



Senator Terry Moulton

Testimony on SB 617—Uniform Commercial Building Code

Senate Committee on Government Operations, Public Works, and Telecommunications

Wednesday, March 5, 2014

Members, I appreciate the opportunity to speak to you today. Today's hearing represents the culmination of many years of hard work. I first introduced a version of SB 617 back in 2007 and it has been through many changes since then. I believe that the bill we have before us represents those years of work and the important compromises made by all sides on this issue.

It is finally time for the Commercial Code to join the other building codes in Wisconsin and become uniform. The Uniform Dwelling Code, the Uniform Multi-family Code, and the Manufactured Housing Code have brought consistency to statewide construction standards for years.

Establishing a uniform commercial building code will simplify and streamline construction regulations for architects, builders and developers. It will provide assurance to the building industry that the construction safety standards they must meet under the state code will be adhered to throughout the state.

While this bill establishes a uniform code with regard to commercial building construction safety standards, it retains local authority to adopt property maintenance codes and grandfathers local ordinances relating to fire detection, prevention or suppression.

SB 617 represents the work of three key groups who have not always seen eye to eye on this issue. I would like to thank the Wisconsin State Fire Chiefs Association, the Wisconsin Fire Protection Coalition, and the Associated Builders and Contractors of Wisconsin, for working with us and working with each other to reach a compromise on this important legislation. Thank you for your time and for allowing me to speak.



Wisconsin Builders Association

DATE: March 5, 2014

TO: Members of the Senate Committee on Government Operations, Public Works and Telecommunications

FROM: Brad Boycks
Vice President of Advocacy
Wisconsin Builders Association

RE: **Support of Senate Bill 617 (SB 617) to make Wisconsin's commercial building code more uniform**

On behalf of the members of the Wisconsin Builders Association (WBA), we ask that you support SB 617 to make Wisconsin's commercial building code more uniform.

Builder and subcontractor members of the WBA do the majority of their work on one and two family homes but a number of members also construct and work on commercial buildings as well. Moving Wisconsin to a more uniform commercial code will help construction of commercial buildings in Wisconsin easier for builders and subcontractors and will still assure the safety of these structures.

SB 617 allows the grandfathering of existing municipal ordinances dealing with fire detection, prevention or suppression. To make it easier for those working on the construction of a commercial building, those grandfathered provisions will be held in a central repository to easily access along with the statewide uniform provisions of the commercial code.

One and two family homes have been subject to the Uniform Dwelling Code (UDC) since December 1, 1978, which has increased the safety and affordability of dwellings in Wisconsin. The UDC is a statewide uniform building code for one and two family homes. We believe adoption of SB 617 will have a similar positive result on commercial buildings if passed this session.

A great deal of time and effort has been spent on the compromise before you today that is SB 617. Key groups that worked together to reach a compromise on this legislation include the **Wisconsin State Fire Chiefs Association**, the **Wisconsin Fire Protection Coalition**, the **Associated Builders and Contractors of Wisconsin**, the **Associated General Contractors of Wisconsin**, the **Wisconsin Roofing Contractors Association** and the **Wisconsin Builders Association**.

In closing, we would ask for your support in passing SB 617 to make Wisconsin's commercial building code more uniform.

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WISCONSIN CODE OFFICIALS ALLIANCE

ADVANCING QUALITY & SAFETY IN THE BUILT ENVIRONMENT

P.O. Box 972 ♦ GRAFTON, WI 53024 ♦ www.WCOA.org

DATE: March 5, 2014

TO: Members of the Senate Committee on Government Operations, Public Works, and Telecommunications

FROM: Richard P. Paur

RE: Senate Bill 617

The Wisconsin Code Officials Alliance has as some of its members individuals who are credentialed by the State of Wisconsin Department of Safety and Professional Services as Commercial Building Inspectors. Holders of that certification are currently authorized to perform inspections of Fire Detection and Fire Suppression Systems during the constructing, altering, adding to public buildings and buildings that are places of employment.

Under the proposed bill, individuals certified as Commercial Building Inspectors would no longer be able to perform those inspections.

To continue to perform their current work, Commercial Building Inspectors would need to become certified through the National Fire Protection Association as a "Certified Fire Inspector I".

That certification test is based on the NFPA 1, 2009 Ed; NFPA 13, 2007 Ed; NFPA 25, 2008 Ed; NFPA 72, 2007 Ed; and NFPA 101, 2009 Ed. Currently the State of Wisconsin Department of Safety and Professional Services has a rules package to use the NFPA 1, 2012 Ed. The largest municipalities in the State of Wisconsin do not use NFPA 1, the communities including but not limited to; Milwaukee, Madison, Janesville, and Green Bay. Those communities chose to use the International Code Council's International Fire Code.

Placing a specific credential from one organization which requires testing on an outdated or unused standard should not be a part of this legislation.

Given the most densely populated urbanized communities of our state use a standard other than the one identified as part of the test standards package under this proposed under this SB 617, the Wisconsin Code Officials Alliance recommends leaving the determination of the testing standards for credentialing to the State of Wisconsin Department of Safety and Professional Services, and not making a specific test part of statutory language.

AIA Wisconsin

A Society of The American Institute of Architects



March 5, 2014

Public Hearing – 2013 Senate Bill 617

Senate Committee on Government Operations, Public Works, and Telecommunications

Committee Chair & Members:

Thank you for this opportunity to comment on proposed legislation that would, among other things, make the Wisconsin Commercial Building Code a “uniform” code similar to existing state building code requirements for one- and two-family as well as multifamily dwellings. I am William Babcock, the Executive Director of the Wisconsin Society of Architects, the state society of the American Institute of Architects (AIA).

AIA Wisconsin supports the provisions in SB 617 that would help create a more “uniform” state commercial building code and require the state to maintain information accessible in electronic format on local ordinances that have adopted more restrictive requirements than the state commercial building code.

AIA Wisconsin supports comprehensive, coordinated and contemporary state building codes that are developed by consensus, with the active participation of architects and allied design and construction professionals. Building codes are developed and enforced to protect the health, safety and welfare of the public. Wisconsin is very fortunate to have statewide building codes that establish these minimum design requirements.

Buildings are complex. The variety of unique local requirements can make development more difficult. It sometimes is not easy for the interested stakeholders to reach consensus on building code recommendations. However, it is important to keep in mind that the buildings designed by architects and constructed in Wisconsin in most cases significantly exceed the minimum standards required by state building codes.

We do have a request. AIA Wisconsin asks the sponsors of the legislation and members of this committee to consider and approve an amendment to clearly designate that at least two of the members of the “building code council” created by the legislation represent “architects” actively engaged in the design and evaluation of commercial buildings. Architects are licensed by the state to protect public health, safety and welfare. Architects deal with all aspects of the building codes on a more comprehensive basis than designers of engineering systems and most professional engineers who may only be responsible for the design of specific building components or individual systems. As the proposed legislation is currently drafted, it would be possible for architects to **not** be represented at all on the new building code council.

The Wisconsin Society of Architects (d.b.a. “AIA Wisconsin”) represents over 1,300 individual members, including architects in private practice, business, industry, government and education. Thank you for this opportunity to offer our comments and suggestions on 2013 Senate Bill 617.

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March 3, 2014

Senator Paul Farrow, Chair
Government Operations, Public Works, and Telecommunications Committee
Room 323 South
Senator Richard Gudex, Vice Chair
Government Operations, Public Works, and Telecommunications Committee
Room 415 South
State Capitol
Madison, WI 53707-788

RE: SB617

Dear Senators Farrow and Gudex:

The International Code Council (ICC) welcomes the opportunity to comment on the above legislation that limits the ability of local governments to amend Wisconsin's state level fire and building safety codes. Currently the Department of Safety and Professional Services (DSPS) enforces the 2009 International Building Code (IBC), International Fire Code (IFC) by reference, International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Energy Conservation Code (IECC) and the International Existing Building Code (IEBC), SPS 361.05.

This bill specifies that fire inspectors must obtain credentials according to the NFPA Fire Inspector I certification or equivalent. Because of Wisconsin's required use of the IBC and IFC, SPS 361.03(14), for new and renovated construction, the inclusion of the ICC Fire Inspector I certification in SB617 is appropriate and would more accurately support the state's enforcement of the IFC.

When the authority having jurisdiction issues an occupancy permit indicating the construction of a building is in compliance with state codes including the IFC, the fire chief assumes responsibility for its continued safety under NFPA 1.

The Pro Board Fire Service Professional Qualifications System, a national accreditation organization, has certified the ICC Fire Inspector I certification exam is in compliance with the NFPA 1031 Standard for Professional Qualification for Fire Inspectors. Additionally, the ICC certification test carries a significantly lower cost, \$194 vs. \$300. The NFPA Fire Inspector I certification requires the candidate complete a practicum which involves the testing agency's verification of in-the-field practices. The Pro Board accredited ICC Fire Inspector I exam is so comprehensive that it meets the practicum requirements within the exam by including live plan reviews, questioning of situational scenarios and on-the-job activities. ICC Fire Inspector I candidates must demonstrate proficiency relative to the IFC, IBC and related codes and standards. Successful ICC Fire Inspector I computer based exam candidates receive a certification at a reasonable price favorable to state and local government budgets.



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Please amend SB617, **Section 14** 101.14 (4r) (c) 1 to read, “The department shall promulgate rules... that a person hold a valid certification from the national fire protection association or the international code council qualifying him or her as a certified fire inspector I or that he or she hold a valid equivalent certification.”

By including the ICC Fire Inspector I certification in the above legislation, building owners, designers and contractors are more likely to receive consistent, accurate plan reviews and inspections from town to town.

The Legislature may appreciate the fact that under the Scope and General Requirements of the IFC, “Conditions affecting the safety of fire fighters and emergency responders during emergency operations...” is addressed in addition to requirements that impose regulations affecting or relating to the protection of life, structures, premises and safeguards.

The ICC is a United States private, not-for-profit association dedicated to building safety and fire prevention. ICC members develop the US model codes used to construct residential and commercial buildings, including hospitals, homes and schools. ICC has an established history of working with DSPS to provide state of the art building and fire safety for the people who live, work, worship and play in the State of Wisconsin.

Sincerely,

A handwritten signature in cursive script that reads "Robert Neale".

Robert Neale, Senior Regional Manager
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PROFESSIONAL FIRE FIGHTERS OF WISCONSIN, INC.

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MEMBER OF INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

MEMBER OF WISCONSIN STATE AFL-CIO



MAHLON MITCHELL
STATE PRESIDENT

ALAN HEFTER
STATE VICE-PRESIDENT

STEVE WILDING
STATE SEC. / TREAS.

**Testimony of Joel Meier
on behalf of the
Professional Fire Fighters of WI, Inc.
before the
Committee on Senate Government Operations, Public Works, and Telecommunications
On 2014 Senate Bill 167**

Mr. Chairman and Committee Members,

My name is Joel Meier. I have been a fire fighter in West Allis for 22 years. I am here today representing the Professional Fire Fighters of Wisconsin. I serve as the PFFW Code Enforcement Officer.

I am here to testify "For Information Only" on ^{Senate 612} ~~Assembly~~ Bill 782. The PFFW believes there are a few issues that still need to be addressed.

The first one is in regards to municipal codes that are different than what the state adopts. If the community's own codes were not in place on May 1, 2013, the municipality is not allowed to change them in the future. Communities are growing today. With budgets being cut, so is fire department staffing. Growing communities mean more calls. If staffing cannot handle the call volume, nothing good can come out of this. Tougher codes to fit a community's needs would be a fix to the problem. Either let us have tougher codes to protect our communities from fires or let us increase our budgets so we can increase the number of fire fighters.

Another concern of ours is the sprinkler thresholds. Not only do sprinkler systems save lives of fire fighters, they also save lives of the occupants that may be in them when a fire occurs. They also save businesses from losing money, should a fire occur within one. I had a business fire in my community one time and a portion of it had to be shut down for three (3) months for restoration. Needless to say, they did not have a fire sprinkler system. The company did a lot of work for Harley Davidson. This business could no longer due the work for Harley, while restoration was taking place. This business suffered large losses, and Harley Davidson went elsewhere. The business did survive, but with only a fraction of the workforce. We maintain that sprinkler systems can also save jobs!

Buildings that are being built today do not withstand a fire for long periods of time due to cheaper materials being used. Floors tend to collapse faster, along with ceilings and walls. Fire fighters are now at a disadvantage when arriving on a fire scene. Again with municipal budgets being cut so is fire department staffing. The loss of a fire fighter will affect a community forever, along with the burden falling on the backs of the taxpayers.

Please take to heart what I am telling you here today. The loss of even one life is not worth any amount of profit one may make. If I had to guess, I would say that nobody here listening to me right now would want to get a phone call telling them a loved one has died.

Thank you for your time.

"STRENGTH IN UNITY"





Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner
Thomas G. Mishefske
Operations Manager

City of Milwaukee Testimony on Senate Bill 617 to Senate Committee on Government

Operations, Public Works, and Telecommunications

March 5, 2014

Chairman Farrow and Committee Members:

Thank you for the opportunity to provide testimony on Senate Bill 617.

SB-617 relates to ordinances, variances, and rules relating to the constructing or altering of, or adding to, public buildings and buildings that are places of employment, the creation of a building code council, and inspections of public buildings and buildings that are places of employment, and granting rule-making authority. The City of Milwaukee is opposed to the proposed legislation as it is currently written.

The City of Milwaukee has taken numerous steps to improve the economic vitality and the environmental sustainability of the City. This has included the ME2 and ME3 programs which have provided technical guidance and financial resources to improve the energy performance of existing residential and commercial buildings in Milwaukee. The City is intending to take the next step by setting a regulatory framework to require construction of new buildings and renovation of existing buildings to meet a higher level of sustainability requirements than those found in the current Wisconsin Commercial Construction Code. To take that action, the City intends to adopt both the 2012 International Model Energy Code and the Green Construction Code. In its current form, the proposed bill would prevent such an action by the City. While we recognize that there is value in a uniform code, it is critically important that a municipality be able to make changes to the regulatory scheme to support its growth. The City of Milwaukee has the following suggestions for modifications to the proposed legislation:

- Provide an exemption in this bill for cities of the First Class, or
- Create a tool in the bill for a locality to request a finding of need to modify the construction code at the local level to the proposed council. The locality would need to demonstrate a true need and explain why this isn't a statewide issue. With a finding granted, the locality would proceed with adopting a local ordinance, and
- It is our belief that the ICC certification should be considered as an equivalent to the NFPA inspector certification. It is important to understand that one size does not fit all communities. For example, in the City of Milwaukee, we have sprinkler inspectors whose sole duty is to inspect fire sprinkler systems. They are all journeyman level



this bill they would need to be certified in that area as well, since that is what the NFPA fire inspector certification tests require. We suggest that certifications be determined by the Department of Safety and Professional Services.

Additionally, the City has questions on how this bill would impact the following:

- 1) The International Fire Code (IFC), which may be adopted by ordinance at the local level, has mandatory retroactive requirements. Chapter 46 of the IFC mandates upgrades of existing buildings in areas of shafts, fire alarms systems, fire sprinkler systems, means of egress and the like. Does this bill prohibit the enforcement of these requirements? Also, will this impact the ability of a community to establish criteria for fire department access? Are those provisions that impact building placement on a site considered "establishing minimum standards for constructing"?
- 2) How does this impact Milwaukee's desire for a Special Inspection Program? While perhaps not an issue for the entire state, the provisions that have been deleted by the state are essential to ensure that complex structures are built in accordance with code. Is an inspection protocol not considered "establishing minimum standards for constructing"?

We look forward to working together with the sponsors of this bill to find solutions to address the above mentioned issues. Thank you for your consideration in this matter.



Art Dahlberg
Commissioner, Department of Neighborhood Services

