

FACADE CRITICAL EXAMINATION.

a. Purpose. In order to maintain a building's facade in a safe condition, the following requirements shall apply to all buildings which are 15 years old or greater and which have 5 or more stories.

There have been many façade failures, which have occurred in numerous cities throughout the country. In Milwaukee, we have had several such failures. Two occurred in 2000. In one incidence, a 3'x 4' piece of terracotta fell from a building along 4th St. and Wisconsin Av. and in another incidence, a large piece of limestone fell from a building at 6th St. and Wisconsin Av. Fortunately, no one was injured. Because of these occurrences and similar ones in other cities, an ordinance requiring an inspection with follow-up maintenance of a building's façade was adopted in 2001.

Question: *If a building is over 15 years old and the entire façade was recladded, does this ordinance apply?*

Answer: *The ordinance always applies. If the façade was completely recladded less than 15 years ago and the work was done under a permit, DNS would recognize the date of the recladding and would use that date to determine when a new report would be required. Recladding means all of the exterior wall material was removed from all of the facades of the building and replaced with a new exterior wall system. This does not include complete tuckpointing, or other major restoration projects of the existing exterior wall system. This also does not include the application of an exterior insulation finish system (EIFS) or similar system over the existing exterior wall.*

Question: *How do you determine the date when a building was built?*

Answer: *DNS will review our microfilm file and will determine the date of the building to be when the original permit was signed off as completed.*

Question: *If an addition was built with a fire wall separation, does the ordinance only apply to the older part of the building or does the ordinance apply still to all of it because a part of the building was built more than 15 years ago.*

Answer: *A building may be made of several additions, one built before 1920 and another built after 1920 and so on. A building that is separated from another building addition by a fire wall that currently meets the state code requirements of a fire wall at the time it was constructed and the building is completely separated this way from all other buildings/additions, these buildings would each be considered separate buildings and would each need to meet this ordinance based on the number of stories and the age of each building.*

Question: *If part of the building is 6 stories and then another part is 3 stories, does the entire building need to be inspected?*

Answer: *Yes but the part that is less than 5 stories would only need a visual inspection.*

b. Exemptions. This subsection shall not apply to:

b-1. Walls above the 5th story that are set back more than 25 feet from the wall below, provided the setback has an access door for building maintenance and service only, from the occupied space.

b-2. Exterior walls that are 12 inches or less from the exterior wall of an adjacent building.

c. Definitions. In this subsection:

c-1. "Category I building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with non-corrodeable metal.

c-2. "Category II building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with corrosion-resistant metal.

c-3. "Category III building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with corrodeable metal.

c-4. "Category IV building" means a building constructed with exterior walls and parts thereof that are primarily secured to the substrate by adhesive bond or with masonry headers.

c-5. "Close-up visual examination" means that the professional or the architect-in-training, engineer-in-training, technician, contractor or skilled trades person, under the professional's direct supervision, must actually touch the façade by hand or tool, unless other methods are approved prior to the inspection by the commissioner.

Question: *What if the 25' setback starts at the 3 story but then the wall continues up more than 5 stories, is the entire building exempt?*

Answer: *It depends on the design of the building and will be reviewed on a case by case basis. Any building where the wall which is 5 stories or greater is closer than 25' to a street line, alley, sidewalk, any paved walkways, plazas, parking areas, play areas that are routinely used by the public will be required to comply with this ordinance.*

c-6. "Corrodeable metal" means unprotected carbon steel, shop-primed steel, uncoated reinforcing bars and other metals that can corrode.

c-7. "Corrosion-resistant metal" means corrodeable metal that is galvanized, epoxy-coated or painted specifically to resist corrosion with that finish intact.

c-8. "Critical examination" means a close-up visual examination of the condition of one scaffold drop per elevation of façade, or parts thereof, performed by or under the direct supervision of a professional employed by the owner or agent for the purpose of determining if remedial work is required. The façade area which cannot be examined through a close-up visual examination shall be subject to a remote examination.

Question: *What is the minimum width of an area that requires the close-up visual examination?*

Answer: *The standard in the industry is 24 feet wide. An inspection can be accomplished by the use of a scaffold drop, swing stage, rappelling, crane, cherry picker, etc. provided a close-up, hands-on inspection can be achieved as stated in c-5. The length of the area to be inspected is from the top of the exterior wall including any parapet or cornice to grade.*

Question: *How many elevations are on a building?*

Answer: Typically there are 4 elevations for a building – north, south, east, west or a variation of these. Therefore, only 4 drops are required for each building unless there is an inner court.

Question: What is a court?

Answer: A court is an open exterior space providing a pathway for public egress from a building exit to a public thoroughfare.

Question: What is an inner court?

Answer: A court surrounded on all sides by walls that provides public or private access to the exterior space.

Question: What is an outer court?

Answer: A court bounded on 3 sides with walls and on the remaining side by a street, alley or other open space.

Question: Is a critical examination required for all four walls on an inner court?

Answer: No, a minimum of only one drop is required for one wall for an inner court.

Question: For a building with an outer court, are more than 4 drops required?

Answer: No. As stated above, only 4 drops are required for each building unless there is an inner court.

Question: What if the inner court functions as a natural light or ventilation well and there is no public or private access to the area below? Is a critical examination of any of the walls still required?

Answer: No. Light and or ventilation courts enclosed by walls on all sides need not be included in the scope of a critical examination unless there is public/private access or skylights at the bottom of the courtyard.

c-9. “Façade” means all areas on the exterior of the building, except for horizontal roof areas. The façade includes all walls, windows, balconies, cornices, parapets and appurtenances. The façade also includes walls supported on roofs, such as penthouse walls, chimneys, etc.

c-10. “Non-corrodeable metal” means stainless steel, aluminum or other metal that does not corrode under atmospheric conditions.

c-11. “Professional” means a registered architect or registered structural engineer in the state of Wisconsin. The professional responsible for the critical examination shall be qualified by education and experience in design, inspection or repair design of the type of exterior wall system(s) on the building being examined and shall perform services only in the areas of his or her competence as required under ch. A-E 8, Professional Conduct, Wis. Adm. Code.

c-12. “Remote examination” means an examination performed by a professional and involving the use of binoculars, photographic magnification techniques, remote observation equipment or infra-red or thermography cameras, which can demonstrate reasonable reliability in determining if an area needs a critical examination.

c-13 “Repair plan” means a plan created by the professional which identifies the nature of the defect to be corrected, a detailed procedure for making the repairs, a detailed sketch of the corrections or installation, a plan outlining protective measures for the public when applicable and a time schedule for the repairs.

c-14. "Safe" means a condition observed in a wall that exhibits neither an "unsafe and imminently hazardous condition" nor "safe with an ordinary repair and maintenance program" at the time of the critical examination.

c-15. "Safe with an ordinary repair and maintenance program" means a condition of a building façade, or part thereof, that is safe at the time of inspection, but requires ordinary repairs or maintenance within a time period designated by the professional, not to be later than the next required façade inspection date, in order to prevent its deterioration into an unsafe or unsafe and imminently hazardous condition.

c-16. "Scaffold drop" means a movement from top to bottom of a building façade and covering an area at least 24 feet wide using scaffolding, cranes, hoists, cherry pickers, ladders and other devices that permit a close-up visual examination of the façade at elevations above grade level.

c-17. "Story" means the space in a building between the surfaces of any floor and the floor next above or below, or roof next above, or any space not defined as basement, ground floor, interior balcony, mezzanine, penthouse or attic. The number of stories of a multistory building includes all stories except the basement, ground floor, interior balcony, mezzanine, penthouse or attic.

Question: *How is the number of stories for a building determined?*

Answer: *The department will review the microfilm files for each property and if there is a permit on file, will review the permit to determine the number of stories. If there is not an original permit on file, the department will also, on a case by case basis, inspect the building to determine the number of stories. The following codes have been referenced from the Wisconsin Administrative Codes, the Commercial Building Code, (Chs. Comm 50 – 64), 2001.*

Question: *What is a basement?*

Answer: *Per Comm 51.01(10): a basement floor is that level below the first or ground floor level with its entire floor below exit discharge grade.*

Question: *What is a ground floor?*

Answer: *Per Comm 51.01(67): A ground floor is that level of a building on a sloping or multilevel site which has its floor line at or not more than 3 feet above exit discharge grade for at least one-half of the required exit discharges.*

Question: *What is an attic?*

Answer: *Per Comm 51.01(6): The space not used for human occupancy located between the ceiling of the uppermost story and the roof.*

Question: *What is a mezzanine?*

Answer: *Per Comm 51.01(82): means an intermediate floor level, either open or enclosed. Per Comm 51.02(14), an interior mezzanine or balcony will be considered a floor level if it exceed 1/3 of the net main area enclosed within exterior walls or fire division walls or both; OR if it exceeds 1/3 of the net floor area enclosed within the walls of a single living unit or single tenant space.*

Question: *What is an interior balcony?*

Answer: *Per Comm 51.01(9): An open intermediate level or stepped floor. It is similar to a mezzanine except that it must be open to the floor below while a mezzanine can be either open or closed.*

Question: *What is a penthouse?*

Answer: *Per Comm 51.01(99): means an enclosed or partially enclosed structure extending above a roof of a building or structure and enclosing a stairway, tank, elevator, machinery, mechanical equipment or other apparatus and not used for human occupancy.*

c-18. "Unsafe and imminently hazardous condition" means a condition in which a façade has no reliable means of structural support and is dangerous to people or property.

c-19. "Unsafe condition" means a condition of a façade, or part thereof, which was reported as safe with an ordinary repair and maintenance program in an earlier critical examination report and, upon inspection, is found not to have been corrected within the time period designated by the professional.

d. Periodic Critical Examination. A critical examination shall be performed by professional and shall include all of the following:

d-1. The examination shall begin with an elevation parallel to any public sidewalk, walkway, street or alley.

If several sides of a building face a public streets or alley, the owner should start the inspection on the side that is parallel with the street, sidewalk or alley that is the most frequented by the public including users of the building.

d-2. A close-up visual examination of the building to be performed from a platform or device which allows an inspection of the facade area which can be reached by one scaffold drop per elevation. Other methods may include photographic magnification techniques, remote observation equipment or infrared or thermography cameras, which can demonstrate reasonable reliability and which may be approved in addition to the close-up visual examination by the commissioner on a case-by-case basis.

d-3. A remote examination of those facade areas which are not accessible during the close-up visual examination.

d-4. A complete review of the most recently prepared inspection report.

d-5. A complete review of the pertinent drawings and specifications of the building to determine the specified designs of the facades on the building.

d-6. A complete review of the drawings, specifications and maintenance reports on previous repair work performed on the facades

d-7. Documentation of the condition of the facades through photographs and drawings.

d-8. A notification to the owner or agent of any wall areas that are bowed, bulged, displaced or leaning inward or outward and, where such defects exist, an examination of the condition of a sufficient number of metal ties, anchors and shelf angles that support the wall at these locations. The owner or agent shall promptly notify the department of such defects, and it shall be the responsibility of the professional to determine the appropriate repair or stabilization procedures. All work necessary to rectify the defects shall be done on a schedule set by the department, in consultation with the professional.

Buildings which are located in a local historic district may need a certificate of appropriateness for any exterior modifications to a façade including removal of portions of the façade in order to facilitate observations or the performance of tests. Please contact

the Department of City Development, City of Milwaukee at 414-286-5900 for more information.

d-9. Examination of the substrate of wall areas with external visible distress.

e. Remote Examination. A remote examination, rather than a critical examination, may be performed by a professional on all facades which are more than 25 feet from the street line, alley, sidewalk, any paved walkways, plazas or play areas that are routinely used by the public and shall include all of the following:

e-1. Methodically scanning the facade area through the use of magnification devices.

e-2. Viewing vertically from street grade and down from parapet (where possible) and along all corners for alignment of facade elements.

e-3. Viewing horizontally to check for alignment of bands of facade elements (such as cornices, water tables, balconies, window lintels and sills).

e-4. Examining any areas which are bowing, bulging, displaced or leaning inward or outward by performing a critical examination.

f. Fire Escape Critical Examinations. Fire escape critical examination reports, as required by s. 214-19-2, may be provided as part of this report.

g. Examination Schedule. Inspection reports must be filed with the department on the following schedule, unless otherwise ordered by the commissioner:

g-1. Category I Buildings every 12 years.

~~g-1 a. If constructed prior to 1920, by December 1, 2004 and every 12 years thereafter.~~

~~g-1 b. If constructed between 1920 and 1950, by December 1, 2005 and every 12 years thereafter.~~

~~g-1 c. If constructed in 1951 or later and 15 years old or older, by December 1, 2006 and every 12 years thereafter.~~

g-2. Category II and IV Buildings every 8 years.

~~g-2 a. If constructed prior to 1920, by December 1, 2004 and every 8 years thereafter.~~

~~g-2 b. If constructed between 1920 and 1950, by December 1, 2005 and every 8 years thereafter.~~

~~g-2 c. If constructed in 1951 or later and 15 years or older, by December 1, 2006 and every 8 years thereafter.~~

g-3. Category III Buildings every 5 years.

~~g-3 a. If constructed prior to 1920, by December 1, 2004 and every 5 years thereafter.~~

~~g-3 b. If constructed between 1920 and 1950, by December 1, 2005 and every 5 years thereafter.~~

~~g-3-c. If constructed in 1951 or later and 15 years or older, by December 1, 2006 and every 5 years thereafter.~~

h. Critical Examination Reports. The professional shall submit a written report to the owner or agent and 2 copies of the report to the commissioner. A critical examination by a professional shall be performed with the understanding that, because of the physical properties of the many materials commonly used for constructing facades, and the limitations on detecting concealed internal wall distress, a critical examination performed by a professional may not find “unsafe and imminently hazardous conditions” in the façade that are not visible from the exterior. Therefore, submittal of the critical examination report is not a representation that all “unsafe and imminently hazardous conditions” in the façade have been identified. The report shall include:

h-1. The name and address of the building.

h-2. The name, address and phone number of the building owner and agent.

h-3. The name, business address and phone number of the professional preparing the report.

h-4. A site plan of the building showing adjacent streets and alleys, and relationship of the building to property lines and adjacent buildings.

h-5. A description of the building, including the number of stories, height, plan dimensions, age and type of exterior wall construction, describing (as applicable) cornices, soffits or similar overhangs or features.

h-6. Overall photographs or drawings of the 4 elevations of the building.

h-7. A detailed description of the critical examination in narrative form, including start and completion dates.

h-8. A designation of the building’s status by the professional, as defined in par. c.

h-9. Drawings or photographs describing the locations and extent of all significant distress or deteriorated conditions observed in the facades.

h-10. A description of recommended repair work and precautionary measures that will be taken to safeguard the public, if any, and the recommended completion date of such work.

h-11. Where appropriate, a comparison of conditions of facades on the building with conditions observed during previous examinations.

h-12. A recommendation for future examination, if earlier than 5 years from date of the report.

h-13. The signature and seal of the professional who performed the critical examination.

h-14. The signature of the owner or agent acknowledging his or her knowledge of the building’s condition and responsibility to maintain the building in a safe condition.

h-15. The date of the report.

h-16. Other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the critical examination report prepared by the professional and submitted to the owner.

i. Building Status. Based upon the exterior maintenance status of each building, the commissioner may issue orders to make needed repairs and obtain required permits . The procedure shall be as follows, based upon the exterior maintenance status of each building:

i-1. Buildings Determined “Safe”. One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent, and professional, bearing a stamp of receipt signed by the commissioner.

i-2. Buildings Determined “Safe With an Ordinary Repair and Maintenance Program”. One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon approval of a repair schedule prior to the commencement of any work and filing of a second report by a professional stating the required work was performed.

i-3. Buildings Determined to be in an “Unsafe Condition”. One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon filing of a repair plan prepared by a professional, filing of a follow-up report by the professional stating that the building has been brought back to a “safe condition” within the time schedule established by the commissioner and completion of a scheduled inspection by the department.

i-4. Buildings Determined to be in an “Unsafe and Imminently Hazardous Condition”. One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon completion of the following:

i-4-a. Notification by the professional to the commissioner by the next business day related to the condition of the building.

If a building is determined to be in an unsafe and imminently hazardous condition, please contact the Dept. of Neighborhood Services by calling [414-286-3154](tel:414-286-3154), [414-286-3862](tel:414-286-3862) or [414-286-3874](tel:414-286-3874) during normal business hours. The owner shall promptly provide all precautionary measures necessary to safe guard the public.

i-4-b. Detailing the appropriate precautionary measures to be taken by the owner prior to a scheduled city inspection to prevent further deterioration and to make the site safe to the public and building occupants prior to scheduled repairs being performed. If the building owner fails to take these measures prior to the city inspection, the commissioner may cause the precautionary measures to be taken. The cost incurred by the city in taking the necessary precautionary measures may be charged against the real estate upon which the building is located, and if that cost is so charged it is a lien upon such real estate and may be assessed and collected as a special tax.

i-4-c. Submission of a repair plan within 3 business days of the notification to the commissioner of the condition of the building.

This would not require a complete report as outlined in sec. h within 3 days. This would require a plan to be submitted detailing how the owner will provide stabilization of the hazardous condition and how the owner will provide immediate precautionary measures to protect the public. The owner would then need to provide a complete report within a time frame approved by the commissioner.

i-4-d. A written report by the professional noting that repairs have been performed to bring the building into a "safe condition" on a schedule created by the commissioner shall be submitted in duplicate to the commissioner by the owner.

i-4-e. A professional has submitted a maintenance plan for the building and monthly reports to the commissioner related to the maintenance work performed.

i-4-f. Another critical examination has been scheduled to be performed within a year, with the report of that examination to be submitted to the commissioner.

This report would only need to address that area of the façade(s) that were determined to be unsafe and eminently hazardous in the first report.

Question: *What if an owner does not comply? What possible penalties could be assessed against an owner?*

Answer: *If a building inspector orders the owner to provide a critical exam report and the property owner does not provide the report timely as required in the order, the owner will face significant financial penalties.*

- *An order may be referred to municipal court for failure to comply. A municipal judge could impose a municipal fine for \$150 per day up to \$5000.*
- *A citation could be issued. The charge for failure to provide this report would be \$524 for each time a citation is issued. Citations can be issued daily.*
- *The owner will be subject to reinspection fees that range from \$50 to \$350 PER REINSPECTION. This could mean that for each month the owner fails to provide a report, the department could charge a \$350 fee, which will be assessed against the property as a special tax. This could add up to \$4,200 per year.*
- *A combination of the above mentioned penalties can be used for failure to comply.*