of deterioration.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.40 Use of archaic materials. (1) STRUCTURAL CHANGES. Structural changes to a qualified historic building that is altered or repaired may be made with the same materials of which the existing building or structure was constructed in order to maintain the historical fabric of the building.

(2) FIRE-RESISTANT PROPERTIES. (a) *Determination of fire-resistance.* 1. Except as specified in subd. 2., the fire-resistance rating of archaic or existing building materials, elements or assemblies shall be determined in accordance with the prevailing code.

Note: See s. Comm 62.0703 and IBC section 703.3 as adopted in the prevailing code for fire-resistance rating requirements.

2. Fire-resistance rating may be determined by an actual testing of the material by an approved testing laboratory, or by other methods or standards recognized by the department.

(b) *New materials.* The fire-resistance of any new materials, elements or assemblies shall comply with the prevailing code.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.48 Energy conservation requirements.

(1) APPLICATION. Except as specified in sub. (2), the energy conservation requirements specified in s. Comm 70.51 or the prevailing code shall be applied to a qualified historic building when it is altered or undergoes a change of occupancy and the energy consumption is increased.

(2) EXEMPTIONS. Qualified historic buildings used as exhibit buildings and seasonal use buildings are exempt from the energy conservation requirements.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.51 Alternate energy conservation requirements. (1) *Thermal performance.* Qualified historic buildings shall meet the minimum thermal performance values specified in the prevailing code or the requirements in this section.

(2) INFILTRATION. (a) *Windows and doors.* 1. All exterior windows and doors shall be gasketed or weatherstripped.

2. When existing windows are replaced with factory manufactured windows, the replacement windows shall be double glazed or equipped with interior or exterior storm windows.

(b) *Chimney flues.* Flues, which are no longer in use, shall be closed off and sealed against infiltration.

(c) *Exterior openings.* All of the following openings in the exterior building envelope shall be caulked, gasketed or otherwise sealed:

1. At exterior joints around window and doorframes.

2. At penetrations of utility services through walls, floors and roofs.

3. Between the foundation and box sill.

(3) EXTERIOR ENVELOPE. (a) *Attics.* Where accessible, insulation that has a thermal resistance value of at least R-19 shall be installed in the attic. Ventilation shall be provided above the ceiling or attic insulation. The free area of ventilation shall be at least 1/300 of the horizontal area. Vapor barriers shall be installed on the warm side of all insulation materials present in the attic. Access panels or doors to attics shall be provided with insulation that has a thermal resistance value of at least R-5 if vertical or a value of at least R-19 if horizontal.

(b) *Exterior walls.* Where accessible, insulation that has a thermal resistance value of at least R-11 shall be provided in all exterior wall cavities or the wall cavities shall be completely filled with insulation. Where accessible, a vapor barrier shall be installed on the warm side of the insulation, facing the conditioned space. Where masonry walls are insulated from the interior, the walls shall be provided with insulation that has a thermal resistance value of at least R-10.

(c) *Box sills.* Where accessible, insulation that has a thermal resistance value of at least R-19 shall be installed in box sills.

(d) *Doors.* Exterior doors, which are not of the original material, shall be insulated, double-glazed or equipped with a storm door. Where no vestibule exists, exterior doors which are not of the original material or are not replicas designed to be compatible with the historic aspects of the structure shall be insulated, double glazed or equipped with a storm door.

(e) *Floors over crawl spaces.* Where accessible, insulation that has a thermal resistance value of at least R-11 shall be installed in floors over crawl spaces.

(f) *Moisture control in crawl spaces.* Ventilation shall be provided in unheated crawl spaces with insulated ceilings. The area of ventilation shall be at least 1/300 of the floor space. The area of ventilation shall be distributed equally to provide cross-ventilation. Where accessible, a vapor barrier shall be applied to cover any exposed earth.

(4) AIR HANDLING DUCT INSULATION. Where accessible, all existing ducts, plenums and similar enclosures serving qualified historic buildings shall be insulated as specified in the prevailing code.

(5) PIPE INSULATION. Where accessible, all existing piping within qualified historic buildings shall be thermally insulated to the levels specified in the prevailing code.

(6) **WATER HEATING.** The replacement of water heating equipment in qualified historic buildings shall comply with the provisions of the prevailing code for energy conservation.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Comm 70.56 Mechanical requirements. (1) EXISTING EQUIPMENT. Alterations to existing mechanical equipment in qualified historic buildings shall comply with the applicable portions of the prevailing code.

(2) **HEATING AND COOLING EQUIPMENT.** The replacement of heating and cooling equipment, which serves qualified historic buildings, shall comply with the provisions of the prevailing code.

(3) **INSIDE DESIGN TEMPERATURES AND VENTILATION.** When a qualified historic building undergoes a change of occupancy, the inside design temperatures and ventilation requirements for the new use shall be maintained in accordance with the prevailing code.

(4) **SEASONAL USE BUILDINGS.** Mechanical heating, ventilation or natural light is not required in qualified historic buildings that are seasonal use buildings.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Subchapter VI — Exhibit Buildings

Comm 70.63 Exhibit buildings. (1) GENERAL OCCUPANCY REQUIREMENTS. Qualified historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

(a) The building shall be open to the public only under the supervision of a tour guide.

(b) The building may not be lived in, slept in or worked in, except for the purpose of demonstrating to the public how people lived in a particular era.

(c) Smoking is prohibited in the building.

(d) Open flame equipment may not be used in the building, except for fire places and other mechanical equipment original to the building.

(2) **FIRE PROTECTION SYSTEMS.** (a) *Fire extinguishers.* Fire extinguishers shall be installed in exhibit buildings and may be

located in a nonconspicuous location but accessible to the occupants.

(b) *Smoke detectors.* 1. At least one smoke detector shall be provided for each 1,200 square feet of floor area with a minimum of one smoke detector per floor level.

2. a. Except as specified in subd. 2. b., where electricity is provided in the exhibit building, the smoke detectors shall be connected to the electrical power.

b. Where no electrical power is provided to an exhibit building, the smoke detectors shall be of a battery type.

3. Smoke detectors shall be tested weekly.

(3) **MEANS OF EGRESS.** (a) *Number of means of egress.* Exhibit buildings provided with only one means of egress shall be restricted to a total capacity of 12 people, and not more than 6 people may be located above or below the first floor at any one time.

(b) *Stairways.* Stairways without 6-foot, 4-inch vertical headroom clearance shall have signs posted warning occupants of the headroom clearance available.

(c) *Exit signs.* Exit signs shall be provided in accordance with the prevailing code in exhibit buildings occupied prior to ½ hour before sun rise and ½ hour after sun set and in all areas not provided with natural lighting.

(4) **SANITARY REQUIREMENTS.** Toilet facilities in exhibit buildings shall be made available in accordance with the prevailing code. The facilities may be located on the site and serve more than one historic exhibit.

(5) **ACCESSIBILITY REQUIREMENTS.** Exhibit buildings shall comply with the applicable requirements in the prevailing code relating to accessibility for people with disabilities.

Note: See IBC chapter 34 for accessibility requirements for historic buildings.

(6) **STRUCTURAL.** Exhibit buildings shall comply with the floor live load requirements in accordance with s. Comm 70.39.

(7) **MECHANICAL HEATING AND VENTILATION.** Mechanical heating, ventilation or natural light is not required in exhibit buildings.

History: CR 04-043; cr. Register December 2004 No. 588, eff. 1-1-05.

Chapter Comm 70

APPENDIX

The material contained in the appendix is for clarification purposes only.

A 70.04 Verification of Qualified Historic Building.

The following is information on the process for certification of Historic Preservation ordinances which will be handled through the State Historical Society.

Certification of Historic Preservation Ordinances for the Wisconsin Historic Building Code

1. *Background.* In accordance with Wisconsin Statutes 101.121 and 44.44, a municipality (city, village, town or county) may request the State Historical Society of Wisconsin to certify its local historic preservation ordinance in order to establish a "certified municipal register of historic property" to qualify locally designated historic buildings for the Wisconsin Historic Building Code.

The purpose of the Wisconsin Historic Building Code, which has been developed by the Department of Commerce, is to facilitate the preservation or restoration of designated historic buildings through the provision of alternative building standards. Owners of qualified historic buildings are permitted to elect to be subject to the Historic Building code in lieu of any other state or municipal building codes.

For purposes of the Historic Building Code, a "qualified historic building" is defined as an historic building which:

1. Is listed in, or nominated by the State Historical Society for listing in, the National Register of Historic Places in Wisconsin;
2. Is included in a district which is listed in, or has been nominated by the State Historical Society for listing in, the National Register of Historic Places in Wisconsin, and has been determined by the State Historical Society to contribute to the historical significance of the district;
3. Is listed in a certified municipal register of historic property; or
4. Is included in a district which is listed in a certified municipal register of historic property, and has been determined by the municipality to contribute to the historic significance of the district.

2. *Certified municipal register of historic property: certification requirements.* A "certified municipal register of historic property" is a local register of historic properties which have been designated under an historic preservation ordinance promulgated by a city, village, town or county if the ordinance is certified by the State Historical Society of Wisconsin.

The State Historical Society will certify a municipal historic preservation ordinance for purposes of the Historic Building Code if the ordinance does all of the following:

1. Contains criteria for the designation, in a municipal register, of historic structures and historic districts which are substantially similar to the criteria for inclusion in the National Register of Historic Places in Wisconsin;
2. Provides a procedure for the designation of historic structures or historic districts which includes, at a minimum, a nomination process, public notice of nominations and an opportunity for written and oral public comment on nominations;
3. Provides for the exercise of municipal control by ordinance, to achieve the purpose of preserving and rehabilitating historic structures and historic districts;
4. Creates a municipal historic preservation commission.

Information on historic preservation ordinances, including the publication, *Historic Preservation Law in Wisconsin*, which contains a model ordinance, is available from the State Historical Society of Wisconsin.

3. *To request certification.* To request certification of a municipal historic preservation ordinance, the chief elected local official is required to send to the State Historic Preservation Officer, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706, the following materials:

1. A letter signed by the chief elected local official requesting certification of the municipal historic preservation ordinance for the purposes of the Historic Building Code;
2. A copy of the historic preservation ordinance, including the date the ordinance was enacted;
3. A list of locally designated historic properties and districts, including addresses, presently on the municipal register of historic property; and

4. The name, address and telephone number of the local official or person authorized to certify the eligibility of local qualified historic buildings for purposes of the Historic Building Code.

The State Historic Preservation Officer will respond to requests for certification within 30 days of receipt.

4. *Further Information.* Questions concerning the eligibility of properties for the Historic Building Code should be directed to the Historic Preservation and Public History Division, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706, telephone (608) 264-6490.

Note: The Certified Local Government program in Wisconsin. The Certified Local Government (CLG) program in Wisconsin is a separate program from the certification of municipal ordinances for the Historic Building Code. However, the two programs are related and can be applied for simultaneously. The CLG program is designed to foster a closer working relationship among local, state and federal historic preservation programs. Wisconsin municipalities that have enacted historic preservation ordinances and have established local historic preservation programs may apply for CLG status in accordance with the National Historic Preservation Amendments Act of 2180 and the "Procedures for the Certification of Local Governments in Wisconsin."

CLG's, in addition to being certified for the Historic Building Code, are eligible to apply for special CLG matching grants to carry out certain local historic preservation activities to improve their preservation programs and to maintain their qualification as CLGs.

The CLG program in Wisconsin and the requirements for CLG certification are described in a booklet entitled "Procedures for the Certification of Local Governments in Wisconsin," which is available from the State Historical Society of Wisconsin.