Wisconsin Department of Safety and Professional Services
Division of Industry Services
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Tony Evers, Governor
Dan Hereth, Secretary Designee

May 28, 2024

VIA EMAIL

Kim Banigan, Clerk
Town of Cottage Grove, Dane County
4058 County Road N
Cottage Grove, WI 53527
clerk@tn.cottagegrove.wi.gov

Re: Town of Cottage Grove, Dane County, Jurisdiction for Commercial Building Plan Review and Inspections

Dear Kim Banigan,

I am pleased to inform you that your municipality has been delegated commercial building code enforcement authority per your request. Per Wis. Stat. § 101.12(3)(b), the Department delegates your municipality the responsibility to perform structural and HVAC plan review of small commercial building projects, as defined below, to be constructed within the limits of your municipality. Per Wis. Stat. § 101.12(3g), the Department also delegates your municipality the responsibility to perform structural and HVAC plan review of commercial buildings which exceed the small commercial building size limitations.

A small commercial building includes the following:

- New buildings containing less than 50,000 cubic feet total volume.
- Additions to existing buildings where the total volume after construction of the addition is less than 50,000 cubic feet.
- Additions to existing buildings containing no more than 2,500 square feet, no more than one floor level, 18-foot maximum roof span and 12-foot maximum exterior wall height.
- Alterations of spaces involving less than 100,000 cubic feet of volume.

In addition, the Department delegates your municipality under Wis. Stat. § 101.12(3)(g) to perform structural, HVAC, fire suppression, and fire alarm inspections of commercial buildings without size limitations.

An exception to this delegation is that the Department retains jurisdiction for plan review of all state-owned buildings, as well as projects for which the owner chooses to submit plans to our agency.

As a condition of the delegation, your municipality is required to comply with the following:

- Submit to the Department the fees specified in Wis. Admin. Code § SPS 302.31(1)(h) for plan reviews in which the building exceeds the small commercial building size limitations described above.
- Provide a report, at least quarterly, in an electronic-based format, to the Department for plan reviews in which the building exceeds the small commercial building size limitations described above.
- Provide the Department with a copy of any revisions to the ordinance adopting this code.
- Apply the corresponding requirements in Wis. Admin. Code §§ SPS 361.60 (5)(d)-(h), and (6).
- Notify the Department, in writing, immediately of any personnel changes to plan review or inspection staff.

Please note that §12.01(5)(a) of your ordinance specifies commercial building size restrictions for plan review. These size restrictions conflict with the plan review authority delegated in this letter. Please revise your ordinance to correct the building size limitation. Provide your updated ordinance to the Department in accordance with Wis. Admin. Code § SPS 361.60(2)(b)3.

The Department will periodically monitor municipalities and request activity reports to ensure that the delegated responsibilities are being properly fulfilled by the municipality. The Department requires delegated municipal code officials to hold the Wisconsin Commercial Building Inspector certification and attend agency-approved continuing education to maintain their certification.

In accordance with 2017 Wisconsin Act 198, the Department will be implementing a five-year electronic renewal process. Please continue to monitor department correspondence as further details regarding this process are communicated.

If your municipality decides to relinquish jurisdiction, follow the provisions of Wis. Admin. Code § SPS 361.60(2)(b)4 by providing the Department with a 30-day notice prior to the day upon which your municipality intends to relinquish jurisdiction. Your municipality is expected to continue responsibility for these services throughout the 30-day period.

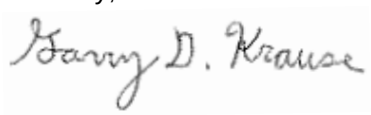
The Department understands that the primary plan reviewer for extended plan reviews within your municipality, Kent Fish with General Engineering Company, has the proper certification to do so. In addition, the Department understands that the primary inspector for your municipality, James Trebian with General Engineering Company, has the proper certification to do so.

For your convenience, see the below links to the Department's Delegated Agent website and Welcome Packet. This packet contains links to the Wisconsin Administrative Code, plan review application, submission and inspection checklists, sample letters, and a list of FAQs that may be helpful in this delegated agent role.
https://dsps.wi.gov/Pages/Programs/DelegatedAgents
https://dsps.wi.gov/Documents/Programs/CommercialBuildings/WelcomePacketDelMuni.pdf

Our commercial building inspector for your area, Tom Steiner at 608-235-0579, is available to assist in any questions or concerns your municipality may have with these commercial building services and may contact your primary code official to discuss transitional and coordination items.

The Division of Industry Services looks forward to working with you.

Sincerely,



Garry D. Krause, Bureau Director, Technical Services Bureau

cc: General Engineering Company