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# Budget Briefs

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## BUILDING CODES IN SMALL MUNICIPALITIES

The biennial state budget act (1999 Wisconsin Act 9), passed by the legislature and signed by Governor Tommy Thompson on October 27, 1999, extends the statewide building code to municipalities with a population of 2,500 or less.

### BACKGROUND

The Wisconsin Department of Commerce (Commerce) administers the state's building code for one-family and two-family dwellings. The Uniform Dwelling Code (UDC) generally establishes construction standards and inspection procedures for new homes built on or after December 1, 1978, although different dates apply to certain requirements.

Chapter 101, Subchapter II, Wisconsin Statutes, allows cities, villages, towns, and counties to adopt their own ordinances relating to construction and inspection of new dwellings provided the ordinances meet the minimum requirements of the state's code. County ordinances apply in cities, villages, and towns that do not have their own ordinances.

Municipalities must provide for inspections and may: 1) perform the inspections themselves, 2) conduct them jointly with another local government, or 3) contract with Commerce to conduct them at the municipality's expense.

A major exception, before passage of Act 9, was that municipalities with populations of 2,500 or less were exempt from county building code ordinances and inspection requirements. In these smaller municipalities, however, a person or the municipality itself could request inspection of a particular dwelling to determine compliance with the state code.

### NEW PROVISIONS

Act 9 creates new requirements for municipalities with populations of 2,500 or less, effective May 1, 2000. An affected municipality may:

- Enact an ordinance to undertake local enforcement of the UDC, either independently or jointly with another local government;
- Adopt a resolution requesting the county to enforce the UDC;
- Adopt a resolution not to exercise either of the first two UDC enforcement options; or
- Take no action, in which case Commerce will enforce the UDC throughout the municipality.

Commerce will require affected municipalities to respond with their decisions by July 1, 2000. The municipalities can change to a different enforcement option at a later time, if they wish.

Commerce may delegate enforcement authority to the county, if the county is willing to accept it, or contract with private state-certified building inspectors, where available. If Commerce contracts to enforce the UDC and provide inspections, it may delay provision of these services until July 1, 2000. Contracted enforcement is expected to begin in early 2001.

Act 9 also directs Commerce to contract with a private nonprofit organization to educate builders on construction standards and inspection requirements.

#### **FOR MORE INFORMATION**

For copies of the changes to Section 101.651, Wisconsin Statutes, contact the Legislative Reference Bureau at (608) 266-0342 or use the searchable text of 1999 Wisconsin Act 9 available at <http://folio.legis.state.wi.us>. For more information, call the Department of Commerce, Division of Safety and Buildings at (608) 267-4405.