

CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Thursday, April 14, 2016
4:30 p.m.
Council Chambers, City Hall – 421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Consideration of: Installation of a street light near the intersection of Nebraska Street and the Boys and Girls Club Alley/Gym.
4. Consideration of: Amendment to Sturgeon Bay Building Code (Chapter 15) Relating to Delegated Municipality for Plan Review
5. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 4/12/16
Time: 9:00 am
By: SSO

Community Protection & Service Committee Members:
Richard Wiesner, Chr.
Ed Ireland, Vice Chr.
Will Gregory

EXECUTIVE SUMMARY

Title: Amendment to Sturgeon Bay Building Code (Chapter 15) Relating to Delegated Municipality for Plan Review

Background: Under state and local regulations, property owners must submit construction plans and obtain building permits prior to commencing most construction work. For commercial projects (basically everything other than single-family and two-family dwellings) the Wisconsin Department of Safety and Professional Services (SPS) typically must review and approve the plans before the local building inspector can issue the permits.

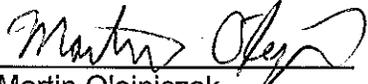
Per SPS 361.60 of the Wisconsin Administrative Code, there is an option for local municipalities to perform the required plan reviews, rather than the state. There are various levels of review that the local municipality can perform depending upon the qualifications of the local reviewers. A certified municipality for plan review is able to provide plan reviews just like the State for commercial projects up to a certain threshold. Sturgeon Bay has been a certified municipality and has been conducting these plans reviews through its contractor – Safebuilt, Inc. There is another level known as Appointed Agent (also known as Delegated Community) whereby even projects above the threshold limits can be reviewed locally.

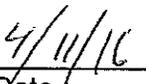
The Common Council recently approved an amendment to the building inspection services contract with Safebuilt. The amendment relates to the city becoming an Appointed Agent (Delegated Community) for Plan Review, whereby Safebuilt will conduct building plan reviews for essentially all commercial building projects.

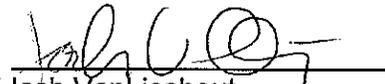
In addition to the contract amendment, the city needs to obtain approval from the state Department of Safety and Professional Services and amend its building code to include the Delegated Community provisions. The state issued its approval letter so the final step is the adoption of the building code amendment. The proposed amendment references the delegated community status and requires that building plans for all commercial projects be submitted for review.

Fiscal impact: The city would keep 15% of the plan review fees that are currently going to the state. As an example, the new Jim Olson Ford dealership plan review fee for the state's review was \$1400. If that could have been done locally, the city would have received \$210 of the fee. There aren't very many large commercial projects happening in Sturgeon Bay so the income received will be modest.

Recommendation: Recommend to Council to approve the amendment to the Building Code relating to the status as a Delegated Municipality for Plan Review.

Prepared by: 
Martin Olejniczak
Community Development Director


Date

Reviewed by: 
Josh VanLieshout
City Administrator


Date

City of Sturgeon Bay Building Code (portion)

15.01 - Permits generally.

- (1) Applications. All applications for licenses and permits under this chapter or chapters 16 and 17 shall be made to the building inspector and all licenses and permits shall be issued by him/her.
- (2) Permit required.
 - (a) No building or structure or any part thereof shall hereafter be moved, built, enlarged, altered, or demolished, or electrical wiring, plumbing or heating apparatus or fire suppression system as defined by NFPA 301.3.3.28, installed within the city (except as hereafter provided) unless a permit therefor shall be obtained by the owner or agent from the building inspector or the fire department for fire suppression systems. If the required permits have not been obtained prior to commencement of the work, all fees for such permits shall be double the fees listed.
 - (b) All work which affects the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building requires a permit. Minimum repairs or alterations which are less than \$500.00 in value (of labor and materials) do not require a permit if they do not affect the occupancy, area, structural strength, fire protection, exits, lights or ventilation of a building.
 - (c) Fire protection systems. Any new installations, alterations or additions to any fire suppression system (a fixed system designed to extinguish a fire or substantially reduce the heat release rate of the fire) in a commercial building shall have a third party plan review prior to the issuance for a permit. Copies of the plan review shall be forwarded to the fire department.
- (3) Inspection. When any work for which a permit is required shall be completed, the person to whom the permit is issued shall immediately notify the building inspector and no such work shall be covered or concealed until a certificate of inspection has been issued by him/her. Such certificate of inspection shall be issued only after all work under a permit shall have been completed in accordance with the requirements of city ordinances and the state code applicable thereto and after a personal inspection of the work has been made by the building inspector.
- (4) Certified & Delegated municipality status. The city has adopted the certified municipality status as described in SPS 361.60, Wis. Admin. Code and appointed agent status as described in SPS 361.61, Wis. Admin. Code.
 - (a) Responsibilities. The city shall assume the following responsibilities for the department of safety and professional services (department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
 - (b) Plan examination. Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the city shall be submitted, if the plans are for any of the following:
 1. A new building or structure, ~~containing less than 50,000 cubic feet of total volume.~~
 2. An addition to a building or structure, ~~where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.~~
 3. An addition containing ~~no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.~~
 4. An alteration of a space, ~~involving less than 100,000 cubic feet of total volume.~~

5. The city may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.
 6. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by the city, in which case plans and specifications shall be submitted to the city for review and approval.
- (c) Plan submission procedures. All commercial buildings, structures and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
1. Building permit application.
 2. Application for review — SBD-118 or Municipal Equivalent.
 - a. Fees per Table 302.31-2 and SPS 302.31 and City of Sturgeon Bay Municipal Fee Schedule.
 - b. Fees apply to all commercial projects.
 3. Four sets of plans.
 - a. Signed and sealed per SPS 361.31.
 - b. One set of specifications.
 - c. Component and system plans.
 - d. Calculations showing code compliance.
- (5) Building-HVAC-Electrical-Plumbing Inspector.
- (a) Creation and appointment. There is hereby created the office of building inspector. The building inspector shall be appointed by the city council. The building inspector shall be certified for inspection purposes by the department in the required categories specified under SPS 305, Wis. Admin. Code.
 - (b) Assistants. The building inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wis. Admin. Code, by the department.
 - (c) Duties. The building inspector shall administer and enforce all provisions of this section.
 - (d) Powers. The building inspector or an authorized certified agent of the building inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The building inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his/her agent while in the performance of his/her duties. In the event that the building inspector is refused access to any such premises, then the inspector is authorized to apply for a special inspection warrant pursuant to § 66.0119, Wis. Stats.
 - (e) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
 1. Footing.
 2. Foundation.
 3. Rough carpentry, HVAC, electric and plumbing.
 4. Drain tile/basement floor.
 5. Underfloor plumbing.

6. Electric service.
 7. Insulation.
 8. Final carpentry, HVAC, electric and plumbing.
 9. Erosion control.
- (f) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the building inspector.
- (g) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- (h) Records. The building inspector shall perform all administrative tasks required by the department under all codes covered in subsection 15.02(1). In addition, the building inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.
- (6) Permit fees. Fees for permits and commercial plan reviews required under all subsections of this chapter shall be established by resolution of the common council.
- (7) Expiration. Work contemplated under permits herein granted shall be completed within two years from the date of the permit, except that all permits granted hereunder may be extended by the building inspector for up to one year periods. If the permit is extended, the building inspector shall endorse the permit.
- (8) Certificate of occupancy.
- (a) One-family and two-family dwellings or buildings. The building inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations which jeopardize public health or safety are found, the building inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. If any violations of this chapter or this Code are found which do not jeopardize public health or safety, they shall be ordered corrected within 30 days of the date of issuance of the certificate of occupancy.
- (b) Multifamily, commercial and public buildings. The building inspector and the fire chief or his designee shall make a final inspection of all new buildings, additions, and alterations. If no violations to the state building code, state fire code, or this Code which jeopardize public health or safety are found, the building inspector and the fire chief or his designee, shall issue a certificate of occupancy stating the purpose for which the building is to be used. If any violations of this chapter or this Code are found which do not jeopardize public health or safety, they shall be ordered corrected within 30 days of the date of issuance of the certificate of occupancy.
- (c) Change of use. Any building which the existing use is changed, as defined in the State of Wisconsin Building Code, shall obtain a certificate of occupancy, subject to the provisions in subsections 15.01(8)(a) and (b).
- (9) Park and playground fees. At the issuance of a building permit for new residential construction, or a change in use from a nonresidential land use to a residential land use, a fee of \$300.00 per residential unit shall be paid for park and playground purposes, except that, on any lot where a payment has been made prior to March 27, 1986, the first unit shall be exempt from payment. Residential care apartment complexes as defined in § 50.01(1d), Wis. Stats., shall be exempt from this fee. Should any existing residential land use which has been exempted from this fee change to a residential land use which is not exempt from said fee, then said fee shall become due and payable at the current existing fee level. All applicable conditions of section 21.09 shall apply to the collection, handling and use of this fee.
- (10) Tree planting deposit. At the issuance of a building permit for new residential construction, or a change in use from a nonresidential land use to a residential land use, a deposit in an amount to be

determined by the common council by resolution shall be paid for each tree required to be planted under section 8.07(10)(a)5. Such deposit shall be returned to the property owner upon proof of compliance with section 8.07(10)(a) in the planting of trees, meeting the requirements of that section.

(Code 1992, § 15.01; Ord. No. 1002-0598, §§ 1, 2, 5-5-98; Ord. No. 1045-0700, § 1, 7-18-00; Ord. No. 1119-0104, § 1, 1-6-04; Ord. No. 1130-0804, § 2, 8-17-04; Ord. No. 1141-0305, § 1, 3-1-05; Ord. No. 1273-0412, § 1, 4-17-12; Ord. No. 1309-0215, § 1, 2-3-15)

15.02 - State building codes adopted.

- (1) The following chapters of the Wisconsin Administrative Code are adopted and incorporated in this chapter by reference, including all amendments thereto:

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320—325	Uniform Dwelling Code
Chs. SPS 361—366	Commercial Building Code
Ch. SPS 375—[3]79	Buildings Constructed Prior to 1914
Chs. SPS 381—387	Uniform Plumbing Code

- (2) The provisions of Chs. SPS 320—325, Wis. Admin. Code, including all amendments thereto, shall apply to all one- and two-family dwellings where initial construction permits were issued prior to June 1, 1980.
- (3) Unattached garages and sheds, storage buildings and other structures not specifically included in subsections (1) and (2) are hereby expressly included therein and shall be constructed or altered to the standards required by this section.

(Code 1992, § 15.02; Ord. No. 1023-899, § 1, 8-17-99; Ord. No. 1080-0902, § 2, 9-17-02; Ord. No. 1309-0215, § 2, 2-3-15)



February 22, 2016

Email: dsps@wi.gov
Phone: 608-261-2112

Marty Olejniczak, Community Development Director
City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235

Re: City of Sturgeon Bay Commercial Building Delegation Request

Dear Mr. Olejniczak,

I am pleased to inform you that your municipality has been delegated commercial building code enforcement authority per your request. Per s. SPS 361.61, I delegate your municipality the primary responsibility to do building plan review and inspections as an appointed agent for projects to be constructed within the limits of your municipality. This delegation does not include fire sprinkler or fire alarm plan review delegation, which you may request as a separate delegation. Building plans for such buildings may be submitted by the owner to your municipality or our agency.

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

As conditions of the appointed agent status per SPS 361.61, the following shall be complied with:

1. Apply the corresponding requirements in s. SPS 361.60 (5) (d) to (h) and (6).
2. Submit to the department the fees specified in s. SPS 302.31 (1) (h).
3. Provide a monthly report to the department of all projects completed under this section, in an electronic-based format prescribed by the department.
4. Forward to the department any revisions to the ordinance adopting this code.
5. Notify the department, in writing, at least 30 days prior to the date upon which the appointed agent intends to relinquish the responsibilities assumed under this section.

We will periodically monitor municipalities and request activity reports to ensure that our delegated responsibilities are being properly fulfilled by the municipality. We do require that delegated municipal code officials hold the Wisconsin Commercial Building Inspector certification and attend agency-approved continuing education to maintain their certification. Municipalities are always free to relinquish their delegated authority at any time, given proper notice.

I understand that Brett Temme will be the primary code officials responsible for enforcement and has the proper certification to do so. It is further noted Adam Roder P.E., will provide large project plan review.

Please contact Jan Lin at (608)267-9706 or jan2.lin@Wisconsin.Gov with changes in your contact information.

Our building inspection deputy for your area, Brian Noe, will be contacting your code official in the near future to discuss transitional and coordination issues.

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

Sincerely,

A handwritten signature in black ink that reads 'Kirsten Reader'. The signature is written in a cursive, flowing style.

Kirsten Reader
Administrator, Division of Industry Services