



DEPARTMENT OF BUILDING INSPECTIONS &
NEIGHBORHOOD SERVICES

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October 25, 2011

Honorable Mayor Devine and Common Council Members
City of West Allis

RE: Report comparing local building codes to state building codes

Dear Mayor Devine and Common Council Members,

On May 3, 2011, the Common Council adopted a resolution directing various departments to study and prepare a report analyzing the differences between the City of West Allis Revised Municipal Code and State of Wisconsin law with respect to building, electrical, plumbing, fire and health regulations. Each department was asked to determine where the City's regulations are more restrictive than the State's regulations with respect to their impact on development, increasing tax base or job creation. This report examines Chapters 12, 13, 14 and 16 of the City of West Allis Revised Municipal Code.

Chapter XII: Zoning and City Planning

Per State of Wisconsin Statutes sec. 62.23(7), municipalities are granted the right to set their own restrictions on height, number of stories, size of buildings, lot coverage, size of yards and open spaces, density of population, location of buildings, and use of buildings and structures within the City. The City has done this, and therefore is not more restrictive than the State law. However, the building code can at times allow a larger building, or more intense use of a building, or a different location of a building than the zoning code would allow.

The intent of the zoning code, is to restrict these items to "lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to encourage the protection of local air quality, ground water and other environmental resources; to further the orderly layout and use of land; to prevent the overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; stabilize and protect property values; encourage the most appropriate use of land throughout the community; conserve natural resources; implement the community's comprehensive plan or plan components; and, otherwise promote health, safety, morals, prosperity, aesthetics and general welfare of the Community." The West Allis Zoning Code has done this and is constantly being updated and revised to meet the current trends in construction and land use.

Chapter XIII: Building Code

The City of West Allis Revised Municipal Code has adopted The State of Wisconsin Department of Safety and Professional Services (DSPS) codes for all commercial and residential buildings. This includes Chapters Comm 60-65 and 75-79 for commercial properties and Comm 20-25 for residential one- and two-family properties.

Residential Properties: The State Uniform Dwelling Code (UDC) governs all one- and two-family dwellings constructed since 1980. The State building code restricts the City from being more restrictive than this code. However, this code does not apply to dwellings constructed prior to 1980 or any accessory buildings or structures on the property. The West Allis RMC applies the UDC to any new work being

performed in dwellings constructed prior to 1980. Any existing work or elements are allowed to remain as long as they are being maintained according to the code in effect at the time it was constructed. So as an example, if a house constructed prior to 1980 has an addition put on it today, the addition would meet the current building code, while the existing structure could remain "as is," unless other work was performed in the existing portion. If so, that work would need to meet the current code to the most reasonable extent. The West Allis RMC has requirements for property maintenance, detached garages, pools, fences, sheds, decks and any other accessory structure on a one- or two-family property. These items are not regulated by the State building code, so the West Allis RMC is not more restrictive. These codes were written to promote the health, safety and welfare of the residents and general public utilizing these structures.

The City of West Allis has a special affidavit permit option for replacement of HVAC equipment. This permit option requires the applicant to possess a State of Wisconsin HVAC Qualifier Certification. There is no State of Wisconsin requirement for an HVAC installer to carry this certification at this time otherwise. The affidavit permit is not a requirement, but a cost savings option for the homeowner. The affidavit permit option provides the homeowner with a less expensive option for replacing a furnace or air conditioner, but the City inspector may not come out to inspect the installation. The homeowner would rely on the expertise of the HVAC contractor to perform the installation correctly. The reason to require the HVAC Qualifier Certification is to provide both the homeowner and the City with more confidence in the installation. A random inspection for a sampling of the HVAC Qualifier's work is performed by inspectors periodically.

The UDC requires that certain inspections be performed prior to work being concealed. Inspections are required to be performed for the following work: erosion control measures, foundation excavation, foundation reinforcement, foundation, rough (includes slab, framing, electrical, plumbing, and HVAC) and a final inspection. The City of West Allis does not require any other inspections that these for one- and two-family dwellings.

Commercial Properties: The State of Wisconsin Enrolled Commercial Building Code adopts the use of the 2009 International Building Code, 2009 International Mechanical Code, 2009 International Energy Conservation Code, 2009 International Existing Buildings Code, 2009 International Fuel Gas Code and the ICC/ANSI A117.1-2003 Code, which regulates accessibility in commercial buildings. Some version of these codes are now adopted statewide in 49 states and 4 U.S. Territories. The State of Wisconsin does have some amendments to these codes which are applied statewide. The City of West Allis does not have any ordinances in Chapter 13 that are more restrictive than any of these codes.

The Commercial Building Code does not require any specific inspections. It states "On-site inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations confirm to the conditionally approved plans, the conditional approval letter and (the) code." In order to meet this requirement, the West Allis RMC requires inspections for footings and foundations, reinforcing steel, concrete slab, framing, insulation, ceiling, fire resistant penetrations, equipment, other inspections deemed necessary to ensure code compliance, and a final inspection. These inspections are similar to required inspections in all other communities in the area, with an inspection department of a similar size.

Chapter XIV: Electrical Code

The West Allis Revised Municipal Code adopts the State of Wisconsin DSPS Chapter Comm 16 for the basis of the electrical code requirements. Comm 16 adopts the 2008 National Electric Code with a series of statewide amendments, much like the commercial building code. The City of West Allis does not have any ordinances in Chapter 14 that are more restrictive than the technical aspects of the State or National Electric Code.

West Allis is more restrictive than the State code is in our requirement of a licensed electrician to apply for electrical permits. Currently, in order to apply for an electrical permit in West Allis, the applicant is required to be a licensed electrical contractor, as defined in RMC 14.06 (8), and further defined in RMC 14.55. The State of Wisconsin does not have a requirement for an electrician to be licensed. As of April 1, 2013, the State will be changing its regulations to require all electrical contractors to be licensed through the State, as opposed to being licensed locally. The City of West Allis will go through one final licensing cycle on January 1, 2012, which will run until April 1, 2013. At that time, the license requirement will no longer be valid. The State recognizes the need to license electrical companies, but felt it was redundant to have one company need licenses in every different community they work in. One central

license from the State will streamline the electrical permit process, but will be a significant revenue loss for the City of West Allis. Also, the City licenses Communication Equipment Installers, which is not a State mandate. This special licensing works to the advantage of the construction industry by intervening early on in the project with licensing and inspections. Previously, construction delays would surface at the end of a project due to improper installations by unqualified contractors.

It should be noted that there are some conditions where minor electrical work may be performed by a homeowner per our Revised Municipal Code. These conditions include replacing electrical receptacles, switches, lighting fixtures and low voltage equipment. Also, homeowners may replace any corded equipment or appliance that does not need an additional outlet installed, or may replace a light fixture with a ceiling fan fixture if the electrical box is listed to support the new fixture.

Chapter XVI: Plumbing Code

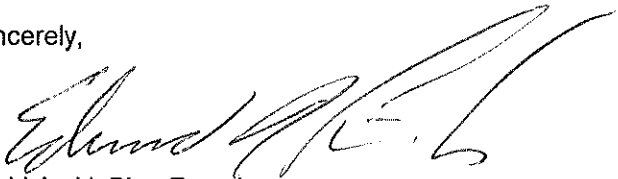
The West Allis Revised Municipal Code adopts the State of Wisconsin DSPS Chapters Comm 82-87 for the basis of plumbing code requirements. The State of Wisconsin has written their own state plumbing code and does not rely on national code standards. The City of West Allis does not have any ordinances in Chapter 16 that are more restrictive than the technical aspects of the State plumbing code.

The only time West Allis is more restrictive than the State code is in our requirement of a Master Plumber license through the State of Wisconsin in order to apply for plumbing permits. While the State licenses plumbers, it does not mandate that a plumbing license is required to apply for plumbing permits. Currently, homeowners are not allowed to do work that requires a plumbing permit, unless they are a Master Plumber. Minor repairs may be performed without permits for work not involving the extension or replacement of water or waste piping. The reason for these requirements is to safeguard life, health and property by regulating the proper installation, maintenance and use of plumbing system installations.

Conclusion

The City of West Allis Revised Municipal Code is not more restrictive on the technical aspects of any State of Wisconsin building, electrical or plumbing code. The RMC does currently have requirements for obtaining permits through additional licensing, and also has a reasonable standard for applying the current codes to existing residential buildings. The City also has a Property Maintenance Code, where the State is generally silent on property and building maintenance. These additional requirements are in place to protect the health, safety and welfare of occupants in the built environment. The permitting, licensing and inspections that are performed by the City of West Allis provides the community with a level of construction standards, durability and sustainability for the continued improvement of the City.

Sincerely,



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CC: Paul Ziehler, City Administrative Officer, City of West Allis