



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

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Commissioner
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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

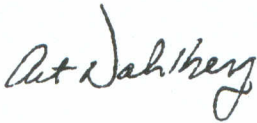


this bill they would need to be certified in that area as well, since that is what the NFPA fire inspector certification tests require. We suggest that certifications be determined by the Department of Safety and Professional Services.

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
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