STATE OF WISCONSIN
Department of Safety and Professional Services

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY	:	PROFESSIONAL SERVICES
AND PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Department of Safety and Professional Services ***to repeal*** SPS 314.01 (2) (a) 3. a. and b., 361.02 (4), 361.04 (15), 362.0406, 362.0702 (1) to (4), 362.0706 (2), 362.0707, 362.0708, 362.0716 (2), 362.0903 (5) (c), 362.0904 (1) (Note) and (2) (a), 362.0910, 362.1021 (title) and (1), 362.1022, 362.1101(1) (title) and (2), 362.1104 (1) (title), 362.1104 (2), 362.1109, 362.1210 (2) (title), 362.1509, 362.2103, 362.2900 (3) (b) 1. and 2., 362.3004 (title), 362.3400, 362.3500 (3) (b) and (c) and (e), 363.0503 (3), 364.0306, 364.0407 (title), 366.0605, 366.0607, 366.0711, 366.0808 and SPS 361 – 366 Appendix A; ***to renumber*** SPS 314.01 (2) (a) 3. c. and d., 361.30 (2) (c) (Note), 361.40 (3) (intro), subch. V, subch. VI, 362.0202(1) and (2), 362.0716 (title), 362.0902 (1) (Note), 362.0903(5) (d), 362.1101 (1) (a) and (b), 362.1104 (1), 362.1210 (1) (title), 362.1809 (intro), 362.2900 (3) (b) 3., 362.2902 (2), 362.3002, 364.0202 (1) (c), 364.0607 (1) and (2), and SPS 361 – 366 Appendix B; ***to renumber and amend*** SPS 361.02 (5), 362.0202 (1) and (2), 362.0412 (intro.), 362.0702 (intro.), 362.0716 (1), 362.0721, 362.1008, 362.1009, 362.1014, 362.1015, 362.1018, 362.1021 (2), 362.1110, 362.1200, 362.1210, 362.1405 (1) and (2), 362.1913, 362.2210, 362.2900 (3) (a), 362.3004 (1) to (3), 362.3006, 363.0401, 363.0403, 363.0405 and (Note), 363.0501 (title) and (intro.) and (1) to (4), 363.0503 (title) and (1) and (2) and (4) to (6), 363.0504 (title) and (1) to (3), 363.0505, 363.0506 (title), (intro.) and (Note), 363.0900, 364.0407, 364.1500 (2), 366.0101 (3), 366.0300, 366.0500, 366.0503, 366.0506, 366.0509, 366.0602, 366.0604, 366.0704, 366.0709, 366.0710, 366.0802, 366.0809, 366.0901 (title) and (1) to (4), 366.0911, 366.0912, 366.1002, 366.1101, 366.1105, 366.1301, and 366.1400.; ***to amend*** SPS 303.03(2) (a), 361.01, 361.02 (1) and (2) and (3) (intro.) and (d) 1. and (h), 361.03 (1) (a) and (c) and (2) and (3) (a) and (5) (a) 1. and 2. and (b) 1. and 2. and 3.c. and 4. and (6) and (Note) and (7) (intro.) and (8) (intro.) and (9) (intro.) and (10) (intro.) and (11) (intro.) and (12) (b) and (13) and (14) and (15) (intro.), 361.04 (intro.) and (3) and (5) and (7) and (8) and (10) and (11) and (Note), 361.05 (1) to (5) and (Note), 361.20 (1), 361.22, 361.30 (1) (a) and (1) (b) (Note) and (4) (a), Table 361.30, 361.31 (1) (b) 2. (Note) [2] and (2) (d) and (e) and (3) (b) and (c) and (4) (a) 1., 361.33, 361.35, 361.36 (1) (f) and (2) (a), 361.40 (1) (a), 361.41 (1) and (2) (d), 361.50 (1) (a) and (b) 1. and (2) (a) and (b) 1., (3) (a) and (g), (4) (b) 2., (c), and (f), and (5) (a) 1. and (b), 361.51 (1) and (2) (a) and (3) and (4), 361.60 (2) (a) 3. and 4. and (2) (b) 3. and (c) 2. and (3) (a) and (4) and (5) (c) 3., (e) 4. and (f) 1. (intro.), and (g) (intro.), and (6) (intro.) and (a), 361.61 (2) (a) 4. and 5. and (2) (b) 4., 362.0100 and (Note), 362.0202 (3), 362.0400 (2) (a) (Note) and (4), 362.0415 (1), 362.0901 (2) (Note), 362.0902 (intro.) and (1), 362.0902 (2), 362.0903 (5) (b) 1., 362.0903 (10) (b) 1., 362.0904 (2) (b) 1. b., 362.0907 (2) (Note) and (4), 362.1004, 362.1101 (title), 362.1103 (intro.), 362.1505, 362.1604, 362.1607 (1) and Table 1607.1 and (2), 362.1608 (2) (a) and (b), 362.1613, 362.1700, 362.1802,

362.1810 (5), 362.2303, 362.2304, 362.2902 (1) (a) 1. to 2., 362.3001 (1), 362.3100, 362.3100, 362.3103, 362.3200, 362.3500 (3) (intro.) and (d) and (f) and (Note), 362.3600, 363.002 (1) and (2), 363.0100 (Note), 363.0101, 363.0202 (1) and (2), 363.0303 (intro.) and (2) (a) 1. to 4., 364.0202 (1) (d), 364.0300 (1), 364.0301 (1) to (3), 364.0309 (1), Table 364.0309, 364.0312 (Note), 364.0401 (4) (b), 364.0402 Table 364.0402, 364.0403 (5) (d) 1. and 2. d. and (6), Table 364.0403 and (Notes), 364.0502 (2) (Note), 364.0507 (1) and (2), 364.0602, 364.0801 (2) and (2) (Note), 365.0621, 365.0800, 366.0101 (1), and 366.0101 (4) (b) and (c); ***to repeal and recreate*** SPS 361.30 (1) (b), 362.3002 (title), and 364.0404; ***to create*** SPS 361.03 (5) (a) 1. (Note) and 361.03 (5) (b) 5. and (13) (Note) and (14) (Note), 361.04 (1g), 361.04 (3m) and (3m) (Note), 361.04 (15) and (16), 361.30 (5), 361.31 (2) (e) 3, 361.36 (1) (g), 361.40 (3) (b), subch. V, 361.51 (8), 362.0202 (1) (b) and (c) and (2) (b) to (h) and (h) (Note) and (i), 362.0306, 362.0308, 362.0402, 362.0412 (2), 362.0509, 362.0713, 362.0717 (1), 362.0903 (12) to (18), 362.0904 (1) (title) and (2) (title) and (2) (c) and (3), 362.1006 (4) and (5), 362.1009, 362.1011 (2), 362.1013, 362.1015, 362.1107 (4), 362.1203, 362.1210 (1m) (b) (intro.), 362.1210 (2m), 362.1405 (1m), 362.1503, 362.1809 (2), 362.2510, 362.2902 (1) (e) and (2) (b), 362.3002 (1) (title), 363.0202 (2) (a) and (b), 363.0401(2) to (5), 363.0402, 363.0403 (7) to (13), 363.0404 (4) and (5), 363.0405 (3), 363.0406, 363.407(1) and (2) and (2) (Note), 363.0408, 363.0503, 363.5101, 363.5202, 363.5302, 363.5303, 363.5402, 363.5403(3), 363.5404, 364.0101, 364.0202 (1) (b) and (e) and (f) and (Note), 364.0309 (3), 364.0401 (4) (e), 364.0403 (5) (d) 2. e. and (7), 364.0501 (6), 364.0505, 364.0507 (3), 364.0607 (1m), 364.0701, 364.1500 (1m), 365.0304, 365.0502, 366.0101 (3) (b), 366.0202 (2) (c), 366.0701, 366.0704, 366.0705, 366.0902, 366.0903, 366.0904, 366.1102 (title) and (1), 366.1204, and 366.1401 (4), relating to the construction, alteration, repair, maintenance, and inspection of Wisconsin commercial buildings and affecting small business.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 101.02 (15) (j), 101.023, 101.025, 101.027 (2), 101.12, and 101.13, Stats., which relate to standards for the approval, construction, alteration, addition to, repair, maintenance, and inspection of public buildings and places of employment and components.

Statutory authority: Sections 101.02 (1), 101.02 (15) (j), 101.025, 101.027 (2), 101.10 (2), 101.13 (1m) (a), 101.132(2) (c) 1. and (2) (e) 2., 101.14 (1) (a) and (4) (a), and 101.973 (1), Stats

Explanation of agency authority:

Section 101.02 (1), Stats. - "The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings."

Section 101.02 (15) (j), Stats. - "The department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe."

Section 101.025, Stats. - Establishes requirements for standards for ventilation in public buildings and places of employment.

Section 101.027 (2), Stats. - "The department shall review the energy conservation code and shall promulgate rules that change the requirements of the energy conservation code to improve energy conservation. In conducting a review under this subsection, the department shall consider incorporating, into the energy conservation code, design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code or an energy efficiency code other than the International Energy Conservation Code if that energy efficiency code is used to prescribe design requirements for the purpose of conserving energy in buildings and is generally accepted and used by engineers and the construction industry."

Section 101.132 (2) (c) 1., Stats.- "The department shall promulgate rules that specify the materials to be included in the submittal, the procedures to be followed upon receipt of a submittal, reasonable time limitations for reviewing submittals and issuing or denying permits and qualifications for authorized representatives."

Section 101.14 (4) (a), Stats. - "The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employees and frequenters of places of employment and public buildings."

Sections 101.973 (1), Stats. - "The department shall… promulgate rules that establish standards for the construction of multifamily dwellings and their components."

Related statute or rule:

- Chapters SPS 320 to 325, Uniform Dwelling Code
- Chapter PSC 114, Wisconsin State Electrical Code (Volume I)

Plain language analysis:

Chapters SPS 361 to 366, also commonly referred to collectively as the "Wisconsin Commercial Building Code", contain standards for the design, construction, use, maintenance, alteration, and inspection of public buildings, as defined in s. 101.01 (11), Stats., and places of employment, as defined in 101.01(12).

This rule revision modernizes standards for Wisconsin's commercial buildings. This revision updates outdated references to model building codes and other standards incorporated by reference throughout chs. SPS 361 to 366. This update is necessary to keep Wisconsin's commercial building code consistent with regional and national construction and fire prevention practices and standards and with legislation enacted since the previous update of the commercial building code. This rule revision also meets requirements under ss. 101.027 (2) and (3), Stats., that the department review energy conservation standards.

Adoption of 2015 Model Building Codes

Chapters SPS 361 to 366 currently incorporate the 2009 edition of relevant model building codes produced by the International Code Council (ICC)®. This rule revision updates the model building codes to the 2015 edition, bringing Wisconsin into alignment with current building practices and technologies. Chapters SPS 361 to 366 contain further provisions that modify each model code to adapt the code to Wisconsin's unique public safety and building needs. This rule revision incorporates the 2015 edition of the following model building codes:

- The International Building Code®, with modifications in ch. SPS 362.
- The International Energy Conservation Code®, with modifications in ch. SPS 363.
- The International Mechanical Code®, with modifications in ch. SPS 364.
- The International Fuel Gas Code®, with modifications in ch. SPS 365.
- The International Existing Building Code®, with modifications in ch. SPS 366.

To develop this rule revision, the Wisconsin Commercial Building Code Council reviewed significant changes in each of the model building codes from the currently adopted 2009 edition to the 2015 edition, including the 2012 edition that Wisconsin did not adopt in the interim. The Council recommended changes to chapters SPS 361 to 366 based on their review.

The department also reviewed significant changes to the model building codes to identify requirements that could impose an undue financial burden that do not appear to be offset by improved life-safety or cost savings. Consequently, the department accepts approximately 95% of the revisions included in the 2015 editions of the model building codes, along with the recommendations made by the Commercial Building Code Council. The department proposes to retain the 2009 model code requirements for approximately 30 out of the 650 significant changes that were reviewed. Although the excluded 2015 model code provisions are not required under Wisconsin's revised 2015 commercial building code, individual owners and designers may voluntarily use more stringent requirements found in the 2015 model codes.

Chapter SPS 361

Chapter SPS 361 establishes standards for the administration of the Wisconsin Commercial Building Code, including provisions establishing the scope and application of chs. SPS 361 to 366, administrative procedures related to plan submittal and approval, procedures for submitting petitions for variance, supervision and inspection of construction projects, product and standard review and approval, and standards that allow local jurisdictions to examine building plans and inspect buildings. In general, ch. SPS 361 replaces the administrative provisions found in chapter one of the model building codes. This rule revision makes the following significant changes, among others, to SPS 361:

- Updates SPS 361.03 (5) (a) to incorporate requirements from 2013 Wisconsin Act 270, which states that no city, village, or town may enact or enforce an additional or more restrictive ordinance for a public building or building that is a place of employment.

- Updates SPS 361.03 (6) to incorporate requirements from 2015 Wisconsin Act 333 prohibiting the department or a local jurisdiction from promulgating or enforcing a rule related to fire safety that would prohibit placing a Christmas tree in a church.

- SPS 361.03 (14) updates adoption of individual sections of the International Fire Code®, published by the International Code Council, that are referenced throughout chs. SPS 361 to 366.

- SPS 361.04 updates and creates new definitions for compliance assurance programs and home-based businesses.

- SPS 361.05 updates the model building codes used in chs. SPS 361 to 366 from the 2009 edition to the 2015 editions.

- SPS 361.30 (1) (b) exempts certain single-story buildings located at state fair park and fire service drill towers used exclusively for hands-on training from plan submittal and review. These buildings will still be required to meet requirements found in chs. SPS 361 to 366.

- SPS 361.30 clarifies industry practice for calculating total building volume.

- SPS 361.30 (g) clarifies that plan approval for bleachers and canopies will expire 2 years after the approval date.

- Subchapter V is created to establish procedures for approving and inspecting modular multifamily dwellings and their components. Standards for modular dwellings are established as part of Wisconsin's uniform dwelling code. However, this revision recognizes that standards for multifamily dwellings are established under chs. SPS 361 to 366 and incorporates requirements into the commercial building code.

- SPS 361.51 (8) has been modified to allow building owners or supervising professionals to use a more recent version of a model building code adopted under SPS 361.05 if the model building code is used in its entirety and the code is identified in plan documents. Currently, a building owner or supervising professional must either submit a petition for variance or a request to use an alternate standard under SPS 361.51 to use a more current version of a building code. This provision allows the use of such code without requiring payment of a separate fee or application.

Chapter SPS 362

This rule adopts the 2015 edition of the International Building Code (IBC). Chapter SPS 362 establishes standards related to buildings and structures and modifies provisions from the IBC. This rule revision makes the following significant changes to SPS 362:

- SPS 362.0202 reorganizes and renumbers some existing definitions and creates new definitions for "neutral plane for a deep foundation", "self-storage building", "automatic sprinkler system", "commercial motor vehicle", "fire area", "fire separation distance," "fuel-

burning appliance", "immediately dangerous to life and health (IDLH)", "Live/work unit", and "sealed combustion appliance."

- SPS 362.0717 (1) creates a new provision in addition to the requirements in IBC section 717.3.3.2 describes how dampers operate in emergency situations.

- SPS 362.0903 (5) modifies the automatic sprinkler requirements for multifamily dwellings containing over 20 dwelling units to incorporate requirements under s. 101.14 (4m) (b) 2., Stats.

- SPS 362.0903 (13) clarifies that the automatic fire sprinkler requirements apply to recycling chutes in addition to rubbish and linen chutes.

- SPS 362.0903 (14) clarifies that the department will accept FM Global Loss Prevention Data Sheets 2-0 Installation Guidelines for Automatic Sprinklers and 8-9 Storage of Class 1,2,3,4 and Plastic Commodities as alternate design standards for sprinklers.

- SPS 362.0903 (15) incorporates requirements from 2015 Wisconsin Act 240, which prohibits the department or local jurisdictions from establishing or enforcing ordinance that requires automatic fire suppression systems on a building on fairgrounds if the building is used for 180 cumulative days or fewer per year and public access is provided by garage style doors that remain open to the public when the building is open.

- SPS 362.0903 (18) creates a new exemption from fire sprinkler requirements in certain buildings, including rural restaurants, taverns, and bars, farm buildings temporarily repurposed for use for weddings or similar events, places of religious worship, and cabins, camp or lodge buildings that do not have access to a municipal water supply to operate a fire sprinkler system. Currently, these buildings are already exempt from fire sprinkler requirements under the IBC if they meet certain size and occupant load limits. If a building exceeds those requirements, owners must request a petition for variance to exclude a fire sprinkler system in these buildings.

  This provision creates a new administrative option that will allow for buildings not exempt from fire sprinkler requirements under current IBC requirements to build without seeking a petition for variance if the building meets the requirements under this provision and is approved by the local commercial building inspector and fire code official.

- SPS 362.1006 (4) creates an exemption for the number of exits and common path of travel for buildings used for salt and sand storage, to provide more flexibility for buildings used to store salt and sand used on roads.

- SPS 362.1015 clarifies where guards located along elevated open-sided walking surfaces are required.

- SPS 362.1201 modifies the requirements found in IBC section 1405.3.1 to require that Class I or II vapor retarders be provided on the interior side of frame walls and ceiling assemblies.

- SPS 362.1405 extends vapor retarder requirements to ceiling assemblies, providing requirements that are consistent with the UDC.

- SPS 362.1809 exempts floating slabs used with non-masonry, unheated, single-story buildings that are less than 12,000 square feet from requirements for frost protection.

- The rule makes several modifications to the 2015 IBC to maintain current 2009 provisions due to cost concerns. Although the 2015 provisions are not mandatory, they may be voluntarily implemented in a building project. These modifications include exclusion of the following:

    - 2015 IBC requirements related to storm shelters (SPS 362.0402).
    - S-1 occupancies used for storage of upholstered furniture or mattresses (SPS 362.0903 (12)).
    - Assembly occupancies on roofs and limited area sprinkler systems (SPS 362.0903 (16) and (17)),
    - Requirements for floor exit signs (SPS 362.1013).
    - SPS 362.1107 was modified to maintain 2009 language related to multistory units.

Chapter SPS 363

This rule adopts the 2015 edition of the International Energy Conservation Code (IECC). Chapter SPS 363 establishes standards related to energy conservation and modifies provisions from the IECC or ASHRAE 90.1 to adapt the requirements to Wisconsin's needs. This rule revision makes the following changes to SPS 363:

- SPS 363.0100 (Note) explains the numbering system for SPS 363. The 2015 IECC presents energy requirements for commercial buildings in a separate section from residential energy requirements, which is substantially different than the organization used in the 2009 IECC. Many of the modifications to SPS 363 were to renumber provisions to correspond to the new numbering system used in the 2015 IECC.

- SPS 363.0202 creates new definitions for "effective aperture", "approved", and "daylight responsive controls."

- SPS 363.0401 excludes automatic receptacle control requirements under ASHRAE 90.1 section 8.4.2 from the requirements.

- SPS 363.0600 updates several standards incorporated by reference related to materials, systems, and equipment.

- The rule makes several modifications to the 2015 IECC due to cost concerns. Although the 2015 provisions are not mandatory, they may be voluntarily implemented in a building

project. These modifications include substitution of current standards for 2015 IECC requirements for the following:

- Certain insulation requirements related to the building envelope (SPS 363.0402 and 363.5402).
- Building mechanical systems (SPS 363.0403 (7) to (15)).
- System commissioning (SPS 353.0403 (15), 363.0404 (4), and 363.0408).
- Requirements for high-efficiency lighting (SPS 363.5404).

Chapter SPS 364

Chapter SPS 364 establishes standards related to heating, ventilation, and air conditioning requirements and modifies provisions from the 2015 edition of the IMC. Significant changes include:

- SPS 364.0202 is revised to include new definitions for “enclosed parking garage”, “ living area,” and “motorized vehicle” and revises the definition of health care facility to include community-based residential facility.

- SPS 364.0309 (3) allows spot heating to be used to heat individual work stations in an industrial building in lieu of heating the entire space if the design temperature at the station is at least 60°.

- SPS 364.0401 clarifies how the distance of intake openings from the lot line should be measured.

- SPS 364.0403 (5) (d) 2. e. provides an exception to air exchange requirements.

- Table 364.0403 is modified to update ventilation requirements and explanatory notes for nail salons, aircraft hangars, and enclosed parking garages. Clarifies that a mezzanine floor area open to a service or repair area shall not be included as floor area when determining the exhaust rate from a room or space.

- SPS 364.0404 revises mechanical ventilation requirements for enclosed parking garages to provide additional options and clarify current requirements for ventilating enclosed parking garages over those required in the IMC.

- SPS 364.0607 (1) creates new language describing a condition under which supply and return smoke dampers shall be closed.

- 2015 IMC requirements related to kitchen equipment (SPS 364.0505 and 364.0507 (2)) were not included in this rule, maintaining current requirements, due to cost concerns. Although not required, these provisions may be voluntarily implemented in a building project.

Chapter SPS 365

Chapter SPS 365 establishes standards for the design, installation, operation and maintenance of fuel gas piping systems and utilization equipment, and gaseous hydrogen system. This rule adopts the 2015 edition of the International Fuel Gas Code. This rule revision clarifies that barometric dampers shall not be used for combustion air, which compliments requirements in ch. SPS 364, updates and clarifies language related to unvented heaters, and updates the reference to ANSI Z223.1/NFPA 54.

One requirement prohibiting doors to swing within 12 inches of a vent terminal (SPS 365.0502) was not included in this rule revision, maintaining current requirements, due to cost concerns.

Chapter SPS 366

Chapter SPS 366 establishes standards for the repair, alteration, change of occupancy, addition or relocation of existing buildings. This rule adopts the 2015 edition of the International Existing Building Code. This rule renumbers provisions to reflect changes in numbering between the 2009 and 2015 editions and clarifies language and cross references throughout. In addition, ch. SPS 366 includes the following revisions:

- SPS 366.0202 creates a definition of a “work area”.

- SPS 366.1102 creates new language allowing buildings meeting the legacy Wisconsin unlimited area provisions are allowed to have unlimited area additions without a separating firewall.

- SPS 366.1204 exempts historic buildings from building envelope requirements in the IECC except for certain provisions outlined in the rule.

General Rule Revisions

Many of the revisions included in this rule revision were made to improve language clarity, to align the rule with industry practice, and to renumber provisions to align with the revised format of the 2015 model building codes.

Summary of, and comparison with, existing or proposed federal regulations:

Energy Conservation Requirements - Section 304 (a) of the Energy Conservation and Production Act (ECPA) (Pub. L. No. 94-385), as amended, requires the U.S. Department of Energy (DOE) to establish energy conservation standards and encourage states and local governments to adopt and enforce those standards through their building codes and other construction control mechanisms.

42 U.S.C. 6833 requires the DOE secretary to review any new revision of the International Energy Conservation Code (IECC) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ANSI/ASHRAE/IESNA) Standard 90.1 within 12 months after the

publication date to determine whether the revision will improve energy efficiency in commercial buildings. If the DOE secretary determines that the standard will achieve energy savings, each state is required to review the standards no later than 2 years after publication and certify that the state has reviewed and updated provisions of the state's commercial building code to incorporate provisions of the revised standards to the extent that the code will meet or exceed the revised standard.

On September 26, 2014, DOE issued a determination that the ASHRAE Standard 90.1-2013 would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of approximately 8.7% energy cost savings, 8.5% source energy savings, and 7.6% site energy savings.

On June 11, 2015, DOE issued a determination that the 2015 IECC would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in residential buildings of approximately 0.73% energy cost savings, 0.87% source energy savings, 0.98% site energy savings.

Similar to federal requirements, s. 101.027 (2), Wis. Stats., requires the department to review the energy conservation code and promulgate rules to improve energy conservation. The department is required to consider any cost of the required compared to any reasonable economic and environmental benefit of the requirement.

The review process used to evaluate the IECC and ASHRAE Standard 90.1 as part of this rule revision meets both federal and state requirements for reviewing energy conservation standards for use in commercial buildings. Wisconsin modifications to the IECC and ASHRAE Standard 90.1 are found in ch. SPS 363.

Accessibility Requirements - In addition to energy conservation requirements, commercial buildings are also required to meet federal requirements for accessibility for the disabled. These regulations include the following:

- 28 CFR 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- 28 CFR 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.
- 24 CFR 40 – Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures.
- 24 CFR 41 – Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
- 24 CFR 100 – Discriminatory Conduct Under the Fair Housing Act.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines. 24 CFR 40 and 41 provide technical guidance on the design, construction, and alteration of dwelling units as required by the federal

Fair Housing Amendments Act of 1988. The American National Standard: Accessible and Usable Buildings and Facilities, (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities which are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the IBC. Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard.

Comparison with rules in adjacent states:

Illinois: Local jurisdictions are primarily responsible for adopting building codes in Illinois. However, the state Capital Development Board establishes standards for buildings in non-building code jurisdictions. Illinois adopts the following editions of the model building codes:

- 2009 International Building Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code
- 2015 International Fire Code (excluding Chapter 4)
- 2015 International Fuel Gas Code
- 2015 International Mechanical Code

Illinois adopts the 2015 edition of the IECC. State-funded facilities must comply with ASHRAE 90.1 per 20 ILCS 3105/10.09-5. Privately funded commercial buildings must comply with IECC per 20 ILCS 3125. The 2015 editions of both the IECC and ASHRAE 90.1 went into effect on January 1, 2016. Illinois substitutes procedures for some of the administrative requirements in the codes and adds a few modifications to the IECC related to existing buildings.

In addition, the Illinois State Board of Education has adopted the 2015 IBC, IFC, IMC, IFGC, IECC, IEBC for Pre-K thru 12 public Education Facilities (other than vehicular), but do not apply to Chicago. The Illinois Department of Health has adopted the IBC for hospitals where local codes do not apply.

Iowa: Iowa's State Building Code is found in Chapter 301 of the Iowa Administrative Code. The Iowa State Building Code applies to state-owned buildings, state financed buildings in jurisdictions without an adopted and enforced building code, Board of Regents' facilities, modular and manufactured homes and commercial buildings, and school-owned structures in jurisdictions without an adopted and enforced building code.

Iowa recently updated its State Building Code, with changes that went into effect on May 18, 2016. The following lists the adopted editions, along with a description of modifications, if any, that Iowa adopts to each edition.

- 2015 International Building Code, including modifications to replace language from IBC section 907.2.3 related to fire alarm systems in educational facilities, and to modify

requirements related to bleachers, grandstands and folding and telescopic seating, among other modifications.

- 2012 International Energy Conservation Code, with a few modifications to adapt the rule to administrative requirements specific to Iowa.

- 2015 International Existing Building Code, with modifications deleting many of the administrative requirements found in chapter 1, along with sections related to accessibility requirements.

Iowa exempts cabins located in rural areas without a sufficient water supply from automatic fire sprinkler requirements in the 2015 International Building Code. Iowa's exemption applies to cabins that are no more than 750 square feet, one story with no basement, has fire and smoke alarm systems, and has sleeping areas that are separated from fuel-fired heating equipment or other fuel-fired appliances.

Michigan

Michigan's construction codes are organized under the Michigan Construction Code Commission General Administrative Rules (R 408.30101 - 408.31194). Michigan is currently in the process of updating its building, rehabilitation, mechanical, and commercial energy codes to incorporate the 2015 editions of the model building codes, but currently adopts the following building codes:

- 2012 International Building Code, which is adopted under the Michigan Building Code (Construction Code- R 408.30401 – 408.30499).

- 2009 International Energy Conservation Code, which is adopted under the Michigan Uniform Energy Code (Construction Code-R-408.30801-408.30873).

- 2012 International Existing Buildings Code, which is adopted under the Michigan Rehabilitation Code (Construction Code-R408.30551-408.30577)

- 2012 International Mechanical Code, which is adopted under the Michigan Mechanical Code.

Michigan modifies their adoption of the model building codes. For example, according to R 408.30401 of Michigan's construction code, the state's adoption of 2012 edition of the International Building Code includes "appendices F, G, and H, except for sections 104.8, 109.2 to 109.6, 114.3, 415.8.2.2 to 415.8.2.9, 415.8.3 table 1608.2, 2902 to 2902.5, Table 2902.1, 3006.5, the definition of "agricultural building" in section 202, the definition of "recreational vehicle" in Appendix G, and, IECC-2012, IEBC-2012, IMC-2012, IPC-2012, IPSDC-2012, NFPA 70-2011, listed in chapter 35, govern the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures, and, with exceptions noted, the international building code is adopted by reference in these rules."

Michigan's proposed rulemaking effort would further exclude 903.2.8.3.1, 903.2.8.3.2 and 903.2.8.4 from their adoption of the 2015 International Building Code. Michigan also proposes accepting the 2015 IECC, except for sections C107.2 to C107.5, C108.2 to C108.4, C301.2, C301.3, C302, C401.2.1 to C408.3.2, C502.2 to C502.2.6.2, C503.2 to C503.6 and they propose accepting the 2013 version of ANSI/ASHRAE/IESNA standard including appendices A, B, C, D, and G, and except for sections 8.4.2, 8.4.3 to 8.4.3.2.

Minnesota

Minnesota has a statewide building code as authorized by Chapter 326B of the Minnesota statutes. The building code is organized and adopts model building codes as follows:

- Minn. Rule 1300 –Minnesota Building Code Administration - These provisions include administrative procedures and typically replaces chapter one of the model building codes.

- 2012 International Building Code (Minn. Rule 1305-Minnesota Building Code) - The Minnesota Building Code incorporates the 2012 International Building Code, with amendments. Minnesota has adopted chapters 2 through 33 and 35. They have adopted amendments to chapters 11 related to accessibility requirements and chapter 30 related to elevators into Minn. Rule 1341 and 1307. They have also deleted seismic and earthquake provisions of the IBC. Other modifications include changes to certain occupancy classifications, rules related to malls, revisions to automatic sprinkler requirements, and modifications to duct construction and installation requirements, among others.

- 2012 International Existing Building Code (Minn. Rule 1311-Minnesota Conservation Code for Existing Buildings) - The Minnesota Conservation Code for Existing Buildings incorporates the 2012 International Existing Building Code, with amendments that do not adopt certain provisions related to accessibility requirements in existing buildings.

- 2012 International Energy Conservation Code (Minn. Rule 1323-Commercial Energy Code) –The Minnesota Commercial Energy Code incorporates the commercial provisions only of the 2012 International Energy Conservation Code, with amendments that include modifications to building envelope requirements related to insulation requirements for roof placement, air barrier construction, stairway and shaft vents, and outdoor air intakes and exhausts, among others; building mechanical systems; exhaust air energy recovery requirements including modifications to piping insulation and allowable fan motor horsepower requirements, among others. Minnesota adopts C408 related to building commissioning, with exemptions for certain mechanical systems.

- 2012 International Mechanical Code (Minn. Rule 1346-Minnesota Mechanical Code) - The Minnesota Mechanical Code incorporates the 2012 International Mechanical Code, chapters 2 through 15 as amended and the 2012 International Fuel Gas Code, chapters 2 through 8 as amended. The Mechanical Code contains numerous modifications to the IMC and IFGC including modifications related to enclosed parking garages, domestic kitchen exhaust appliances, hazardous exhaust systems, duct construction, and installation, among others.

Summary of factual data and analytical methodologies:

This proposed rule was developed in consultation with the Wisconsin Commercial Building Code Council. The Commercial Building Code Council is authorized and created under s. 15.407, Stats. The council's duties are outlined in s**.** 101.023, Stats., which states:

"The…commercial building code council shall review the rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. In preparing rules under this chapter that relate to public buildings and to buildings that are places of employment, the department shall consult with the commercial building code council."

Beginning in March 2015, the Wisconsin Commercial Building Code Council held monthly meetings to comprehensively review significant changes adopted in updated versions of the model building codes and other standards incorporated by reference in the rule. The council and the department also reviewed costs associated with updated requirements and commercial building requirements in other states.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The department is currently soliciting information from industry to determine the potential impact of the proposed rule on the overall economic impact and the impact of the rule on small business.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules are anticipated to have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. and will be submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a substantial number of small businesses. See the attached Fiscal Estimate and Economic Impact Analysis document for additional information. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Brittany Lewin, Executive Director, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone (608) 261-5406; email at dspsadminrules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Melinda Allen, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received before 11:00 a.m. on February 2, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 303.03 (2) (a) is amended to read:

SPS 303.03 (2) (a) A completed ~~and notarized~~ petition for variance form including a clear and concise written statement of the specific provisions of the rule from which the variance is requested along with a specific statement of the procedures and materials to be used if the variance is granted;

SECTION 2. SPS 314.01 (2) (a) 3. a. and b. are repealed.

SECTION 3. SPS 314.01 (2) (a) 3. c. and d. are renumbered SPS 314.01(2) (a) 3. a. and b.

SECTION 4. SPS 361.01 is amended to read:

SPS 361.01 Purpose of Code. - Pursuant to various statutory provisions under subch. I of ch. 101, Stats., the purpose of ~~this code~~ chs. SPS 361 to 366 is to protect the health, safety, and welfare of the public and employees by establishing minimum standards for the design, construction, maintenance, and inspection of public buildings, including multifamily dwellings~~,~~ and places of employment.

SECTION 5. SPS 361.02 (1), (2), (3) (intro.), (d) 1., and (h) are amended to read:

SPS 361.02 (1) Except as provided in subs. (2) and (3), ~~this code~~ chs. SPS 361 to 366 ~~applies~~ apply to all public buildings and places of employment.

(2) ~~This code does~~ Chapters SPS 361 to 366 do not apply to buildings or situations listed under the exclusions in s. 101.01 (11) and (12), Stats., or under the exemptions in s. 101.05, Stats.

(3) ~~This code does~~ Chapters SPS 361 to 366 do not apply to ~~all~~ any of the following types of buildings, structures, or situations:

(d) 1. A statement is recorded with the register of deeds that describes the steps necessary for compliance to ~~this code~~ with chs. SPS 361 to 366 if the space is converted to a nonexempt use.

(h) That portion of or space within a one- or 2-family dwelling in which a ~~home occupation~~ home-based business is located.

SECTION 6. SPS 361.02 (4) is repealed.

SECTION 7. SPS 361.02 (5) is renumbered SPS 361.02 (4) and amended to read:

SPS 361.020 (4) ~~This code~~ Chapters SPS 361 to 366 also ~~applies~~ apply to any existing building that is converted to a community-based residential facility for 9 to 20 residents.

SECTION 8. SPS 361.03 (1) (a) and (c), (2), (3) (a), and (5) (a) 1. are amended to read:

SPS 361.03 (1) (a) The design and construction of public buildings and places of employment shall comply with s. SPS 361.05, except as otherwise provided in ~~this code~~ chs. SPS 361 to 366.

(c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. SPS 362.3600 (2), in lieu of corresponding, otherwise applicable requirements of ~~this code~~ chs. SPS 361 to 366.

(2) RETROACTIVITY. A rule of ~~this code~~ chs. SPS 361 to 366 does not apply retroactively to public buildings and places of employment existing prior to the effective date of the rule unless specifically stated in the rule.

(3) (a) ~~Where~~ If any rule written by the department differs from a requirement within a document referenced in ~~this code~~ chs. SPS 361 to 366, the rule written by the department shall govern.

(5) (a) 1. Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., ~~a~~ no city, village, or town ~~or local board of health~~ may enact ~~and~~ or enforce an additional or more restrictive local ordinance that establishes minimum standards for constructing, altering, or adding to public buildings ~~and~~ or buildings that are places of employment.

SECTION 9. SPS 361.03 (5) (a) 1. (Note) is created to read:

SPS 361.03 (5) (a) 1. (Note) **Note:** 2013 Wisconsin Act 270 established a uniform commercial code. Municipalities with ordinances enacted before May 1, 2013 and approved by the department shall remain in effect. A complete list of department-approved municipal ordinances is available on the department's website at http://dsps.wi.gov/Programs/Industry-Services/Industry-Services-Programs/Commercial-Buildings/Act270/.

SECTION 10. SPS 361.03 (5) (a) 2., (b) 1., 2. , 3. c. and 4., are amended to read:

SPS 361.03 (5) (a) 2. Nothing in ~~this code~~ chs. SPS 361 to 366 affects the authority of a municipality to enact ~~and~~ or enforce standards relative to land use, zoning, or regulations under ss. 59.69, 60.61, 60.62, 61.35 and 62.23 (7), Stats.

(b) 1. Pursuant to s. 101.02 (7m), Stats., a city, village, town or county may not enact ~~and~~ or enforce additional or more restrictive standards for multifamily dwellings, except as provided under s. 101.975, Stats., and that do not conflict with ~~this code~~ chs. SPS 361 to 366.

2. Any municipality exercising or intending to exercise jurisdiction under ~~this code~~ chs. SPS 361 to 366 may apply to the department for a variance permitting the municipality to adopt an ordinance pertaining to multifamily dwellings not in conformance with ~~this code~~ chs. SPS 361 to 366. The department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

3. c. The municipality demonstrates that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of ~~this code~~ chs. SPS 361 to 366.

4. Pursuant s. 101.121, Stats., a city, village, town or county may not enact or enforce additional or more restrictive standards regarding issues addressed under ~~this code~~ chs. SPS 361 to 366 that would apply to alteration or change of occupancy for a historic building.

SECTION 11. SPS 361.03 (5) (b) 5. is created to read:

SPS 361.03 (5) (b) 5. Pursuant to s. 101.02 (7e), Stats., no city, village, or town may enact or enforce an ordinance related to fire safety that prohibits the seasonal placement of a Christmas tree in a church.

SECTION 12. SPS 361.03 (6) and (Note), (7) (intro.), (8) (intro.), (9) (intro.), (10) (intro.), (11) (intro.), (12) (b), and (13) are amended to read:

SPS 361.03 (6) ALTERNATIVES. Nothing in ~~this code~~ chs. SPS 361 to 366 is intended to prohibit or discourage the design and utilization of new building products, systems, components, or alternate practices, provided written approval from the department is obtained first.

Note: Subchapter ~~V~~ VI contains requirements for approval of building products and alternate standards.

(7) NEW BUILDINGS AND STRUCTURES. Buildings, structures and additions to buildings, structures, and components, to be constructed or erected shall be designed, constructed, and maintained in accordance with the rules of ~~this code~~ chs. SPS 361 to 366 as the rules exist on one of the following:

(8) ALTERATIONS. Those portions, elements, systems or components of existing buildings and structures to be altered or modified, where the alteration or the modification affects a building element or component relating to subject matters regulated by ~~this code~~ chs. SPS 361 to 366, shall be designed, constructed, and maintained in accordance with the rules of ~~this code~~ chs. SPS 361 to 366 as the rules exist on one of the following:

(9) REPLACEMENTS. Those building systems or components of existing buildings and structures to be replaced, where the replacement involves a building element or component

relating to subject matters regulated by ~~this code~~ chs. SPS 361 to 366 shall conform and be maintained in accordance with the rules of ~~this code~~ chs. SPS 361 to 366 as the rules exist on one of the following:

(10) REPAIRS. Those portions, elements, systems or components of existing buildings and structures repaired shall conform and be maintained in accordance with the rules of ~~this code~~ chs. SPS 361 to 366 as the rules exist on one of the following:

(11) CHANGE OF OCCUPANCY OR USE. Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with ~~this code's~~ the requirements of chs. SPS 361 to 366 for the new division or group of occupancies, as these requirements exist on one of the following dates:

(12) (b) Except as provided in par. (c), buildings or spaces considered for temporary use shall conform to the requirements of ~~this code~~ chs. SPS 361 to 366 as necessary to ensure the public safety, health and general welfare.

(13) EXISTING BUILDINGS AND STRUCTURES. (a) Unless otherwise specifically stated in ~~this code~~ chs. SPS 361 to 366, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the Wisconsin administrative building code provisions that applied when the building, structure, element, system, or component was constructed, or altered except when required by subsequent editions of the building code.

(b) Existing bleachers, grandstands, and folding and telescopic seating shall comply with ~~ICC 300-02~~ ICC 300-12.

SECTION 13. SPS 361.03 (13) (Note) is created to read:

SPS 361.03 (13) (Note) **Note:** A copy of ICC 300-12, "Standard for Bleachers, Folding and Telescopic Seating, and Grandstands," American National Standards Institute, 1899 L Street, NW, 11th Floor, Washington, D.C., 20036 may be acquired at http://shop.iccsafe.org.

SECTION 14. SPS 361.03 (14) is amended to read:

SPS 361.03 (14) INTERNATIONAL FIRE CODE. The 2015 IFC~~, as referenced by the codes adopted under s. SPS 361.05,~~ does not apply to chs. SPS 361 to 366 except as follows:

(a) Design and construction-related requirements shall apply that are addressed in the IFC section 102.6; IFC chapters 2 to 4; IFC sections 501 to 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to ~~901.4.2~~ 901.4.3, ~~901.4.4~~ 901.4.5 to 909.18.9, and 909.20 to 913; IFC chapters 10~~, and 12 to~~ 11, 21, and 22; IFC section ~~2211.7~~ 2311.7, and IFC chapters ~~23~~ 24 to ~~29, 31 to 33, 36,~~ 37, ~~and 39 to 47,~~ 50, 51, 54 to 57, 59, 60, 62 to 67, and 80.

(b) Occupant loads addressed in IFC section ~~1004.8~~ 1004.5 shall apply but shall be established by the owner rather than by the code official.

(c) Construction−related inspections and reports shall apply that are addressed in IFC chapters 2 to 8; IFC sections 901 to 909.18.9 and 909.20 to 913; and IFC chapters 10, ~~12~~ 11, 21, 22, 24 to ~~21, 23 to 29, 31, 32, 33, 36,~~ 37, ~~and 39 to 47~~ 50, 51, 54 to 57, 59, 60, and 62 to 67, but may be performed or compiled by any qualified agency, rather than by a special inspector.

(d) Use and operation provisions shall apply which are a contingency of design and construction-related requirements and which are addressed in IFC chapters 2 to 4; IFC sections 501 and 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to ~~901.4.2, 901.4.4~~ 901.4.3, 901.4.5 to 909.18.9, and 909.20 to 913; and IFC chapters 10, ~~12 to~~ 11,21, ~~23 to 29, 31 to 33, 36,~~ 22, 24 to 37, ~~and 39 to 47~~ 50, 51, 54 to 57, 59, 60, 62 to 67, and 80.

SECTION 15. SPS 361.03 (14) (Note) is created to read:

SPS 361.03 (14) (Note) **Note:** The IFC means the "2015 International Fire Code®" published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478.

SECTION 16. SPS 361.03 (15) (intro.) is amended to read:

(15) (intro.) GLOBAL DELETIONS FOR THE INTERNATIONAL CODES. Unless specifically applied by another department-written rule in ~~this code~~ chs. SPS 361 to 366, the following requirements of the IBC, IEBC, IECC, IFC, IFGC, and IMC do not apply as rules of the department:

SECTION 17. SPS 361.04 (intro.) is amended to read:

SPS 361.04 (intro.) In ~~this code~~ chs. SPS 361 to 366:

SECTION 18. SPS 361.04 (1g) is created to read:

SPS 361.04 (1g) "Compliance assurance program" means a detailed system documenting the methods used to ensure modular multifamily dwelling units and dwelling components are manufactured in accordance with chs. SPS 361 to 366 and approved construction documents.

SECTION 19. SPS 361.04 (3) is amended to read:

SPS 361.04 (3) "Dwelling unit" has the meaning given in s. 101.61 (1), Stats., for the purpose of determining whether ~~this code~~ chs. SPS 361 to 366 applies to a residential occupancy. For all other purposes, the meaning is as given in IBC section 202, IECC section 202, and IMC section 202.

SECTION 20. SPS 361.04 (3m) and (3m) (Note) are created to read:

SPS 361.04 (3m) "Home-based business" means any business, profession, trade, or employment conducted in a person's dwelling unit, which may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

(a) Explosives, fireworks, or repair of motor vehicles.

(b) More than 25% of the habitable floor area of the dwelling unit.

Note: A dwelling unit that includes a home-based business is referred to as a "live/work" unit as defined in s. SPS 362.0202 (2) (h).

SECTION 21. SPS 361.04 (5), (7), (8), (10), and (11) are amended to read:

SPS 361.04 (5) "IBC" and "International Building Code" mean the *International Building Code*®, as adopted under s. SPS 361.05 and modified in ~~this code~~ chs. SPS 361 to 366.

(7) "IEBC" and "International Existing Building Code" mean the ~~2006 edition of the~~ International Existing Building Code®, as adopted under s. SPS 361.05 and modified in ~~this code~~ chs. SPS 361 to 366.

(8) **"**IECC" and "International Energy Conservation Code" mean the International Energy Conservation Code®, as adopted under s. SPS 361.05 and modified in ~~this code~~ chs. SPS 361 to 366.

(10) **"**IFGC" and "International Fuel Gas Code" mean the International Fuel Gas Code®, as adopted under s. SPS 361.05 and modified in ~~this code~~ chs. SPS 361 to 366.

(11) "IMC" and "International Mechanical Code" mean the International Mechanical Code®, as adopted under s. SPS 361.05 and modified in ~~this code~~ chs. SPS 361 to 366.

SECTION 22. SPS 361.04 (15) is repealed.

SECTION 23. SPS 361.04 (15) and (16) are created to read:

SPS 361.04 (15) "Secretary" has the meaning given in s. 101.01 (14), Stats.

(16) "Wisconsin insignia" means a device or seal approved by the department to certify compliance with chs. SPS 361 to 366.

SECTION 24. SPS 361.04 (Note) is amended to read:

SPS 361.04 Note: Many of the model codes created by the International Code Council (ICC) and adopted by the Department of Safety and Professional Services may be viewed free of charge on the ICC ~~Internet site~~ website. To access these codes go to ~~http://www.ecodes.biz/~~ http://codes.iccsafe.org/ and click on ~~"Free Codes."~~ "I-Codes."

SECTION 25. SPS 361.05 (1) to (5) and (Note) are amended to read:

SPS 361.05 (1) IBC. The International Building Code® – ~~2009~~ 2015, subject to the modifications specified in this chapter and ch. SPS 362 is hereby incorporated by reference into ~~this code~~ chs. SPS 361 to 366.

(2) IECC. The International Energy Conservation Code® – ~~2009~~ 2015, subject to the modifications specified in this chapter and ch. SPS 363 is hereby incorporated by reference into ~~this code~~ chs. SPS 361 to 366.

(3) IMC. The International Mechanical Code® – ~~2009~~ 2015, subject to the modifications specified in this chapter and ch. SPS 364 is hereby incorporated by reference into ~~this code~~ chs. SPS 361 to 366.

(4) IFGC. The International Fuel Gas Code® – ~~2009~~ 2015, subject to the modifications specified in this chapter and ch. SPS 365 is hereby incorporated by reference into ~~this code~~ chs. SPS 361 to 366.

(5) IEBC. The International Existing Building Code® – ~~2009~~ 2015, subject to the modifications specified in this chapter and ch. SPS 366, is hereby incorporated by reference into ~~this code~~ chs. SPS 361 to 366.

Note: Many of the model codes created by the International Code Council (ICC) and adopted by the Department of Safety and Professional Services may be viewed free of charge on the ICC ~~Internet site~~ website. To access these codes go to ~~http://www.ecodes.biz/~~ http://codes.iccsafe.org/ and click on ~~"FreeCodes."~~ "I-Codes." Online viewers should determine whether the version available on the Internet is the version adopted above.

SECTION 26. SPS 361.20 (1) is amended to read:

SPS 361.20 (1) OWNER. Compliance with ~~this code~~ chs. SPS 361 to 366 does not relieve the owner of a public building or place of employment from compliance with the administrative rules established by other state jurisdictions

SECTION 27. SPS 361.22 is amended to read:

SPS 361.22 Petition for variance. The department shall consider and may grant a variance to a provision of ~~this code~~ chs. SPS 361 to 366 in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

SECTION 28. SPS 361.30 (1) (a) is amended to read:

SPS 361.30 (1) (a) Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment

may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.

SECTION 29. SPS 361.30 (1) (b) is repealed and recreated to read:

SPS 361.30 (1) (b) The following are exempt from plan submittal and review under par. (a):

1. Single-story buildings and structures of less than 1,000 square feet located on individual parcels or lease sites at state fair park.

2. Fire service drill towers used exclusively for hands-on training reflecting emergency conditions.

SECTION 30. SPS 361.30 (1) (b) (Note) is amended to read:

SPS 361.30 (1) (b) (Note) **Note:** The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not waive the obligation for these types of projects to conform to the standards of ~~this code~~ chs. SPS 361 to 366.

SECTION 31. Table SPS 361.30 is amended to read:

Table 361.30-1
Buildings Exempt from Plan Review

Building Type or Occupancy	Building Description
Assembly Group A-2, A-3 Business Group B Factory Group F Mercantile Group M Storage Group S Utility and Miscellaneous Group U	~~Containing~~ Total building volume of less than 25,000 cubic feet ~~in volume~~

SECTION 32. SPS 361.30 (2) (c) (Note), is renumbered 361.30 (2) (d) (Note).

SECTION 33. SPS 361.30 (4) (a) is amended to read:

SPS 361.30 (4) (a) This section does not apply ~~for~~ to minor alterations where the building official agrees the nature of the work is such that review and approval of construction documents is not necessary to achieve compliance with ~~this code~~ chs. SPS 361 to 366.

SECTION 34. SPS 361.30 (5) is created to read:

SPS 361.30 (5) CALCULATING TOTAL BUILDING VOLUME. Total building volume shall be determined by calculating the cubic footage of space enclosed within the outer surfaces of the building's outside or enclosing walls and the space between the upper most surface of the roof and the underside of the lowest floor of a building. The outer surface of structures or portions of

structures without enclosed walls shall be established by projecting vertical planes from the outer surface of exterior supports or columns. The total building volume shall be calculated on structures with interior supports by establishing a vertical plane projected from the farthest roof projection. Roof overhangs less than 24 inches from a vertical wall may not be included in the calculation. Total building volume shall include the cubic footage of space in dormers, penthouses, vaults, pits, enclosed porches, and other enclosed appendages to the building.

SECTION 35. SPS 361.31 (1) (b) 2. (Note) [2], (2) (d) and (e) are amended to read:

SPS 361.31 (1) (b) 2. (Note) **Note [2]:** Nothing in ~~this code~~ chs. SPS 361 to 366 is intended to prohibit the submission and acceptance of plans and construction documents in an electronic or digital media.

(2) (d) Construction documents submitted to the department or its authorized representative for review shall be of sufficient clarity, character and detail to show how the proposed design will conform to ~~this code~~ chs. SPS 361 to 366.

(e) 1. Construction documents shall be accompanied by sufficient calculations or information to substantiate that the documents conform to ~~this code~~ chs. SPS 361 to 366.

2. When requested by the department or its authorized representative, additional data pertaining to the design, construction, materials, and equipment shall be submitted to the department or the authorized representative to substantiate conformance to ~~this code~~ chs. SPS 361 to 366.

SECTION 36. SPS 361.31 (2) (e) 3. is created to read:

SPS 361.31(2) (e) 3. The title and edition of an alternate standard used in the plan as allowed under s. SPS 361.51 (8).

SECTION 37. SPS 361.31 (3) (b) and (c), and (4) (a) 1. are amended to read:

SPS 361.31 (3) (b) If, upon examination, the department determines that the construction documents or application for approval do not substantially conform to ~~this code~~ chs. SPS 361 to 366, the application for conditional approval will be denied, in writing.

(c) If, upon examination, the department determines that the construction documents and the application for approval substantially conform to ~~this code~~ chs. SPS 361 to 366, a conditional approval, in writing, will be granted and the plans will be stamped conditionally approved. All conditions stated in the conditional approval shall be complied with before or during construction.

(4) (a) 1. All proposed revisions and modifications which involve rules under ~~this code~~ chs. SPS 361 to 366 and which are made to construction documents that have previously been granted approval by the department or its authorized representative, shall be submitted for review to the office that granted the approval.

SECTION 38. SPS 361.33 is amended to read:

SPS 361.33 Evidence of plan approval. Where plan approval is required by ~~this code~~ chs. SPS 361 to 366, one set of plans bearing the stamp of conditional approval and a copy of the specifications shall be kept at the building site. The plans and specifications shall be open to inspection by the department or its authorized representative.

SECTION 39. SPS 361.35 is amended to read:

SPS 361.35 Revocation of approval. The department may revoke any approval, issued under ~~this code~~ chs. SPS 361 to 366, for any false statements or misrepresentation of facts on which the approval was based.

SECTION 40. SPS 361.36 (1) (f) is amended to read:

SPS 361.36 (1) (f) *Mausoleums.* ~~Plan~~ Except as provided in sub. (2), plan approval by the department or its authorized representative for mausoleums within the scope of s. 440.92 (2) (e), Stats., shall expire 3 years after the date indicated on the approved building plans of the building shell if not closed within those 3 years.

SECTION 41. SPS 361.36 (1) (g) is created to read:

SPS 361.36 (1) (g) *Bleachers and canopies.* Except as provided in sub. (2), plan approval by the department or its authorized representative for bleachers or free standing canopies shall expire 2 years after the approval date on the approved plans of the structure.

SECTION 42. SPS 361.36 (2) (a) is amended to read:

SPS 361.36 (2) (a) Except as provided in par. (b), upon request and payment of the fee specified in ch. SPS 302, the expiration dates in sub. (1) (b) to ~~(f)~~ (g) may be extended provided the request is submitted prior to expiration of the original approval.

SECTION 43. SPS 361.40 (1) (a) was amended to read:

SPS 361.40 (1) (a) Except as provided in par. (b), the proposed construction of a project within the scope of ~~this code~~ chs. SPS 361 to 366 shall be supervised by one or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with a nonconformance with the code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.

SECTION 44. SPS 361.40 (3) (intro) is renumbered SPS 361.40 (3) (a).

SECTION 45. SPS 361.40 (3) (b) is created to read:

SPS 361.40 (3) (b) If the supervising architect, engineer, or designer withdraws from a construction project, the owner of the building or structure shall retain a new supervising professional within 30 days of the date of the withdrawal and provide the authority that issued plan approval the name and Wisconsin registration number of the replacement supervising professional.

SECTION 46. SPS 361.41 (1) and (2) (d) are amended to read:

SPS 361.41 (1) ON-SITE. On-site inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and ~~this code~~ chs. SPS 361 to 366.

(2) (d) *Insignia suspension and revocation.* 1. The department may suspend or revoke its approval if it determines that the standards for the construction or manufacture and installation of a manufactured building do not meet ~~this code~~ chs. SPS 361 to 366, or if such standards are not being enforced as required by this chapter.

SECTION 47. Subchapter V is renumbered Subchapter VI.

SECTION 48. Subchapter V is created to read:

SUBCHAPTER V

APPROVAL AND INSPECTION OF MODULAR MULTIFAMILY DWELLINGS AND THEIR COMPONENTS

SPS 361.45 Modular multifamily dwelling scope. This subchapter shall govern the design, manufacture, installation, and inspection of modular multifamily housing, modular multifamily building systems and the components of the building systems displaying the Wisconsin insignia.

SPS 361.46 Manufacture, sale, and installation of dwellings. (1) MANUFACTURE AND SALE. No modular multifamily dwelling, modular building system or component of the building system subject to this subchapter may be manufactured for use, sold for initial use or installed in this state unless it is approved by the department and it bears the Wisconsin insignia issued in accordance with s. SPS 361.47 (6).

(2) COMPLIANCE ASSURANCE PROGRAM. A manufacturer of a modular multifamily dwelling shall establish a compliance assurance program to ensure that materials, production, and site operations conform to chs. SPS 361 to 366 and approved construction documents. The compliance assurance program shall be independent from the production of the unit. The compliance assurance program shall include all of the following:

(a) Inspection and testing procedures that include inspection and testing frequency, processes, and criteria for accepting and rejecting materials and products.

(b) A flow chart, plant layout, or other schematic plan or document illustrating and describing the process for manufacturing modular multifamily dwellings, including locations and check points where mandatory inspections will occur.

(c) Procedures for protecting materials, supplies, and other items used in the production process from damage and deterioration.

(d) Procedures for segregating and disposing of rejected materials and products, including a record documenting the authority to reject defective work without conflict from the production department.

(e) Procedures for calibrating, testing, and inspecting equipment used in the production process.

(f) Procedures for final inspection, identification, and labeling of finished multifamily dwelling buildings and building components, including a system for issuing and maintaining records of serial numbers on units and components.

(g) Procedures for handling, storing, and protecting all finished modular multifamily dwelling buildings or building components at the manufacturing plant or other storage facility.

(h) Procedures and methods for storing and maintaining access to manufacturing records.

(i) An audit, monitoring, or similar evaluation system to assess the effectiveness of the compliance assurance program and the manufacturing process.

(3) INSTALLATION. The manufacturer shall obtain building plan review and approval, in accordance with this subchapter, for a modular multifamily dwelling before any on−site construction within the scope of chs. SPS 361 to 366 is commenced.

SPS 361.47 Approval procedures. (1) APPLICATION FOR APPROVAL. (a) An application for approval of any modular multifamily dwelling, building system or component shall be submitted to the department in the form required by the department, along with the appropriate fees in accordance with s. SPS 302.34 (5).

(b) The department shall review and make a determination on an application for approval of a modular multifamily dwelling, building system or component within 30 days.

(2) APPROVAL OF MODULAR MULTIFAMILY BUILDING SYSTEMS AND COMPONENTS PLANS AND SPECIFICATIONS. (a) *Approval of building systems.* Four complete sets of building, structural, and HVAC plans, including elevations, sections, and details, and one set of specifications and calculations shall be submitted to the department on behalf of the manufacturer for examination and approval.

Note: Plumbing plans submission criteria can be found in ch. SPS 384.

(b) *Approval of building components.* Four complete sets of plans and specifications for manufactured dwelling building components shall be submitted to the department on behalf of the manufacturer for examination and approval.

(3) NOTIFICATION OF APPROVAL OR DENIAL OF PLANS AND SPECIFICATIONS. (a) *Conditional approval.*

1. 'Department review.' If the department determines that the plans, specifications, and application for approval submitted for a modular multifamily building system or component substantially conform to the provisions of chs. SPS 361 to 366, the department shall issue a conditional approval. A conditional approval issued by the department may not constitute an assumption of any liability for the design or construction of the manufactured building.

2. 'Written notice.' A conditional approval under subd. 1 shall be in writing and sent to the manufacturer and the person submitting the application for approval. Any noncompliance specified in the conditional approval shall be corrected before the manufacture, sale, or installation of the dwelling, building system, or component.

3. 'Stamping of plans, specifications, and compliance assurance program.' Plans, specifications, and compliance assurance programs that are conditionally approved under subd. 1 shall be stamped "conditionally approved." At least 3 copies shall be returned to the person designated on the application for approval and one copy shall be retained by the department.

(b) *Denial.* 1. 'Department review.' If the department determines that the plans, specifications, or the application for approval do not substantially conform to the provisions of this subchapter and chs. SPS 361 to 366, the application for approval shall be denied.

2. 'Written notice.' A denial under subd. 1shall be in writing and sent to the manufacturer and the person submitting the application for approval. The notice shall state the reasons for denial.

3. 'Stamping of plans, specifications, and compliance assurance program.' Plans, specifications, and compliance assurance programs for which approval is denied under subd. 1 shall be stamped "not approved." At least 3 copies shall be returned to the person submitting the application for approval and one copy shall be retained by the department.

(4) EVIDENCE OF APPROVAL. At each manufacturing plant where a building system or component is manufactured, the manufacturer shall keep one set of plans and specifications bearing the stamp of conditional approval. The conditionally approved plans and specifications shall be available for inspection by an authorized representative of the department during normal working hours.

(5) INSPECTIONS. Manufacturers shall contract with an independent inspection agency to conduct in−plant inspections to assure that the building system and components manufactured

are in compliance with the plans and specifications approved by the department and that the manufacturer has established a compliance assurance program, as required under s. SPS 361.46 (2). All inspections, for the purpose of administering and enforcing chs. SPS 361 to 366 shall be performed by a Wisconsin certified commercial building inspector or inspectors.

Note: Plumbing installation inspection criteria can be found in ch. SPS 382.

(6) WISCONSIN INSIGNIA. (a) 'Insignia Process.' Upon departmental approval of the plans and satisfactory in−plant inspections of the building system and components, Wisconsin insignias shall be purchased from the department in accordance with the fee established in s. SPS 302.34 (6). A manufacturer shall display a Wisconsin insignia on any approved system or component.

(b) *Lost or damaged insignia.* 1. 'Notification.' If a Wisconsin insignia become lost or damaged, the manufacturer or dealer shall immediately notify the department in writing.

2. 'Return of damaged insignias.' If a Wisconsin insignia become damaged, the purchaser shall return the insignia to the department with the appropriate fee to obtain a new insignia.

(c) *Affixing Wisconsin insignias.* Each Wisconsin insignia shall be assigned and affixed to a specific manufactured dwelling unit or component that is specified by the department before the dwelling is shipped from the manufacturing plant.

(d) *Insignia records.* 1. 'Manufacturer's insignia records.' The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias, including construction compliance certificates, indicating the number of Wisconsin insignias that have been affixed to manufactured dwellings or manufactured building components or groups of components; which Wisconsin insignias have been applied to which manufactured dwelling or manufactured building component; the disposition of any damaged or rejected Wisconsin insignias; and the location and custody of all unused Wisconsin insignias. The manufacturer or the independent inspection agency shall maintain the records for at least 10 years. The manufacturer shall send a copy of the records to the department upon request.

2. 'Construction compliance certificate.' Within 30 days after receiving the original Wisconsin insignias from the department, and at the end of each month thereafter, the manufacturer shall submit a construction compliance certificate, on a form designated by the department, for each manufactured dwelling intended for sale, use, or installation in the state.

(e) *Unit identification.* Each modular dwelling unit and major transportable section or component shall be assigned a serial number.

(f) *Right to Install*. Modular multifamily dwellings and components that bear the Wisconsin insignia may be manufactured, offered for sale, and installed anywhere in Wisconsin where the installation site complies with the other provisions of chs. SPS 361 to 366.

361.48 Suspension and revocation of approval. The department shall suspend or revoke its approval of a modular building system or modular multifamily building component if it determines that the standards for construction or the manufacture and installation of a modular

multifamily building system or modular multifamily building component do not meet the standards established under chs. SPS 361 to 366 or that those standards are not being enforced as required by chs. SPS 361 to 366. The procedure for suspension and revocation of approval shall be as follows:

(1) FILING OF COMPLAINT. Proceedings to suspend or revoke an approval may be initiated by the department or an independent inspection agency or Wisconsin commercial building certified inspector having a contract with the manufacturer whose approval is sought to be suspended or revoked. Initiation shall be by a signed, written complaint filed with the department. Any alleged violation of the code shall be set forth in the complaint with particular reference to the time, place, and circumstance of the alleged violation.

(2) INVESTIGATION AND NOTIFICATION. The department may investigate alleged violations on its own initiative or upon the filing of a complaint. If the department determines that no further action is warranted, it shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(3) MAILING. Unless otherwise provided by law, all orders, notices, and other papers shall be served by the department by certified mail to the persons affected at their last known address. If the service is refused, service may be made by sheriff without amendment of the original order, notice, or other paper.

(4) RESPONSE. Upon receipt of notification of hearing from the department, the person charged with noncompliance or nonenforcement may submit to the department a written response within 30 days of the date of service. If the person charged files a timely written response, such person shall thereafter be referred to as the respondent.

(5) CONCILIATION AGREEMENT PRIOR TO HEARING. If the department and the respondent are able to reach agreement on the disposition of a complaint prior to a hearing, such agreement shall be transmitted in writing to the secretary. Until the agreement has been accepted by the secretary, it is not considered a waiver of any defense, nor is it considered an admission of any fact, and is not binding upon any party until signed by all parties.

(6) HEARINGS. (a) *Subpoenas; witness fees.* The department or the clerk of any court of record shall sign and issue subpoenas. The respondent shall pay the witness fees and mileage of the witnesses subpoenaed on behalf of the department at the rate prescribed for witnesses in circuit court.

(b) *Conduct of hearings.* All hearings shall be conducted in accordance with s. 101.02, Stats.

(7) FINDINGS. The department shall make findings and enter its order in accordance with s. 101.02, Stats. The findings and order shall be in writing and shall be binding unless appealed.

(8) APPEAL ARGUMENTS. Appeal arguments shall be submitted to the department in writing in accordance with s. 101.02 Stats., unless otherwise ordered. The department shall review and

make a determination on an appeal of notification of suspension or revocation of approval in accordance with s. 101.02 Stats.

361.485 Effect of suspension and revocation. (1) BEARING OF INSIGNIA. Upon suspension or revocation by the department of the approval of any modular dwelling or manufactured building component, the manufacturer may not attach a Wisconsin insignia to any dwelling or building component manufactured for which the approval was suspended or revoked. Upon the expiration date of the suspension or revocation, the manufacturer may resume the attachment of insignias to the dwelling or building component manufactured after the date approval is reinstated. If any dwelling or building component was manufactured during the period of suspension or revocation, the manufacturer may not attach the Wisconsin insignia unless the department has inspected, or caused to be inspected, the modular dwelling or manufactured building component and is satisfied that all requirements for certification have been met.

(2) RETURN OF INSIGNIAS. The manufacturer shall return to the department all insignias allocated for a modular dwelling or manufactured building component no later than 30 days from the effective date of any suspension or revocation of the approval by the department. The manufacturer shall also return to the department all insignias that it determines are no longer needed.

SECTION 49. SPS 361.50 (1) (a) and (b) 1., (2) (a) and (b) 1., (3) (a) and (g), (4) (b) 2., (c), and (f), and (5) (a) 1. and (b). are amended to read:

SPS 361.50 (1) (a) Materials, equipment, and products regulated ~~by this code~~ under chs. SPS 361 to 366 may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests, and other evidence that prove the material, equipment, or product is in compliance with the standards specified in ~~this code~~ chs. SPS 361 to 366.

(2) (a) Materials, equipment, and products that meet the intent of ~~this code~~ chs. SPS 361 to 366 and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment, and products shall be based on sufficient data, tests, and other evidence that prove the material, equipment, or product meets the intent of the standards specified in ~~this code~~ chs. SPS 361 to 366.

(3) (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of ~~this code~~ chs. SPS 361 to 366.

(g) Paragraphs (e) and (f) do not apply to an experimental system if ~~this code~~ chs. SPS 361 to 366 ~~is~~ are revised to include or enable the experimental system to conform to the intent of ~~this code~~ chs. SPS 361 to 366.

(4) (b) 2. Violations of the conditions under which an approval is issued shall constitute a violation of ~~this code~~ chs. SPS 361 to 366.

(c) If the department determines that the material, equipment, or product does not comply with ~~this code~~ chs. SPS 361 to 366 or the intent of ~~this code~~ chs. SPS 361 to 366, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(f) The department may revoke an approval if the department determines that the material, equipment, or product does not comply with ~~this code~~ chs. SPS 361 to 366 or the intent of ~~this code~~ chs. SPS 361 to 366 due to a change in the code or department interpretation of the code.

(5) (a) 1. Except as provided in subd. 2., ungraded or used building products may be used or reused as long as the materials possess the essential properties necessary to achieve the level of performance required by ~~this code~~ chs. SPS 361 to 366 for the intended use.

(b) The department or the municipality enforcing ~~this code~~ chs. SPS 361 to 366 may require tests in accordance with sub. (1) or (2). Approval for use of ungraded or used materials may be issued under this section or may be issued for a specific project under s. SPS 361.31.

SECTION 50. SPS 361.51 (title) (1), (2) (a), (3), and (4) are amended to read:

SPS 361.51 Alternate standards and model building codes. (1) Alternate standards that are equivalent to or more stringent than the standards referenced in ~~this code~~ chs. SPS 361 to 366 may be used in lieu of the referenced standards when approved by the department or if written approval is issued by the department in accordance with sub. (2), or as allowed for alternate model building codes under sub. (8).

(2) (a) ~~Upon receipt of a fee and a written request~~ Except as provided in sub. (8), the department may issue an approval for the use of the alternate standard upon written request and receipt of a fee in accordance with s. SPS 302.31.

(3) Determination of approval shall be based on an analysis of the alternate standard and the standard referenced in ~~this code~~ chs. SPS 361 to 366, prepared by a qualified independent third party or the organization that published the standard contained in ~~this code~~ chs. SPS 361 to 366.

(4) The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of ~~this code~~ chs. SPS 361 to 366.

SECTION 51. SPS 361.51 (8) is created to read:

SPS 361.51(8) (a) An owner or a supervising professional may use a more recent edition of a referenced model building code adopted in s. SPS 361.05 in lieu of the referenced model building code if all of the following apply:

1. The title and edition of the alternate model building code is identified in plan documents as required under s. SPS 361.31 (2) (e) 3.

2. The standard is used in its entirety, including any standards referenced in the more recent edition.

(b) An alternate model building code submitted for plan review under this subsection is exempt from fee and approval requirements under subs. (2) to (7) and petition for variance requirements under s. SPS 361.22.

(c) Nothing in this subsection shall be interpreted to allow a municipality, county, or the department to require or otherwise compel an owner or supervising professional to use a more recent edition of a model building code than the edition adopted under s. SPS 361.05, nor shall this subsection be interpreted to authorize a municipality or county to adopt a more recent edition of a model building code than the edition of the standard adopted under s. SPS 361.05.

Note: A municipality may contract with a third-party to perform plan review for plans submitted using alternate model building codes.

SECTION 52. Subchapter VI is renumbered Subchapter VII.

SECTION 53. SPS 361.60 (2) (a) 3. and 4., (2) (b) 3. and (c) 2., (3) (a), (4), (5) (c) 3., (e) 4., (f) 1. (intro.), (g) (intro.), and (6) (intro.) and (a) are amended to read:

SPS 361.60 (2) (a) 3. Adopt ~~this code~~ chs. SPS 361 to 366 in their entirety by ordinance.

4. Forward to the department a copy of the ordinance adopting ~~this code~~ chs. SPS 361 to 366 and any subsequent revisions to that ordinance.

(2) (b) 3. Forward to the department any revisions to the ordinance adopting ~~this code~~ chs. SPS 361 to 366.

(c) 2. Provide a ~~monthly~~ report at least quarterly to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

(3) (a) 1. Nothing in this section shall prevent the department from conducting its own investigations or inspections or issuing orders relative to the administration and enforcement of ~~this code~~ chs. SPS 361 to 366.

2. The department shall administer and enforce ~~this code~~ chs. SPS 361 to 366 in any municipality or county which has not assumed the responsibilities for plan examination and building inspection under sub. (2).

(4) CERTIFICATION OF INSPECTORS. Inspectors employed by certified municipalities and counties to administer and enforce ~~this code~~ chs. SPS 361 to 366 under sub. (2) shall be certified by the department in accordance with ch. SPS 305 as certified commercial building inspectors.

(5) (c) 3. An alteration of a space ~~involving~~ in a building containing less than 100,000 cubic feet of total building volume.

(e) 4. After plans and specifications for a project have been submitted to a municipality or county under this section, or to a department office, any subsequent submittal for the purpose of complying with ~~this code~~ chs. SPS 361 to 366 shall be submitted to that same office, except as provided in subds. 6. to 9.

(f) *Plan approval.* 1. If the municipality or county having jurisdiction determines that the plans submitted substantially conform to ~~this code~~ chs. SPS 361 to 366 or other ordinances and regulations, an approval shall be issued in accordance with all of the following:

(g) *Denial of plan approval.* If the municipality or county determines that the plans submitted do not substantially conform to ~~this code~~ chs. SPS 361 to 366 or other legal ordinances and regulations, a denial for plan approval shall be issued in accordance with all of the following:

(6) INSPECTION. Inspections shall be conducted by a municipality or county to ascertain whether or not the construction or installation ~~for~~ of buildings and structures conforms to the conditionally approved plans, the notice of conditional approval, and ~~this code~~ chs. SPS 361 to 366~~,~~ in accordance with all of following:

(a) All inspections~~,~~ for the purpose of administration and enforcement of ~~this code~~ chs. SPS 361 to 366~~,~~ shall be performed by a certified commercial building inspector.

SECTION 54. SPS 361.61 (2) (a) 4. and 5., and (2) (b) 4. are amended to read:

SPS 361.61 (2) (a) 4. Adopt ~~this code~~ chs. SPS 361 to 366 in their entirety by ordinance.

5. Forward to the department a copy of the ordinance adopting ~~this code~~ chs. SPS 361 to 366 and any subsequent revisions to that ordinance.

(b) 4. Forward to the department any revisions to the ordinance adopting ~~this code~~ chs. SPS 361 to 366.

SECTION 55. SPS 362.0100 and SPS 362.0100 (Note) are amended to read:

SPS 362.0100 Administration. The requirements in IBC chapter 1 are not included as part of ~~this code~~ chs. SPS 361 to 366.

Note: As used throughout ~~this code~~ chs. SPS 361 to 366, "not included as part of ~~this code~~ chs. SPS 361 to 366" is intended to convey that the referenced requirements are not incorporated herein, and therefore cannot be enforced through ~~this code~~ chs. SPS 361 to 366. However, local ordinances may include the referenced requirements, as specified in s. SPS 361.03.

SECTION 56. SPS 362.0202 (1) is renumbered SPS 362.0202 (1) (intro.) and, as renumbered, is amended to read:

SPS 362.0202 (1) (intro.) ADDITIONS. ~~This is a~~ These are department ~~definition~~ definitions for this chapter in addition to the definitions in IBC section 202:

(a) "High-piled combustible storage" means storage of combustible materials in closely packed piles, or on pallets, in racks or on shelves, where the top of storage is greater than 12 feet in height. When required by the fire code official, high-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities, where the top of storage is greater than 6 feet in height.

SECTION 57. SPS 362.0202 (1) (b) and (c) are created to read:

SPS 362.0202 (1) (b) "Neutral plane for a deep foundation" means the level at which drag load, accumulated from the top down, added to the long-term static service load, equals the upward acting shaft resistance accumulated from the bottom up, added to the deep foundation's toe resistance.

(c) "Self-service storage building" has the meaning given for "self-storage facility" in s.704.90 (1) (g), Stats.

SECTION 58. SPS 362.0202 (2) is renumbered SPS 362.0202 (2) (intro.) and, as renumbered, is amended to read:

SPS 362.0202 (2) (intro.) SUBSTITUTIONS. Substitute the following ~~definition~~ <u>definitions</u> for the corresponding definition in IBC section 202:

(a) "Approved" means acceptable to the department.

SECTION 59. SPS 362.0202 (2) (b) to (h), (h) (Note), and (i) are created to read:

SPS 362.0202 (2) (b) "Automatic sprinkler system" or "automated fire sprinkler system" has the meaning given in s. 145.01 (2), Stats.

(c) "Commercial motor vehicle" means a motor vehicle used to transport passengers or property when the motor vehicle meets either of the following:

1. The vehicle has a gross vehicle weight rating of 26,000 pounds or more.

2. The vehicle is designed to transport 16 or more passengers including the driver.

(d) "Fire area" means the aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls, or fire-resistance-rated horizontal assemblies of a building.

(e) "Fire separation distance" means the distance measured at right angles from the face of the building wall to one of the following:

(1) The closest interior lot line.

(2) A permanent no-build easement line.

(3) The centerline of a street, an alley, or a public way.

(4) An imaginary line between two buildings on the same property.

(f) "Fuel-burning appliance" means a device that is installed in a building and burns fossil-fuel or carbon based fuel when carbon dioxide is a combustion by-product, including ranges, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces, and stoves.

(g) "Immediately dangerous to life and health (IDLH)" means a concentration of air-borne contaminants that poses a threat of death, immediate or delayed permanent adverse health effects, or effects that could prevent escape from such an environment. This contaminant concentration level is established by the National Institute of Occupational Safety and Health based on both toxicity and flammability. It generally is expressed in parts per million by volume, or milligrams per cubic meter.

(h) "Live/work unit" means a dwelling unit that includes a "home-based business" as defined in SPS 361.04 (3m).

Note: SPS 361.04 (3m) reads as follows: "Home-based business" means any business, profession, trade, or employment conducted in a person's dwelling unit, that may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

(a) Explosives, fireworks, or repair of motor vehicles.

(b) More than 25% of the habitable floor area of the dwelling unit.

(i) "Sealed combustion appliance" means a listed appliance that acquires all air for combustion though a dedicated sealed passage from the outside to a sealed combustion chamber and all combustion products are vented to the outside through a separate dedicated sealed vent.

SECTION 60. SPS 362.0202 (3) is amended to read:

SPS 362.0202 (3) DELETIONS. The following terms and corresponding definitions in IBC section 202 are not included as part of ~~this code,~~ chs. SPS 361 to 366: approved agency, approved fabricator, base flood, base flood elevation, certificate of compliance, design flood, design flood elevation, designated seismic system, dry floodproofing, ~~existing construction,~~ fabricated item, ~~inspection certificate,~~ label, lowest floor, manufacturer's designation, mark, ~~special continuous inspection,~~ special flood hazard area, special inspection, ~~special periodic inspection,~~ sprayed fire-resistant materials, start of construction, and structural observation.

SECTION 61. SPS 362.0306 is created to read:

SPS 362.0306 Cheese factories classified as F-2 occupancy. This is a department rule in addition to the examples in IBC section 306.3: Cheese factory

SECTION 62. SPS 362.0308 is created to read:

SPS 362.0308 Classification of institutions with 5 or fewer persons receiving medical care. Substitute the following wording for IBC section 308.4.2: Five or fewer persons receiving medical care. A facility with 5 or fewer persons receiving medical care shall be classified as Group R-3.

SECTION 63. SPS 362.0400 (2) (a) (Note) is amended to read:

362.0400 (2) (a) (Note) **Note:** See Appendix ~~B~~ A for recommended designated areas.

SECTION 64. SPS 362.0400 (4) is amended to read:

SPS 362.0400 (4) COMMUNITY-BASED RESIDENTIAL FACILITIES. A newly constructed building or portion thereof that is a community-based residential facility serving 5 to 8 unrelated adults shall comply with chs. SPS 320 to 325 instead of all other requirements of ~~this code~~ chs. SPS 361 to 366.

SECTION 65. SPS 362.0402 is created to read:

SPS 362.0423 Storm shelters. The requirements in IBC sections 423.3 and 423.4 are not included as part of chs. SPS 361 to 366.

SECTION 66. SPS 362.0406 is repealed.

SECTION 67. SPS 362.0412 (intro.) is renumbered SPS 362.0412 (1) and, as renumbered, is amended to read:

SPS 362.0412 Aircraft storage. (1) Substitute the following wording for exception 1 in IBC section ~~412.2.4~~ 412.4.4: Heating equipment that is suspended at least 10 feet above the upper surface of wings or engine enclosures of the highest aircraft which may be housed in the hangar; or at least 8 feet above the floor in shops, offices, and other sections of the hangar communicating with storage or service areas.

SECTION 68. SPS 362.0412 (2) is created to read:

SPS 362.0412 (2) Substitute the following wording for the requirements, but not the exception, in IBC section 412.4.3: Floor surface. Floors shall be graded and drained to meet the requirements of ch. SPS 382.

SECTION 69. SPS 362.0415 (1) is amended to read:

SPS 362.0415 (1) Substitute the ~~following wording~~ definition in s. SPS 362.0202 (2) (g) for the corresponding definition in IBC section 415.2: ~~"~~Immediately dangerous to life and health (IDLH)." ~~The concentration of air-borne contaminants which poses a threat of death, immediate or delayed permanent adverse health effects, or effects which could prevent escape from such an environment. This contaminant concentration level is established by the National Institute of~~

~~Occupational Safety and Health based on both toxicity and flammability. It generally is expressed in parts per million by volume, or milligrams per cubic meter.~~

SECTION 70. SPS 362.0509 is created to read:

SPS 362.0509 Incinerator rooms. In IBC section 509, Table 509, "incinerator rooms" does not include crematories as defined in s. 440.70 (8), Stats.

SECTION 71. SPS 362.0702 (intro.) is renumbered SPS 362.0702 and, as renumbered, is amended to read:

SPS 362.0702 ~~Fire separation distance~~. Definitions. Substitute the ~~following~~ definition in s. SPS 362.0202 (2) (e) for the corresponding definition listed in IBC section ~~702~~ 202: "Fire separation distance." ~~means the distance measured at right angles from the face of the building wall to one of the following:~~

~~(1) The closest interior lot line.~~
~~(2) To a permanent no-build easement line.~~
~~(3) To the centerline of a street, an alley or a public way.~~
~~(4) To an imaginary line between two buildings on the same property.~~

SECTION 72. SPS 362.0702 (1) to (4) is repealed.

SECTION 73. SPS 362.0706 (2), 362.0707, and 362.0708 are repealed.

SECTION 74. SPS 362.0713 is created to read:

SPS 362.0713 Chute discharge room. This is a department rule in addition to the requirements in IBC section 713: The requirements of IBC 713.13.4 shall apply to recycling chutes in addition to waste and linen chutes.

SECTION 75. SPS 362.0716 (title) and (1) are renumbered SPS 362.0717 (title) and (2) and 362.0717 (2), as renumbered, is amended to read:

SPS 362.0717 (2) ~~PENETRATIONS OF SHAFT ENCLOSURES~~ DUCT SMOKE DAMPERS. This is a department exception to the requirements in IBC section ~~716.5.3~~ 717.5.3: Smoke dampers are not required in ducts that are used in the exhaust portion of laboratory ventilating systems which are designed and installed in accordance with NFPA 45.

SECTION 76. SPS 362.0716 (2) is repealed.

SECTION 77. SPS 362.0717 (1) is created to read:

SPS 362.0717 (1) SMOKE DAMPER ACTUATION. This is a department rule in addition to the requirements in IBC section 717.3.3.2: 6. Where a listed duct smoke detector is installed inside the duct or outside the duct with sampling tubes protruding into the duct in the supply air ductwork downstream of the air handling equipment, including air filters, and ahead of any

branch ductwork and return air duct smoke detectors are installed inside the duct or outside the duct with sampling tubes protruding into the duct within 5 feet (1524 mm) of each return air smoke damper, all supply and return smoke dampers shall be closed when any of the duct smoke detectors in the supply or return air ducts are in alarm. Other than in mechanical smoke control systems, dampers shall be closed upon fan shutdown when local smoke detectors require a minimum velocity to operate.

SECTION 78. SPS 362.0721 is renumbered SPS 362.0722 and, as renumbered, is amended to read:

SPS 362.0722 Calculated fire resistance. (1) NONSYMMETRICAL ASSEMBLIES. Substitute the following wording for the exception in each of IBC sections ~~721.2.1.4.3, 721.3.2.3~~ 722.2.1.4.3, 722.3.2.3 and ~~721.4.1.4~~ 722.4.1.4: Exception: For an exterior wall with a fire separation distance greater than 10 feet, the fire shall be assumed to occur on the interior side only.

(2) EXTERIOR WALLS. Substitute the following wording for IBC Section ~~721.6.2.3~~ 722.6.2.3: For an exterior wall with a fire separation distance greater than 10 feet, the wall is assigned a rating ~~dependant~~ dependent on the interior membrane and the framing as described in IBC Tables ~~721.6.2(1)~~ 722.6.2 (1) and ~~721.6.2(2)~~ 722.6.2 (2). The membrane on the outside of the nonfire-exposed side of exterior walls with a fire separation distance greater than 10 feet may consist of sheathing, sheathing paper and siding as described in IBC Table ~~721.6.2(3)~~ 722.6.2 (3).

SECTION 79. SPS 362.0901(2) (Note) is amended to read:

SPS 362.0901 Note: 2014 NFPA 1963 contains the specifications for national standard hose thread.

SECTION 80. SPS 362.0902 (intro.) and (1) are amended to read:

SPS 362.0902 Definitions. Substitute the following definitions and informational note in s. SPS 362.0202 (2) (b) and (d) for the corresponding definitions listed in IBC section 902.1:

(1) "Automatic sprinkler system" or "~~Automatic~~ automatic fire sprinkler system." ~~has the meaning given in s. 145.01 (2), Stats.~~

SECTION 81. SPS 362.0902 (1) (Note) is renumbered SPS 362.0202 (2) (b) (Note).

SECTION 82. SPS 362.0902 (2) is amended to read:

SPS 362.0902 (2) "Fire area." ~~means the aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or fire-resistance-rated horizontal assemblies of a building.~~

SECTION 83. SPS 362.0903 (5) (b) 1. is amended to read:

SPS 362.0903 (5) (b) 1. The multifamily dwelling does not contain more than ~~4~~ 20 dwelling units.

SECTION 84. SPS 362.0903 (5) (c) is repealed.

SECTION 85. SPS 362.0903 (5) (d) is renumbered SPS 362.0903 (5) (c).

SECTION 86. SPS 362.0903 (10) (b) 1. is amended to read:

SPS 362.0903 (10) (b) 1. The requirements in NFPA 13D section ~~6.3 (4)~~ 6.3.2 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 87. SPS 362.0903 (12) to (18) are created to read:

SPS 362.0903 (12) UPHOLSTERED FURNITURE. The requirement in IBC section 903.2.9 condition 5 is not included as part of chs. SPS 361 to 366.

(13) RECYCLING CHUTES. The requirements of IBC section 903.2.11.2 shall apply to recycling chutes in addition to rubbish and linen chutes.

(14) ALTERNATE AUTOMATIC FIRE SPRINKLER SYSTEM DESIGN STANDARD. This is a department rule in addition to the requirements of IBC section 903.3.1.1: When the provisions of chs. SPS 361 to 366 require that a building or portion thereof be equipped with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with the alternate design standard of the FM Global Loss Prevention Data Sheets 2-0 Installation Guidelines for Automatic Sprinklers and 8-9 Storage of Class 1, 2, 3, 4 and Plastic Commodities.

(15) FAIRGROUND BUILDINGS. Pursuant to s. 101.14 (4), Stats., no city, village, or town may enact or enforce an ordinance that requires a county or organized agricultural society, association, or board to install or maintain an automatic fire suppression system in a building on a fairgrounds if all of the following apply:

a. The building is open to the public only for seasonal or temporary event use for 180 cumulative days or fewer per year.

b. Public access to the building is provided by garage style doors that remain open when the building is open to the public.

(16) ASSEMBLY OCCUPANCIES ON ROOFS. The requirements in IBC section 903.2.1.6 are not included as part of chs. SPS 361 to 366.

(17) LIMITED AREA SPRINKLER SYSTEMS. Substitute the following wording for IBC Section 903.3.8.1: Limited area sprinklers shall not exceed 20 sprinklers in any single fire area.

(18) BUILDINGS WITHOUT ACCESS TO MUNICIPAL WATER. (a) *Exemptions.* These are department exceptions to the automatic fire sprinkler system requirements in IBC section 903: An automatic fire sprinkler system is not required for a building that meets all of the requirements of this section.

(b) *Building types and occupancies.* These are department rules in addition to requirements in IBC section 903.2: An automatic fire sprinkler system is not required under this section in a building that does not have access to a municipal water supply at the following locations:

1. A Group A-2 occupancy banquet hall, restaurant, tavern, or bar that is not already exempt under IBC section 903.2.1.2 and meets all of the following:

a. The fire area does not exceed 12,000 square feet.

b. The occupant load of the fire area does not exceed 300.

c. The fire area is located on a floor with a level of exit discharge serving the occupancy.

2. Buildings and structures that are on a farm premises used for farming purposes and temporarily or permanently repurposed as a Group A-2 occupancy that is not already exempt under IBC section 903.2.1.2 that meets all of the following:

a. The fire area does not exceed 12,000 square feet.

b. The occupant load of the fire area does not exceed 300.

c. The fire area is located on a floor with a level of exit discharge serving the occupancy.

d. The building is used for seasonal or limited use not to exceed 180 cumulative days per calendar year.

3. A Group A-3 occupancy place of religious worship or an accessory to a place of worship that is not already exempt under IBC section 903.2.1.3 and is for limited use not to exceed 180 cumulative days each calendar year and meets all of the following:

a. The fire area does not exceed 12,000 square feet.

b. The occupant load of the fire area does not exceed 300.

c. The fire area is located on a floor with a level of exit discharge serving the occupancy.

4. A single story Group R occupancy cabin or camp lodge building that meets all of the following:

a. The fire area does not exceed 12,000 square feet.

b. The occupant load of the fire area does not exceed 300.

c. The fire area is located on a floor with a level of exit discharge serving the occupancy.

d. All sleeping rooms have a direct exit to the exterior.

e. The building is for seasonal or limited use not to exceed 180 cumulative days each calendar year.

5. A building or space used for assembly purposes at a camp that is not already exempt and meets all of the following:

a. The fire area does not exceed 12,000 square feet.

b. The occupant load of the fire area does not exceed 300.

c. The fire area is located on a floor with a level of exit discharge serving the occupancy.

d. The building is for seasonal or limited use not to exceed 180 cumulative days each calendar year.

(c) *Alternate requirements*. These are department rules in addition to the requirements in IBC section 903.2 for the buildings in par. (b): A building that meets the requirements of par. (b) shall also comply with all of the following:

1. The occupancy shall meet all of the following requirements:

a. The occupant load shall be displayed in accordance with IBC section 1004.3.

b. Smoking shall be prohibited in the building and within 50 feet or less from the building.

c. All open flames shall be prohibited in the building and within 50 feet or less from the building, except for flames used by a catering service for the purpose of reheating or maintaining food temperatures and the heating source requires no installation as part of the building construction.

d. A monitored automatic fire alarm system installed as required in chs. SPS 361 to 366 and in accordance with the prevailing NFPA 72 standard.

2. In addition to the requirements under subd. 1, the occupancy shall meet 2 or more of the following requirements:

a. The number and location of portable fire extinguishers shall exceed requirements in IBC section 906 for the occupancy. Portable fire extinguishers shall be installed and maintained in accordance with IBC section 906.

b. The number of exits shall exceed the requirements under IBC section 1006.

c. The accessible means of egress shall exceed the requirements of IBC section 1009.

d. The unsprinklered fire area shall be separated from other occupancies in the building by construction that meets IBC section 707.3.10.

e. Another method or methods determined by the commercial building inspector and fire code official having jurisdiction as providing a level of fire and smoke protection equivalent to an automatic fire sprinkler system. The determination shall be provided by the fire code official if there is no commercial building inspector for the jurisdiction.

(d) *Application process.* This is a department rule in addition to IBC section 903.2:

1. Requests for an exemption under this section shall be made as part of the building plan approval process in s. SPS 361.30 (1). The applicant shall include all of the following information with the building plan application:

a. The type of occupancy and conditions meeting requirements under par. (b).

b. Identification of the alternate standards from par. (c) provided as an equivalent level of fire and smoke protection to an automatic fire sprinkler system.

c. A completed position statement from both the commercial building inspector and the fire code official having jurisdiction evaluating whether the building provides an equivalent level of fire and smoke protection to installation of an automatic fire sprinkler system. If there is no commercial building inspector for the jurisdiction, the position statement shall be completed by the fire code official.

2. If the commercial building inspector and fire code official having jurisdiction determines that the exemption from automatic fire sprinkler system requirements provides an equivalent level of fire and smoke protection to installation of an automatic fire sprinkler system, the application shall be approved by the department. If there is no commercial building inspector with jurisdiction, the exemption shall be approved by the department if the fire code official having jurisdiction determines the building provides an equivalent level of fire and smoke protection to installation of an automatic fire sprinkler system.

3. If either the commercial building inspector or fire code official having jurisdiction determines that the exemption from automatic fire sprinkler requirements does not provide a level of fire and smoke protection equivalent to installation of an automatic fire sprinkler system, the exemption may not be approved by the department.

Note: If an application for an exemption is not approved by the department under this section, an applicant may submit a petition for variance application and fee to the department, as allowed under s. SPS 303.03, to request further review and consideration by the department.

SECTION 88. SPS 362.0904 (1) (title) is created to read:

SPS 362.0904 (1) GENERAL.

SECTION 89. SPS 362.0904 (1) (Note) is repealed.

SECTION 90. SPS 362.0904 (2) (title) is created to read:

SPS 362.0904 (2) ADDITIONAL REQUIREMENTS.

SECTION 91. SPS 362.0904 (2) (a) is repealed.

SECTION 92. SPS 362.0904 (2) (b) 1. b. and is amended to read:

SPS 362.0904 (2) (b) 1. b. There is no provision under ~~this code~~ chs. SPS 361 to 366 that requires the building or a portion of the building to have an automatic fire sprinkler system.

SECTION 93. SPS 362.0904 (2) (c) is created to read:

SPS 362.0904 (2) (c) *System interconnection.* Substitute the following wording for IBC 904.12.2: The actuation of the fire suppression system shall automatically shut down all sources of fuel and power to all equipment located beneath the exhaust hood and protected by the suppression system. The fuel and power reset shall be manual.

SECTION 94. SPS 362.0904 (3) is created to read:

SPS 362.0904 (3) DOMESTIC COOKING SYSTEMS IN GROUP I-2 CONDITION 1. The requirements in IBC sections 904.13, 904.13.1, and 904.13.2 are not included as part of chs. SPS 361 to 366.

SECTION 95. SPS 362.0907 (2) (Note) and (4) are amended to read:

SPS 362.0907 (2) Note: Section 101.145 (4), Stats., addresses retroactivity requirements for buildings constructed prior to the effective date of this section. This statute section applies beyond the application of ~~this code~~ chs. SPS 361 to 366, as established in s. SPS 361.03 (2), and states "The owner of a residential building the initial construction of which is commenced before, on or after May 23, 1978, shall install and maintain a functional smoke detector in the basement and at the head of any stairway on each floor level of the building and shall install a functional smoke detector either in each sleeping room of each unit or elsewhere in the unit within 6 feet of each sleeping area and not in a kitchen."

(4) EMPLOYEE WORK AREAS. Substitute the following wording for the ~~requirements~~ exception in IBC section ~~907.5.2.3.2~~ 907.5.2.3.1: Where employee work areas have audible alarm coverage, the alarm system shall be designed so that visible notification appliances can be integrated into the system.

SECTION 96. SPS 362.0910 is repealed.

SECTION 97. SPS 362.1004 is amended to read:

SPS 362.1004 Egress for outdoor areas. Substitute the following wording for the requirements, but not the exceptions, in IBC section ~~1004.8~~ 1004.5: Yards, patios, courts, and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be based on the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant load of the building plus the outdoor areas.

SECTION 98. SPS 362.1006 (4) and (5) are created to read:

SPS 362.1006 (4) SALT AND SAND STORAGE. This is a department exception to the requirements in IBC table 1006.2.1: A single exit is allowed and the common path of travel shall be a maximum of 250 feet in buildings or portions of buildings used exclusively for non-combustible bulk material storage of salt and sand storage when the building walls contain the materials stored.

(5) SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY. Substitute the following wording for Table 1006.2.1 footnote a.: Buildings equipped throughout with an automatic sprinkler system in accordance with IBC section 903.3.1.1, 903.3.1.2, or 903.3.1.3. See IBC section 903 for occupancies where automatic sprinkler systems are permitted in accordance with IBC section 903.3.1.1, 903.3.1.2, or 903.3.1.3.

SECTION 99. SPS 362.1008 is renumbered SPS 362.1010 and, as renumbered, is amended to read:

SPS 362.1010 Doors, gates, and turnstiles. (1) CLEAR DOOR OPENINGS FOR NONACCESSIBLE STALLS. This is a department exception to the requirements in IBC section ~~1008.1.1~~ 1010.1.1: The clear door opening for a nonaccessible toilet stall, shower stall, or other similar compartment, may be less than 32-inches wide.

(2) DOOR ARRANGEMENT. This is a department exception to the requirements in IBC section ~~1008.1.8~~ 1010.1.8: Where maneuvering space is provided between the doors in accordance with IBC section 1101.2 such that use by an individual in a wheelchair will not block the operation of the doors.

SECTION 100. SPS 362.1009 is renumbered SPS 362.1011 (1) and, as renumbered, is amended to read:

SPS 362.1011 Stairway width. (1) GENERAL. This is a department rule in addition to the requirements in IBC section ~~1009.1~~ 1011.1: Where installing an inclined platform lift or stairway chairlift, the clear-passage width shall be provided with the lift in the unfolded, usable position.

SECTION 101. SPS 362.1009 is created to read:

SPS 362.1009 Accessible means of egress. This is a department exception in addition to IBC section 1009.3: Areas of refuge are not required at floors that are not required to be accessible.

SECTION 102. SPS 362.1011 (2) is created to read:

SPS 362.1011 (2) WIDTH AND CAPACITY. This is a department rule in addition to the requirements in IBC section 1011.7: For platform buildings designed in accordance with IBC section 510.2 in which a stair shaft serves 2 or more classes of construction and one of those classes of construction allows combustible materials, the entire stair construction within the enclosure may be of combustible materials.

SECTION 103. SPS 362.1013 is created to read:

SPS 362.1013 Floor-level exit signs. The requirements in IBC section 1013.2 are not included as part of chs. SPS 361 to 366.

SECTION 104. SPS 362.1014 is renumbered SPS 362.1006 (1) and SPS 362.1006 (1) (intro.) and (1) (a) and (1) (b) and, as renumbered, are amended to read:

SPS 362.1006 Exits. (1) ~~Exit access.~~ EXIT ACCESS. This is a department exception to the requirements in IBC section ~~1014.3~~ 1006.3: The length of a common path of egress travel requirements ~~shall~~ may not be ~~limited~~ more than 200 feet within townhouse dwelling units provided the townhouse complies with all of the following:

(a) The townhouse does not exceed more than 3 stories above grade plane in height.

(b) Each dwelling unit within the townhouse is separated from other dwelling units by at least 2-hour fire-resistive-rated separation walls constructed in accordance with the requirements of IBC section ~~705~~ 706 and do not contain any openings and plumbing equipment or mechanical equipment. The separation wall does not have to comply with the structural stability requirements of IBC section ~~705.2~~ 706.2 and the horizontal continuity requirements of IBC section ~~705.5~~ 706.5.

SECTION 105. SPS 362.1015 is renumbered SPS 362.1006 (2) and, as renumbered, is amended to read:

SPS 362.1006 (2) REFRIGERATED SPACES. Substitute the following wording for the exception in IBC section ~~1015.5~~ 1006.2.2.3: When using refrigerants in quantities limited to the amounts based on the volume set forth in ch. SPS 345.

SECTION 106. SPS 362.1015 is created to read:

SPS 362.1015 Guards. Substitute the following wording for the requirements, but not the exception in IBC section 1015.2: Guards shall be located along the open side of walking surfaces, balconies, mezzanine, stairs, ramps, landings, roofs, and similar surfaces intended to be

used by building occupants or the public where the change in elevation is more than 30 inches (762 mm) to the floor or roof below or more than 30 inches (762 mm) measured vertically to the grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with IBC section 1607.8.

SECTION 107. SPS 362.1018 is renumbered SPS 362.1020 and, as renumbered, is amended to read:

SPS 362.1020 Corridor continuity. This is a department exception to the requirements in IBC section ~~1018.6~~ 1020.6: Other spaces or rooms constructed as required for corridors, and that are adjacent to a fire-resistance-rated corridor, ~~shall~~ may not be construed as intervening rooms; and may be open to the corridor when all of the following are satisfied:

SECTION 108. SPS 362.1021 (title) and (1) are repealed.

SECTION 109. SPS 362.1021 (2) is renumbered SPS 362.1006 (3) and amended to read:

SPS 362.1006 (3) EXITS FROM STORIES. This is a department exception to the requirements in IBC section ~~1021.1~~ 1006.3: Buildings of Group I-3 occupancy that are used as guard towers, provided the towers are no higher than 2 stories above grade, accommodate no more than 10 occupants, and have a travel distance of no more than 75 feet.

SECTION 110. SPS 362.1022 is repealed.

SECTION 111. SPS 362.1101 (title) is amended to read:

SPS 362.1101 Design of Type A and B units.

SECTION 112. SPS 362.1101 (1) (title) is repealed.

SECTION 113. SPS 362.1101 (1) (a) and (b) are renumbered SPS 362.1101 (1m) and (2m).

SECTION 114. SPS 362.1101 (2) is repealed.

SECTION 115. SPS 362.1103 (intro.) is amended to read:

SPS 362.1103 Scoping requirements – limited access spaces. (intro.) Substitute the following wording for the requirements in IBC section ~~1103.2.8~~ 1103.2.7:

SECTION 116. SPS 362.1104 (1) (title) is repealed.

SECTION 117. SPS 362.1104 (1) is renumbered SPS 362.1104.

SECTION 118. SPS 362.1104 (2) is repealed.

SECTION 119. SPS 362.1107 (4) is created to read:

SPS 362.1107 (4) MULTISTORY UNITS. Substitute the following wording for IBC section 1107.7.2: A multistory dwelling or sleeping unit that is not provided with elevator service is not required to be a Type B unit. Where a multistory unit is provided with external elevator service to only one floor, the floor provided with elevator service shall be the primary entry to the unit, shall comply with the requirements for a Type B unit and a toilet facility shall be provided on that floor.

SECTION 120. SPS 362.1109 is repealed.

SECTION 121. SPS 362.1110 is renumbered SPS 362.1111 and SPS 361.1111 (1) (a), (2) (a), and (b), as renumbered, are amended to read:

SPS 362.1111 (1) (a) *General.* Substitute the following wording for the requirements for location 1 in IBC section ~~1110.1~~ 1111.1: Except as specified par. (b), accessible parking spaces required in IBC section 1106 for the general public shall be identified with a sign complying with the accessible parking sign requirements specified in s. Trans 200.07.

(2) (a) Substitute the following wording for the introductory paragraph of IBC section ~~1110.2~~ 1111.2: Signage indicating directional information or information about functional spaces or signage indicating special accessibility provisions shall comply with ICC A117.1 and be provided at the following locations:

(b) This is a department informational note to be used under IBC section ~~1110.3~~1111.3.

SECTION 122. SPS 362.1200 is renumbered SPS 362.0915 and SPS 362.0915 (title), (intro.), (1) (b), and (d), as renumbered, are amended to read:

SPS 362.0915 (title) **Carbon monoxide ~~alarms~~ detection.** ~~These are department rules in addition to~~ Substitute the following wording for the requirements in IBC ~~chapter 12~~ section 915:

(1) (b) "Fuel−burning appliance" ~~means a device that is installed in a building and burns fossil−fuel or carbon based fuel where carbon monoxide is a combustion by−product, including stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces and stoves~~ has the meaning given in s. SPS 362.0202 (2) (f).

(d) "Sealed combustion appliance" ~~means a listed appliance that acquires all air for combustion through a dedicated sealed passage from the outside to a sealed combustion chamber and all combustion products are vented to the outside through a separate dedicated sealed vent~~ has the meaning given in s. SPS 362.0202 (2) (i).

SECTION 123. SPS 362.1203 is created to read:

SPS 362.1203 Natural ventilation. This is a department rule in addition to the requirements in IBC section 1203.5: The use of natural ventilation shall be permitted in any of the following:

(1) Occupancies specified in s. SPS 364.0402, Table 364.0402.

(2) Any occupancy with an engineered design, approved by the department, that satisfies the ventilation needs of the occupancy.

SECTION 124. SPS 362.1210, except (1) (title) and (2) (title), is renumbered 362.1210 (1m) and 362.1210 (1m) (intro.) and (a), as renumbered, are amended to read:

SPS 362.1210 (1m) PRIVACY AND ACCESS. These are department rules in addition to the requirements in IBC section ~~1210.5~~ 1210:

(a) ~~PRIVACY AND ACCESS.~~ Every toilet room shall be enclosed and separated from other areas of the building in a manner that will ensure the privacy of the users of the toilet rooms. Restriction of access to toilet rooms, such as by use of key locks or other similar devices, is prohibited, except as provided in ~~sub. (2)~~ par. (b).

SECTION 125. SPS 362.1210 (1) (title) is renumbered SPS 362.1210 (1m) (title).

SECTION 126. SPS 362.1210 (1m) (b) (intro.) is created to read:

SPS 362.1210 (1m) (b) (intro.) This subsection does not apply to the following:

SECTION 127. SPS 362.1210 (2) (title) is repealed.

SECTION 128. SPS 362.1210 (2m) is created to read:

SPS 362.1210 (2m) URINALS SEPARATION. Substitute the following wording for the requirements in IBC section 1210.3.2: Urinals shall be arranged individually with or without partitions.

SECTION 129. SPS 362.1405 (1) and (2) are renumbered SPS 362.1405 (2m) and (3m), and SPS 362.1405 (2m), as renumbered, is amended to read:

SPS 362.1405 (2m) This is a department exception in addition to the exceptions in IBC section ~~1405.3.1~~ 1405.3.1: Where other approved means to avoid condensation in unventilated framed wall, floor, roof and ceiling cavities, and box sills are provided.

SECTION 130. SPS 362.1405 (1m) is created to read:

SPS 362.1405 (1m) Substitute the following wording for the requirements, but not the exceptions, in IBC section 1405.3.1: Class I and II vapor retarders. Class I or II vapor retarders shall be provided on the interior side of frame walls and ceiling assemblies.

SECTION 131. SPS 362.1503 is created to read:

SPS 362.1503 Secondary Roof drainage. These are department rules in addition to IBC section 1503.4: Design and installation of roof drainage systems shall comply with IBC section 1503 and all applicable provisions in ch. SPS 382.

SECTION 132. SPS 362.1505 is amended to read:

SPS 362.1505 Roof covering classification. The requirements in Footnote a in IBC Table 1505.1 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 133. SPS 362.1509 is repealed.

SECTION 134. SPS 362.1604 is amended to read:

SPS 362.1604 Alternate Standards. Substitute the following wording for the requirements in IBC section 1604.7: Materials and methods of construction that are not capable of being designed by approved engineering analysis or that do not comply with the applicable material design standards listed in IBC chapter 35 shall be submitted for approval in accordance with sbch. ~~V~~ VI of ch. SPS 361.

SECTION 135. SPS 362.1607 (1), Table 1607.1, and (2) are amended to read:

SPS 362.1607 (1) RESIDENTIAL FLOOR LOADS. Substitute the following wording and live loads for the requirements in line ~~27~~ 25 and footnote j of IBC Table 1607.1:

Table 1607.1
Minimum Uniformly Distributed Live Loads
and Minimum Concentrated Live Loads[g]
(Partial Table)

Occupancy or Use	Uniform (psf)	Concentrated (lbs.)
~~27~~ 25. Residential		
Uninhabitable attics without storage [i]	5	
Uninhabitable attics with storage [i, j, k]	20	
Habitable attics	40	--
Hotels and Group R−2		
Private rooms and corridors serving them	40	
Public rooms and corridors serving them	100	

j. For attics with storage and constructed with trusses, this live load need only be applied to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:

i. The attic area is accessible by a pull−down stairway or framed opening in accordance with IBC section 1209.2, and

ii. The truss shall have a bottom chord pitch less than 2:12.

iii. Bottom chords of trusses shall be designed for the greater of actual imposed dead load or 10 psf, uniformly distributed over the entire span.

(2) TRUCK AND BUS GARAGES. Substitute the following wording for the requirements in IBC section ~~1607.6~~ 1607.7.3: Minimum live loads for garages having trucks or buses shall be as

specified in IBC ~~Table 1607.6~~ section 1607.7.3, but ~~shall~~ may not be less than 50 pounds per square foot, unless other loads are specifically justified and approved by the department. Actual loads shall be used where they are greater than the loads specified in the table.

SECTION 136. SPS 362.1608 (2) (a) and (b) are amended to read:

SPS 362.1608 (2) (a) *Buildings on the same property.* 1. Where an existing roof, regardless of the date of its construction, is horizontally within ~~15~~ 20 feet of a proposed, taller structure on the same property, IBC section 1608.1 or an alternate recognized engineering method shall be applied to the existing roof, to address any drifting or sliding of snow onto the existing roof, as caused by the taller structure.

2. Where an analysis under subd. 1. shows that an existing roof or corresponding supporting elements will not be adequate to support the additional snow load caused by the taller structure, the existing roof or supporting elements shall be strengthened to support those loads, in accordance with ~~this code~~ chs. SPS 361 to 366.

(b) *Buildings on adjoining properties.* Where an existing roof, regardless of the date of its construction, is horizontally within ~~15~~ 20 feet of a proposed, taller structure on an adjoining property, the owner of the proposed structure shall notify the adjoining owner of the potential for increased structural loads on the existing roof, due to sliding or drifting of snow, as caused by the taller structure.

SECTION 137. SPS 362.1613 is amended to read:

SPS 362.1613 Earthquake loads. This is a department informational note to be used under IBC section 1613.5: **Note:** ~~An interactive Website~~ A website maintained by the U. S. Geological Service, at ~~http://earthquake.usgs.gov/research/hazmaps/design/,~~ http://earthquake.usgs.gov/designmaps/us/application.php can be used in lieu of IBC Figures 1613.5 (1) and (2) to determine the spectral response acceleration values for an inputted zip-code area.

SECTION 138. SPS 362.1700 is amended to read:

SPS 362.1700 Structural tests and special inspections. The requirements in IBC chapter 17, except for the requirements in IBC sections ~~1711~~ 1706 to ~~1716~~ 1709, are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 139. SPS 362.1802 is amended to read:

SPS 362.1802 ~~Definition of neutral plane~~ Definitions. ~~This is a department definition in~~ In addition to the definitions in IBC section 1802.1, the following term has the meaning given in s. SPS 362.0202 (1): ~~NEUTRAL PLANE. A deep foundation's neutral plane is the level at which drag load, accumulated from the top down, added to the long-term static service load, equals the upward acting shaft resistance accumulated from the bottom up, added to the deep foundation's toe resistance.~~ "Neutral plane."

SECTION 140. SPS 362.1809 (intro) is renumbered SPS 362.1809 (1).

SECTION 141. SPS 362.1809 (2) is created to read:

SPS 362.1809 (2) This is a department exception in addition to the exception in IBC 1809.5: Floating slabs used with non-masonry, unheated, single-story buildings in Risk Category I that are less than 12,000 square feet are exempt from the requirements for frost protection.

SECTION 142. SPS 362.1810 (5) is amended to read:

SPS 362.1810 (5) FACTOR OF SAFETY FOR UPLIFT. The exception in IBC section 1810.3.3.1.5 is not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 143. SPS 362.1913 is renumbered SPS 362.1908 and, as renumbered, is amended to read:

SPS 362.1908 Shotcrete clearance. Substitute the following wording for the exception under IBC section ~~1913.4.2~~ 1908.4.2: Subject to the approval of the department, required clearances may be reduced where it is demonstrated by preconstruction tests that adequate encasement of the bars used in the design will be achieved.

SECTION 144. SPS 362.2103 is repealed.

SECTION 145. SPS 362.2210 is renumbered SPS 362.2211 and, as renumbered, is amended to read:

SPS 362.2211 Trusses spanning 60 feet or greater. The requirements in IBC section ~~2210.3.4~~ 2211.3.3 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 146. SPS 362.2303 and 362.2304 are amended to read:

SPS 362.2303 Trusses spanning 60 feet or greater. The requirements in IBC section 2303.4.1.3 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SPS 362.2304 Girder ends. This is a department rule in addition to the requirements in IBC section ~~2304.11.2.5~~ 2304.12.2.1: A moisture barrier shall be provided between an untreated or nondurable wood girder and an exterior masonry or concrete bearing surface.

SECTION 147. SPS 362.2510 is created to read:

SPS 362.2510 Water-resistive barriers. This is a department rule in addition to the requirements in IBC section 2510.6: The vertical leg of flashing at the base of a wall with two layers of a water-resistive barrier shall be installed behind both layers of the water-resistive barrier.

SECTION 148. SPS 362.2900 (3) (a) is renumbered SPS 362.2900 (3) and, as renumbered, is amended to read:

SPS 362.2900 (3) ~~ENCLOSURE OF~~ FIXTURES URINALS. ~~Water closets and urinals within a toilet room shall be arranged to ensure privacy. Except as provided in par. (b), each water closet shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.~~ Urinals shall be placed against walls at least 6 feet 8 inches high ~~and arranged individually with or without partitions~~.

SECTION 149. SPS 362.2900 (3) (b) 1. and 2. are repealed.

SECTION 150. SPS 362.2900 (3) (b) 3. is renumbered SPS 362.1210 (1m) (a) 4.

SECTION 151. SPS 362.2902 (1) (a) 1. and 2. are amended to read:

SPS 362.2902 (1) (a) 1. Where more than one water closet is required for males, urinals may be substituted for up to 50 percent of the required number of water closets, except that urinals may be substituted for up to 67 percent of the required number of water closets in Group A and E occupancies .

2. Where ~~water is served in restaurants or where other acceptable arrangements are made to provide drinking water,~~ drinking fountains are ~~not~~ required, other reasonable alternatives are acceptable, as approved by the department.

SECTION 152. SPS 362.2902 (1) (e) is created to read:

SPS 362.2902 (1) (e) *Alternative to IBC Table 2902.1* This is a department alternative to the minimum fixture requirements of IBC Table 2902.1: The required number of toilet fixtures may be based on the actual occupancy load rather than the load determined by square footage per IBC Table 1004.1.1. The actual occupancy load shall be based on justification found acceptable to the department.

SECTION 153. SPS 362.2902 (2) is renumbered SPS 362.2902 (2) (a).

SECTION 154. SPS 362.2902 (2) (b) is created to read:

SPS 362.2902 (2) (b) These are department exceptions to the requirements in IBC section 2902.2: Separate facilities ~~shall~~ may not be required in all occupancies when the number of fixtures is provided as required under IBC Table 2902.1 in individual user toilet rooms.

SECTION 155. SPS 362.3001 (1) is amended to read:

SPS 362.3001 (1) REFERENCED STANDARDS. Substitute the following wording for the requirements in IBC section 3001.2: Except as otherwise provided for in ~~this code~~ chs. SPS 361 to 366, the design, construction, installation, alteration, repair, and maintenance of conveyances and their components shall comply with ch. SPS 318.

SECTION 156. SPS 362.3002 (title) is repealed and recreated to read:

SPS 362.3002 (title) **Hoistway enclosures.**

SECTION 157. SPS 362.3002 is renumbered SPS 362.3002 (1).

SECTION 158. SPS 362.3002 (1) (title) is created to read:

SPS 362.3002 (1) (title) ELEVATOR CAR TO ACCOMMODATE AMBULANCE STRETCHER.

SECTION 159. SPS 362.3004 (title) is repealed.

SECTION 160. SPS 362.3004 (1) to (3) are renumbered SPS 362.3002 (2) to (4) and, as renumbered, SPS 362.3002 (2), (3), and (4) (intro.) are amended to read:

SPS 362.3002 (2) VENTING. This is a department rule in addition to the requirements in IBC section ~~3004.3~~ 3002: A ventilation opening in a hoistway wall, where provided, shall have guards securely anchored to the supporting structure inside the hoistway. The guards shall consist of a wire−mesh screen of at least 0.0915−inch diameter steel wire with openings that will reject a ball one_-inch in diameter, or expanded metal screen of equivalent strength and open area.

(3) AREA OF VENTS. This is a department rule in addition to the requirements in ~~the exception under~~ IBC ~~3004.3~~ section 3002: ~~The~~ Where vent openings automatically open upon detection of smoke in the elevator lobbies or hoistway, upon power failure and upon activation of a manual override control, the manual override control shall comply with all of the following:

(4) PLUMBING AND MECHANICAL SYSTEMS. Substitute the following wording for the requirements and the exception in IBC section ~~3004.4~~ 3002.9:

SECTION 161. SPS 362.3006 is renumbered SPS 362.3005 and, as renumbered, is amended to read:

SPS 362.3005 Machine rooms. (1) SCOPE. This is a department rule in addition to the requirements in IBC section ~~3006~~ 3005: This section applies to elevator machine rooms, machinery spaces, control rooms, and control spaces not within the hoistway.

(2) ACCESS. This is a department informational note to be used under IBC section ~~3006.1~~ 3005.1:

(3) TEMPERATURE AND HUMIDITY. Substitute the following wording for the requirements in IBC section ~~3006.2~~ 3005.2: Elevator machine rooms that contain solid−state equipment for elevator operation shall be provided with an independent means to control the temperature and humidity in the machine room.

(4) PRESSURIZATION. This is a department exception to the requirements in IBC section ~~3006.3~~ 3005.3: An elevator machine room which serves a pressurized elevator hoistway and which is not directly connected to the pressurized elevator shaft is not required to be pressurized.

(5) PLUMBING SYSTEMS. Substitute the following wording for the requirements in IBC section ~~3006.6~~ 3005.6: Plumbing systems not used in connection with the operation of the elevator may not be located in elevator equipment rooms.

SECTION 162. SPS 362.3100 is amended to read:

SPS 362.3100 Special construction. These are department rules in addition to the requirements in IBC chapter 31: Public mausoleum structures shall be designed, constructed, and maintained in accordance with ~~this code~~ chs. SPS 361 to 366. Mausoleums shall be classified as a Group S-1 storage occupancy and shall be constructed of reinforced concrete or other materials of similar durability.

SECTION 163. SPS 362.3103 is amended read:

SPS 362.3103 Temporary structures. This is a department rule in addition to the requirements in IBC section 3103: Under IBC sections ~~3103.1.1~~ 3103.1.2 and 3103.2, the requirements for permits and construction documents for temporary structures are at the option of the local code official.

SECTION 164. SPS 362.3200 is amended to read:

SPS 362.3200 Encroachments into the public right-of-way. The requirements in IBC chapter 32 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 165. SPS 362.3400 is repealed.

SECTION 166. SPS 362.3500 (3) (intro.) is amended to read:

SPS 362.3500 (3) (intro.) ADDITIONS. This is a department rule in addition to the requirements in IBC chapter 35: The following standards are ~~hereby~~ incorporated by reference into ~~this code~~ chs. SPS 361 to 366:

SECTION 167. SPS 362.3500 (3) (b) and (c) are repealed.

SECTION 168. SPS 362.3500 (3) (d) is amended to read:

SPS 362.3500 (3) (a) NFPA ~~750–2010~~ 750-2015, Standard on Water Mist Fire Protection Systems.

SECTION 169. SPS 362.3500 (3) (e) is repealed.

SECTION 170. SPS 362.3500 (3) (f) is amended to read:

SPS 362.3500 (3) (c) UL ~~2075–2007~~ 2075-2013, Gas and Vapor Detectors and Sensors.

SECTION 171. SPS 362.3500 (Note) is amended to read:

Note: ~~ANSI/ASAE standards may be purchased from the American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659.~~

NFPA standards may be purchased from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

UL standards may be purchased for Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

Copies of the standards adopted under this ~~section~~ chapter are on file in the offices of the department and the legislative reference bureau.

SECTION 172. SPS 362.3600 is amended to read:

SPS 362.3600 (1) EXCLUSIONS. The provisions in IBC Appendices A, B, D, ~~and~~ F to K, and M are not included as part of ~~this code,~~ chs. SPS 361 to 366.

(2) APPENDIX C. The provisions in IBC Appendix C apply to Group U agricultural buildings, as described in IBC section C 101.1, that are not exempt from ~~this code~~ chs. SPS 361 to 366 as outlined in ss. SPS 361.01 and 361.02 (2) and (3).

SECTION 173. SPS 363.002 (1) and (2) are amended to read:

SPS 363.002 (1) MIXED OCCUPANCY. Where a building includes both ~~residential and commercial~~ commercial and residential occupancies, each occupancy shall be separately considered and meet the applicable provisions of IECC ~~chapter 4~~ commercial provisions for ~~residential~~ commercial occupancies or IECC ~~chapter 5~~ residential provisions for ~~commercial~~ residential occupancies.

(2) EXEMPT BUILDINGS AND STRUCTURES. Glazed structures or glazed portions of buildings used for the production of plant life or for maintaining plant life as the primary purpose are exempt from the building thermal envelope provisions of ~~this code~~ chs. SPS 361 to 366, provided that glazed portions are separated from the remainder of the building by building thermal envelope assemblies complying with this chapter.

SECTION 174. SPS 363.0100 (Note) is amended to read:

SPS 363.0100 Note: The sections in this chapter are generally numbered to correspond to the numbering used in the IECC, with a 0 to the right of the decimal point referring to the commercial provisions and a 5 to the right of the decimal point referring to the residential provisions of the IECC, i.e., s. SPS 363.0101 refers to ~~section~~ IECC ~~101~~ section C101 and s. SPS 363.5101 refers to section IECC section R101.

SECTION 175. SPS 363.0101 is amended to read:

SPS 363.0101 ~~Except for IECC 101.5.2, the~~ The requirements in IECC sections ~~101~~ C101 and ~~103 to 109~~ C103 to C109 are not included as part of this chapter.

SECTION 176. SPS 363.0202 (1) and (2) are amended to read:

SPS 363.0202 (1) This is a department definition for this chapter in addition to the definitions in ~~IMC~~ IECC section ~~202~~ C202: "Effective aperture" or "EA" means for windows, the visible light transmittance times the window wall ratio per wall; and for sky lights, the well efficiency times the visible light transmittance times the sky light area times 0.85 divided by the gross exterior roof area.

(2) Substitute the following ~~definition~~ for the corresponding ~~definition~~ definitions listed in IECC section ~~202~~ C202: ~~"Approved" has the meaning given in s. SPS 362.0202 (2).~~

SECTION 177. SPS 363.0202 (2) (a) and (b) are created to read:

SPS 363.0202 (2) (a) "Approved" has the meaning given in s. SPS 362.0202 (2) (a).

(b) "Daylight responsive control" means a device or system that provides the automatic control of lamps and luminaires located in daylight zone only or a manual control of lamps or luminaires located in daylight zone only in such manner that at least 50% of the lamps are controlled in a reasonably uniform illumination pattern per IECC section C405.2.2.2, with the capability for the lamps to be operated at 100% or 0% of their design lighting capability.

SECTION 178. SPS 363.0303 (intro.) and (2) (a) 1. to 4. are amended to read:

SPS 363.0303 These are department rules in addition to the requirements in IECC section ~~303~~ C303.

(2) (a) 1. ASTM ~~C177-04~~ C177-13, Test method by guarded hot plate apparatus.
2. ASTM ~~C335-05~~ C335/335M-10, Test method of horizontal pipe insulation.
3. ASTM ~~C518-04~~ C518-15, Test method by means of the heat flow meter apparatus.
4. ASTM ~~C1363-05~~ C1363-11, Test method by means of a hot box apparatus.

SECTION 179. SPS 363.0401 is renumbered SPS 363.5401 and, as renumbered, is amended to read:

SPS 363.5401 Certificate. The requirements in IECC section ~~401.3~~ R401.3 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 180. SPS 363.0401(2) to (5) are created to read:

SPS 363.0401 (2) AUTOMATIC RECEPTACLE CONTROL. The requirements in ANSI/ASRAE/IESNA 90.1-2013 section 8.4.2 are not included as part of this chapter.

(3) MONITORING. Substitute the following wording for ANSI/ASHRAE/IESNA 90.1-2013 section 8.4.3.1: A measurement device shall be installed in new buildings to monitor total electrical energy use. For buildings with tenants, total electrical energy shall be monitored for the total building or for each individual tenant.

(4) APPLICATION. Substitute the following wording for 2015 IECC section C401.2 condition 2: The requirements of sections C402 to C405.

(5) COMPLIANCE REQUIREMENTS. Substitute the following in IECC section C401.2 condition 3: The requirements of IECC sections C402.5, C403.2, C404, C405.2, C405.3, C405.4, C405.6 and C407. The building energy cost shall be equal to or less than the standard reference design building.

SECTION 181. SPS 363.0402 is created to read:

SPS 363.0402 Building envelope requirements. (1) OPAQUE ASSEMBLIES. Substitute 2009 IECC Table 502.2 (1) for 2015 IECC Table C402.1.3 and renumber Table C402.1.3.

(2) OPAQUE ELEMENT MAXIMUM U-FACTORS. Substitute 2009 IECC Table 502.1.2 for 2015 IECC Table C402.1.4 and renumber Table C402.1.4.

SECTION 182. SPS 363.0403 is renumbered SPS 363.5403 and, as renumbered, is amended to read:

SPS 363.5403 Systems. (1) ELECTRICAL POWER AND LIGHTING. This is a department rule in addition to the requirements in IECC section ~~403~~ R403: In residential buildings having individual dwelling units, provisions shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units.

(2) DUCTS. Substitute the following wording for the requirements in IECC section ~~403.2.2~~ R403.3.2: All ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with IMC section 603.9.

SECTION 183. SPS 363.0403 (7) to (13) are created to read:

SPS 363.0403 (7) ZONE ISOLATION. The requirements in IECC section C403.2.4.4 are not included as part of chs. SPS 361 to 366.

(8) DEMAND CONTROLLED VENTILATION. Substitute the following for the wording, but not the exceptions, in IECC section 503.2.6.1: Demand control ventilation (DCV) is required for spaces larger than 40 people per 1000 sq. ft. (93 m^2) of floor area (as established in Table 403.3 of the International Mechanical Code) and served by systems with one or more of the following:

1. An air-side economizer.

2. An automatic modulating control of the outdoor air damper.

3. A design outdoor airflow greater than 3,000 cfm (1400L/s).

(9) MINIMUM PIPE INSULATION. (a) Substitute 2009 IECC Table 503.2.8 for IECC Table C403.2.10.

(b) IECC section C403.2.10 exception 6 is not included as part of chs. SPS 361 to 366.

(10) PROTECTION OF PIPING INSULATION. The requirements in IECC section C403.2.10.1 are not included as part of chs. SPS 361 to 366.

(11) WALK-IN COOLERS AND FREEZERS. The requirements in IECC sections C403.2.15 and C403.2.16 are not included as part of chs. SPS 361 to 366.

(12) BOILER TURNDOWN. The requirements in IECC section C403.4.2.5 are not included as part of chs. SPS 361 to 366.

(13) MECHANICAL SYSTEMS COMMISSIONING. The requirements of IECC section C403.2.11 are not included as part of chs. SPS 361 to 366.

SECTION 184. SPS 363.0404 (4) and (5) are created to read:

SPS 363.0404 (4) CIRCULATION SYSTEMS. Substitute the following wording for the requirements in IECC section C404.6.1: Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulation hot water system pumps shall automatically turn off the pump when the water in the circulation loop is at the desired temperature.

(5) SERVICE WATER-HEATING SYSTEM COMMISSIONING. The requirements of IECC section C404.11 are not included as part of chs. SPS 361 to 366.

SECTION 185. SPS 363.0405 and SPS 363.0405 (Note) are renumbered SPS 363.5405 and SPS 363.5405 (Note) and, as renumbered, are amended to read:

SPS 363.5405 Calculation software tools. This is a department informational note to be used under IECC section ~~405.6~~ R405.6:

Note: The federal Department of Energy has developed REScheck™, a computer program that may be used in demonstrating compliance for a residential building which has no more than 3 stories above grade and has 3 or more dwelling units. The REScheck program may be downloaded at http://www.energycodes.gov/. The most recent version of REScheck shall be used to determine code compliance. When using the program, the applicable code must be defined as the "~~2009~~ 2015 IECC." ~~The use of the "Wisconsin" option will apply requirements associated with a 1 or 2 family dwelling, which are more restrictive than those associated with low-rise multifamily buildings.~~

SECTION 186. SPS 363.0405 (3) is created to read:

SPS 363.0405 (3) OCCUPANT SENSOR LIGHTING CONTROLS. (a) Substitute the following for the requirements, but not the exceptions, in IECC section C405.2: Lighting systems shall be provided with controls as specified in sections C405.2.2, C405.2.3 C405.2.4 and C405.2.5.

(b) The requirements in IECC section C405.2.1 are not included as part of chs. SPS 361 to 366.

SECTION 187. SPS 363.0406 is created to read:

SPS 363.0406 Requirements for additional efficiency package options. The requirements in IECC section 406 are not included as part of chs. SPS 361 to 366.

SECTION 188. SPS 363.0407(1) , (2), and (2) (Note) are created to read:

SPS 363.0407 (1) MANDATORY REQUIREMENTS. This is a department exception to the requirements in IBC section C407.2: The requirements in IECC section C403.2.7 are not required to be demonstrated as means of compliance with this section.

(2) TOTAL ENERGY PERFORMANCE. This is a department informational note to be used under IECC section C407:

Note: Use of IECC section C407 requires the total building energy cost to be equal to or less than the standard reference design building, as required under IECC section C401.2 item 3. The 2015 IECC or ASHRAE 90.1-2013 options shall be selected.

SECTION 189. SPS 363.0501 (title), (intro.) and (1) to (4) are renumbered SPS 363.0401 (title), (1) (intro.) and (1) (a) to (d) and, as renumbered, are amended to read:

SPS 363.0401 (title) General application. (1) ADDITIONAL REQUIREMENTS. (intro.) This is a department rule in addition to the requirements in IECC section ~~501.2~~ C401.2: All of the following rules shall apply regardless of whether the IECC chapter ~~5~~ 4 or ASHRAE 90.1 standard is used to determine compliance:

(a) Section ~~SPS 363.0503 (1)~~ SPS 363.0403 (1) relating to design loads.

(b) ~~Sections SPS 363.0503 (3) and~~ Section SPS 363.0403 (4) relating to economizers.

(c) Section ~~SPS 363.0505~~ SPS 363.0405 relating to lighting systems.

(d) IECC section ~~505.2.2.1~~ C405.2.2.2 relating to dual switching.

SECTION 190. SPS 363.0408 is created to read:

SPS 363.0408 System commissioning. The requirements of IECC section C408 are not included as part of chs. SPS 361 to 366.

SECTION 191. SPS 363.0503 (title), (1) and (2) are renumbered SPS 363.0403 (title), (1) and (2) and, as renumbered, are amended to read:

SPS 363.0403 Building mechanical systems. (1) CALCULATION OF HEATING AND COOLING LOADS. The following wording is a department requirement in addition to the requirements in IECC section ~~503.2.1~~ C403.2.1: Design heating and cooling loads shall be determined in accordance with s. SPS 363.0302 and Table 363.0302.

(2) EQUIPMENT AND SYSTEM SIZING. Substitute the following wording for the requirements and the exceptions in IECC section ~~503.2.2~~ C403.2.2: Heating and cooling equipment and systems shall be sized to provide the minimum space and system loads calculated in accordance with s. SPS 363.0302.

SECTION 192. SPS 363.0503 (3) is repealed.

SECTION 193. SPS 363.0503 (4) to (6) are renumbered SPS 363.0403 (3) to (5) and, as renumbered, are amended to read:

(3) ECONOMIZERS SIMPLE HVAC SYSTEMS. Substitute the following wording for the requirements in IECC section ~~503.3.1 the first paragraph and Table 503.3.1 (1)~~ C403.3: Supply air economizers shall be provided on the following cooling systems:

(a) ~~Package~~ All package roof top units ~~≥ 33,000Btu/h~~.

(b) All other cooling systems ≥ 54,000 Btu/h. Where a single room or space is supplied by multiple air systems, the aggregate cooling capacity of those systems shall be used in applying this requirement.

(4) ECONOMIZERS ~~COMPLEX HVAC SYSTEMS~~ COOLING REQUIREMENTS. Substitute the following wording for the ~~requirements, but not the exceptions, in~~ title of IECC ~~section 503.4.1~~ Table C403.3 (1): ~~Supply air economizers shall be provided on cooling systems as described under sub. (4). Economizers shall be capable of operating at 100 percent outside air, even if additional mechanical cooling is required to meet the cooling load of the building~~ MINIMUM BUILDING CHILLED WATER SYSTEM COOLING CAPACITY FOR DETERMINING ECONOMIZER COOLING REQUIREMENTS.

(5) CLIMATE ZONES ~~3 AND 4~~ 6 AND 7. Substitute the following wording for the requirements in IECC section ~~503.4.3.3.2.2~~ C403.4.2.3.2.2: For climate ~~Zones 5 through 8~~ zones 6 and 7 as indicated in IECC Figure ~~301.1~~ C301.1 and Table ~~301.1~~ C301.1, if an open-circuit cooling tower is used, then a separate heat exchanger shall be required to isolate the cooling tower from the heat pump loop, and heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop and providing an automatic valve to stop the flow of fluid.

SECTION 194. SPS 363.0503 is created to read:

SPS 363.0503 Lighting alterations. Substitute the following wording for the exception in IECC section C503.6: Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

SECTION 195. SPS 363.0504 (title) (1) to (3) are renumbered SPS 363.0404 (title) (1), (2), and (3) and, as renumbered, are amended to read:

SPS 363.0404 Service water heating. (1) ~~TEMPERATURE CONTROLS~~ TIME SWITCHES. The requirements in IECC section ~~504.3~~ C404.9.2 are not included as part of this chapter.

(2) HEAT TRAPS. The requirements in IECC section ~~504.4~~ C404.3 are not included as part of this chapter.

(3) ~~POOL COVERS~~ POOLS AND SPAS. The requirements in IECC ~~section 504.7.3~~ sections C404.9.2 and C404.9.3 are not included as part of this chapter.

SECTION 196. SPS 363.0505 is renumbered SPS 363.0405 and SPS 363.0405 (1), (intro.), (a) 2. and (2) and, as renumbered, are amended to read:

SPS 363.0405 (1) CONTROLS. These are department rules in addition to the requirements in IECC section ~~505~~ C405:

(a) 2. Controls at least 50% of the lamps or luminaires in the daylight zone, in a manner described in IECC section ~~505.2.2.1~~ C405.2.3.

(2) LINE-VOLTAGE LIGHTING TRACK AND PLUG-IN ~~BUSYWAY~~ BUSWAY. Substitute the following for the requirements in IECC section ~~505.5.1.4~~ C405: The wattage of line-voltage lighting track and plug-in busway which allows the addition or relocation of luminaires without altering the wiring of the system shall be the volt-ampere rating of the branch circuit feeding the luminaries or an integral current limiter controlling the luminaires, or the higher of the maximum relamping rated wattage of all of the luminaires included in the system, listed on a permanent factory installed label, or 30 W/linear foot.

SECTION 197. SPS 363.0506 (title), (intro.), and (Note) are renumbered SPS 363.0407 (title), (2), and (Note) and SPS 363.0407 (2) and (Note) and, as renumbered, are amended to read:

SPS 363.0407 (2) COMCHECK. This is a department informational note to be used under IECC section ~~506~~ C407:

Note: ~~ComCheck~~ COMcheck is a computer program that may be used only for determining building envelope or lighting compliance. The ~~ComCheck~~ COMcheck computer program may be downloaded at: http:/www.energycodes.gov/. The most recent version of COMcheck shall be used to demonstrate code compliance. The 2015 IECC or ASHRAE 90.1-2013 options shall be selected.

SECTION 198. SPS 363.900 is renumbered SPS 363.0600 and SPS 363.0600 (intro.) and (1) to (4) and, as renumbered, are amended to read:

SPS 363.0600 Referenced standards. This is a department rule in addition to the requirements in IECC chapter 6: The following standards are ~~hereby~~ incorporated by reference into ~~this code~~ chs. SPS 361 to 366:

(1) ~~ASTM C177-04~~ ASTM C177-13, Test method for steady-state heat flux measurements and thermal transmission properties by means of the guarded-hot-plate apparatus.

(2) ~~ASTM C335-05~~ ASTM C335/335M-10, Test method for steady state heat transfer properties of horizontal pipe insulation.

(3) ~~ASTM C518-04~~ ASTM C518-15, Test ~~Method~~ method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

(4) ~~ASTM C1363-05~~ ASTM C1363-13, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

SECTION 199. SPS 363.5101, 363.5202, 363.5302 and 363.5303 are created to read:

SPS 363.5101 Administration and enforcement. The requirements in IECC sections R101 and R103 to R109 are not included as part of this chapter.

SPS 363.5202 Substitutions. Substitute the following definition for the corresponding definition listed in IECC section R202: "Approved" has the meaning given in s. SPS 362.0202 (2) (a).

SPS 363.5302 Exterior design conditions. These are department rules in addition to the requirements in IECC section R302: The exterior design temperatures used for heating and cooling load calculations shall be as specified in Table 363.0302.

SPS 363.5303 Materials, systems and equipment. These are department rules in addition to the requirements in IECC section ~~303~~ C303.

(1) (a) 1. ASTM ~~C177-04~~ C177-13, Test method by guarded hot plate apparatus.
2. ASTM ~~C335-05~~ C335/335M-10, Test method of horizontal pipe insulation.
3. ASTM ~~C518-04~~ C518-15, Test method by means of the heat flow meter apparatus.
4. ASTM ~~C1363-05~~ C1363-11, Test method by means of a hot box apparatus.

SECTION 200. SPS 363.5402 is created to read:

SPS 363.5402 Building envelope requirements. (1) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT. Substitute 2009 Table 402.1.1 for 2015 IECC Table R402.1.2 and renumber Table R402.1.2.

(2) EQUIVALENT U-FACTORS. Substitute 2009 Table 402.1.3 for 2015 IECC Table R402.1.4 and renumber Table R402.1.4.

(3) AIR LEAKAGE. Substitute the wording from 2009 IECC sections 402.4.1, 402.4.2, 402.4.2.1 and 402.4.2.2 for IECC sections R402.4.0, R402.4.1, R402.4.1.1 and R402.4.1.2.

(4) AIR BARRIER AND INSULATION INSPECTION COMPONENT TABLE. Substitute 2009 IECC Table 402.4.2 for IECC Table R402.4.1.1.

SECTION 201. SPS 363.5403 (3) is created to read:

SPS 363.5403 (3) PROTECTION OF PIPING INSULATION IN RESIDENTIAL BUILDINGS. The requirements in IECC section R403.4.1 are not included as part of chs. SPS 361 to 366.

SECTION 202. SPS 363.5404 is created to read:

SPS 363.5404 Lighting equipment. Substitute the following wording for the requirements, but not the exception, in IECC section R404.1: A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps.

SECTION 203. SPS 364.0101 is created to read:

SPS 364.0101 Administration. Except for IMC section 102.8, the requirements in IMC chapter 1 are not included as part of this chapter.

SECTION 204. SPS 364.0202 (1) (b) is created to read:

SPS 364.0202 (1) (b**)** "Enclosed parking garage" means an enclosed building where motorized vehicles are stored or driven into.

SECTION 205. SPS 364.0202 (1) (c) is renumbered SPS 364.0202 (1) (a).

SECTION 206. SPS 364.0202 (1) (d) is amended to read:

SPS 364.0202 (d) "Health care facility" means a hospital, nursing home, outpatient surgical facility<u>, or community-based residential facility</u>.

SECTION 207. SPS 364.0202 (1) (e), (f), and (Note) are created to read:

SPS 364.0202 (1) (e) "Living area" means those areas within a dwelling unit involving living rooms, bedrooms, dens, family rooms, and recreation rooms, but not rooms used for cooking, bathing, washing, and sanitation purposes.

(f) "Motorized vehicle" means a self-propelled motor-driven vehicle that is used for moving people or products on land, water, or air.

Note: "Motorized vehicle" in this definition is intended to apply to motorized equipment transporting people and goods for pleasure, construction or commerce, rather than equipment dedicated to warehousing and yard operations, such as forklifts; or for grounds and facility maintenance, such as lawnmowers; or for amusement facilities, such as go-carts.

SECTION 208. SPS 364.0300 (1) is amended to read:

SPS 364.0300 (1) This is a department rule in addition to the requirements in IMC chapter 3: In addition to the requirements in ~~this code~~ chs. SPS 361 to 366, the heating and ventilation systems for health care facilities only shall conform to the applicable provisions of The Facility Guidelines Institute (FGI) Guidelines for Design and Construction of Health Care Facilities, except as provided in sub. (2).

SECTION 209. SPS 364.0301 (1) to (3) are amended to read:

(1) SCOPE. Substitute the following wording for the requirements in IMC section 301.1: This chapter shall govern the approval and installation of all equipment and appliances that comprise parts of the building mechanical systems regulated by ~~this code~~ chs. SPS 361 to 366 in accordance with subch. ~~1~~I.

(2) ENERGY UTILIZATION. This is a department informational note to be used under IMC section ~~301.2~~ 301.7: **Note:** See ch. SPS 363 for additional requirements.

(3) LISTED AND LABELED. Substitute the following wording for the requirements in IMC section ~~301.4~~ 301.7:

SECTION 210. SPS 364.0306 is repealed.

SECTION 211. SPS 364.0309 (1) and Table 364.0309 are amended to read:

SPS 364.0309 (1) ALTERNATE MINIMUMS. For those interior spaces intended for human occupancy listed in Table 364.0309, the heating system shall be capable of maintaining an ~~inside~~ indoor temperature of not less than that shown in the table at 3 feet above the floor.

Table 364.0309
Alternate Minimum ~~Inside~~ Indoor Temperature

Occupancy Type	Minimum ~~Inside~~ Indoor Temperature (degrees F)
Dry cleaners, laundries, laundry rooms	60
Educational training shops	60
Commercial kitchens	60
Health care facilities, hospitals, nursing homes, ambulatory surgery	Footnote a.

centers	
Factories and machine shops	60
Foundries	NMR
Sawmills	NMR
Garages at private dwellings	NMR
Automotive service and repair garages	60
Car washes, enclosed:	
Self−serve	NMR
All other types	60
Ice skating rinks (indoor)	NMR
Natatoriums	76
Roller skating rinks (indoors)	60
Storage	NMR
Elevator cars	NMR
Janitor closets	NMR
Locker and dressing rooms	70
Shower rooms	70
Food processing	NMR
Printing	60

NMR = No minimum requirement

a For ~~inside~~ indoor temperature requirements in health care facilities, use American Institute of Architects (AIA) Guidelines for Design and Construction of Hospital and Health Care Facilities.

SECTION 212. SPS 364.0309 (3) is created to read:

SPS 364.0309 (3) SPOT HEATING. Spot heating may be used to heat individual work stations in industrial buildings in lieu of heating the entire space specified in IMC section 309, provided the design temperature at the fixed work station is at least 60° F.

SECTION 213. SPS 364.0312 (Note) is amended to read:

SPS 364.0312 Note: For design parameters in the IECC refer to ch. SPS 363 or IECC section ~~503~~ C403.

SECTION 214. SPS 364.0401 (4) (b) is amended to read:

SPS 364.0401 (4) (b) Substitute the following wording for the requirements in IMC section 401.4 item 2: Intake openings shall be located not less than 10 feet horizontally from any hazardous or noxious contaminant source except as specified in IMC section 401.4, item 3 and section 501.3.1.

SECTION 215. SPS 364.0401 (4) (e) is created to read:

SPS 364.0401 (4) (e) Substitute the following wording for the wording in IMC section 401.4, item 1: Intake openings shall be located a minimum of 10 feet (3048 mm) from lot lines or buildings on the same lot. Where openings front on a street or public way, the distance shall be measured to the centerline of the street or public way.

SECTION 216. SPS 364.0402 Table 364.0402 is amended to read:

Table 364.0402
Natural Ventilation
Allowed for Specific Occupancies

Occupancy Classification		
Correctional Facilities Cells without plumbing features Dining halls < 100 persons Guard stations Day room Booking/waiting **Dry cleaners, laundries** Coin-operated dry cleaners Coin-operated laundries Storage, pick up **Education** Auditoriums < 100 persons Media center Music/theatre/dance Day care facilities < 20 children (through age 4) ~~Lecture < 100 persons~~ Multiuse assembly < 100 persons **Food and beverage service** Bars, cocktail lounges < 100 persons Dining rooms < 100 persons Kitchens (cooking) **Hotels, motels, resorts and dormitories** Multipurpose assembly < 100 persons Bedroom/living room Conference/meeting < 100 persons Dormitory sleeping areas Gambling casinos < 100 persons	**Business areas** Conference rooms < 100 persons Reception areas < 100 persons Main entry lobbies < 100 persons Lecture < 100 persons **Public spaces** Places of religious worship < 100 persons Courtrooms < 100 persons Legislative chambers < 100 persons Libraries < 100 persons Museums < 100 persons Dwellings Garages Kitchens Living areas **Retail stores, sales floors, and showroom floors** Sales Dressing rooms Mall common areas Storage rooms **Specialty shops** Pet shops (animal areas) Supermarkets Car ~~Washes~~ washes Enclosed parking garages 850 S.F. or less in area and storing 5 or fewer vehicles	**Sports and amusement** Discos/dance floors < 100 persons Bowling alleys (seating areas) < 100 persons Game arcades < 100 persons Ice arenas without combustion Places of religious worship engines < 100 persons Gym, stadium, arena (play area) Spectator areas < 100 persons Swimming pools (pool and deck area) < 100 persons Health club/aerobics room < 100 persons Health club/weight room < 100 persons **Theaters** Auditoriums < 100 persons Lobbies < 100 persons Stages, studios < 100 persons **Transportation** Platforms < 100 persons Waiting rooms < 100 persons Aircraft hangars (with single aircraft and no adjacent occupancies) **Workrooms** Meat processing Pharmacy (prep. area) Photo studios Copy, printing rooms

Lobbies/pre-function		

SECTION 217. SPS 364.0403 (5) (d) 1. and 2. d. are amended to read:

SPS 364.0403 (5) (d) 1. Substitute the following wording for the requirements in IMC sections ~~403.3.1~~ 403.1.1.1 through ~~403.3.2.3.4~~ 403.3.1.1.2.3.4: Where multiple spaces having different ventilation rate requirements are served by a common ventilation system, the minimum amount of outdoor airflow supplied by the ventilation system shall equal the total outdoor airflow required for each space if each space is provided with minimum air changes in accordance with this paragraph.

2.d. Air change rate of less than 6 air changes per hour is permitted where mechanical cooling is provided to maintain an interior design temperature of ~~78° F~~ 75° F or lower. The air change rate may not be less than the alternative minimum air change rate per hour specified in Table 364.0403. Air changes are not required to be provided for spaces required to be mechanically exhausted.

SECTION 218. SPS 364.0403 (5) (d) 2. e. is created to read:

SPS 364.0403 (5) (d) 2. e. The air change requirement for 6 air changes per hour may be omitted in any of the following applications:

1. Buildings or rooms utilizing spot heating as the only source of heat.

2. Buildings where the requirement for outside air is waived in accordance with s. SPS 364.0401 (1) (b) 1.

3. Buildings utilizing natural ventilation as specified in IMC section 402.

SECTION 219. SP 364.0403 (6) is amended to read:

SPS 364.0403 (6) Substitute the following wording for the requirements in IMC section ~~403.5~~ 403.3.1.3: The minimum flow rate of outdoor air that the ventilation system must be capable of supplying during its operation may be based on the rate per person indicated in Table 364.0403 and the actual number of occupants present.

SECTION 220. SPS 364.0403 (7) is created to read:

(16) R-2, R-3, AND R-4 OCCUPANCIES. The requirements of IMC section 403.3.2 are not included as part of chs. SPS 361 to 366.

SECTION 221. Table SPS 364.0403 and (Notes) are amended to read:

Table 364.0403
Ventilation Requirements

Occupancy Classification	Estimated Maximum Occupant Load (persons per 1,000 sq. ft.)	Exhaust [c] (cfm/net sq. ft. floor area)	Common Ventilation System Alternative – Minimum AC Rate per Hour with A/C
Correctional Facilities			
Sleeping rooms [d]	20	NR	2.0
Dining halls	100	NR	2.0
Guard stations	40	NR	1.5
Dry cleaners, laundries			
Coin-operated dry cleaners	8	NR	1.0
Coin-operated laundries	8	NR	1.0
Commercial dry cleaners	NA	2.0	NR
Commercial laundries	NA	2.0	NR
Storage, pick up	8	NR	1.0
Apartment laundry rooms	NA	0.5	NR
Dwellings, single and multiple			
Living areas	2 persons for first bedroom, plus one person for each additional bedroom	NR	1.0
Kitchens [d]	NA	100 cfm intermittent or 20 cfm continuous	NR
Toilet rooms and bathrooms [d]	NA	Mechanical exhaust capacity 50 cfm intermittent or 20 cfm continuous per room [j]	NR
Garages, separated by a solid wall for each dwelling	NA	100 cfm/vehicle	NR
Garages, common for multiple units [c]	NA	0.5	NR

Education			
Auditoriums	150	NR	2.0
Classrooms	50	NR	2.0
Day care facilities	30	NR	2.0
Laboratories	30	NR	2.0
Music rooms	50	NR	2.0
Special education	35	NR	2.0
Training shops	30	NR	2.0
Food and beverage service			
Bars and cocktail lounges	100	NR	2.0
Cafeterias, fast food	100	NR	2.0
Dining rooms	70	NR	2.0
Kitchens (cooking) [d, c]	20	NR	1.0
Health care facilities			
Hospitals	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Nursing homes	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Outpatient surgical facilities	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Hotels, motels, resorts and dorms			
Assembly rooms	120	NR	2.0
Bathrooms for guest rooms [c, d]	NA	35 cfm/room	NR
Bedroom	footnote f	NR	1.0
Conference rooms	50	NR	2.0
Dormitory sleeping areas	20	NR	1.0
Casinos	NA	2.0	NR
Living rooms	footnote f	NR	1.0
Lobbies	30	NR	2.0
Industrial/Factory			
Factories and machine shops	13	NR	NR
Foundries	13	NR	NR
Sawmills	NA	NR	NR
Office			
Conference rooms	50	NR	1.5
Office spaces	7	NR	1.5
Reception areas	60	NR	1.5
Telecommunication centers and data entry	60	NR	1.5
~~**Private dwellings**~~ **Dwellings~~,~~**			

~~**single and multiple**~~ ~~Living areas~~ ~~Kitchens~~ [d] ~~Toilet rooms and bathrooms~~ [d] ~~Garages, separated by a solid wall for each dwelling~~ ~~Garages, common for multiple units~~ [e]	~~2 persons for first bedroom, plus one person for each additional bedroom~~ ~~NA~~ ~~NA~~ ~~NA~~ ~~NA~~	~~NR~~ ~~100 cfm intermittent or 20 cfm continuous~~ ~~Mechanical exhaust capacity 50 cfm intermittent or 20 cfm continuous per room~~ [j] ~~100 cfm/vehicle~~ ~~0.5~~	~~1.0~~ ~~NR~~ ~~NR~~ ~~NR~~ ~~NR~~
Retail stores, sales floors, and showroom floors	8	NR	1.0
Seasonal occupancies, camps, and lodges Dining and recreational areas Living and sleeping areas Club houses Drive-ins	 ~~15~~ 70 NA 15 15	 NR NR NR NR	 1.0 1.0 1.0 1.0
Specialty shops Automotive service and repair garages for gasoline or diesel fueled vehicles [c k l.] Barber shops Beauty ~~Salons~~ salons[h] Car washes Clothier, furniture ~~specialty~~ shops Florist shops Hardware, drugs, fabrics stores	 NA 25 NA NA 8 8 8 NA	 0.5 NR 0.5 NR NR NR NR 0.6	 NR 1.0 NR NR 1.0 1.0 1.0 NR

Nail salons[m]	8	NR	1.0
Supermarkets			
Sports and amusement			
Ballrooms and discos	100	NR	2.0
Bleacher areas	363 or 18	NR	2.0
Bowling centers (seating	in./person	NR	2.0
areas)	70	NR	2.0
Game rooms	70	NR	NR
Ice skating rinks (indoor)	5	2.0 cfm/sq. ft.	NR
Natatoriums	NA	pool area	
		NR	2.0
Playing floor (gymnasium)	30	NR	2.0
Roller skating rinks (indoor)	30	NR	2.0
Spectator areas	150		
Storage			
Chlorine storage and handling	NA	2.0	NR
rooms	NA	0.5	NR
Enclosed parking garages [i]	NA	NR	NR
Warehouses			
Theaters			
Auditoriums	150	NR	2.0
Lobbies	150	NR	2.0
Stages, studios	70	NR	2.0
Ticket booths	60	NR	2.0
Transportation			
Platforms	100	NR	2.0
Waiting rooms	100	NR	2.0
Aircraft hangars (for 2 or more aircraft or any hangar with adjacent occupancies)	NA	0.5	NR
Utility and public spaces			
Elevator cars [m]	NA	~~NR~~ 1.0	NR
Janitor closets	NA	2.0 or 75 cfm/sink [g]	NR
Locker and dressing rooms [c]	NA		NR
Shower rooms (per shower head)	NA	0.5 ~~2.0~~ 50 cfm intermittent or 20 cfm continuous	NR
Toilet rooms [c, d]	NA		NR

		75 cfm/TF [g]	
Workrooms			
Bank vault	5	NR	NR
Meat processing	10	NR	NR
Pharmacy	20	NR	1.5
Photo studios	10	NR	1.0
Printing	13	footnote [j]	NR

NA = not applicable; NR = none required; cfm = cubic feet per minute; TF = toilet fixtures (water closets and urinals); A/C = air conditioning

a Based upon net floor area.

b The ventilation rate is based upon cubic feet per minute per square foot of the floor area being ventilated.

c Mechanical exhaust is required and the recirculation of air from these spaces that would otherwise be allowed by IMC section 403.2.1 is prohibited.

d ~~Outdoor air shall be provided at the rate of 1.0 cfm/net sq. ft. floor area.~~ Transfer air is permitted in accordance with IMC section 403.2.2.

e The sum of the outdoor and transfer air from adjacent spaces shall be sufficient to provide an exhaust rate of not less than 1.5 cfm/sf.

f The minimum mechanical ventilation rate is 15 cfm/room of outside air.

g Natural ventilation may be allowed under this section.

h The classification of a 'beauty' salon depends on the types of services provided. Only beauty salons that routinely provide chemical processing of hair to produce texture or color changes~~,. or manicures or other services with a similar need for air−borne contaminant and odor control~~.

i Enclosed parking garages are parking garages ~~with less than 30% open areas in the total wall area enclosing the garage~~ that fail to meet the criteria for open garages in IBC section 406.5.2. Ventilation systems in enclosed parking garages shall comply with IMC section ~~404~~ 502.13. A mechanical ventilation system ~~shall~~ may not be required ~~in garages having~~ if the room or space meets all of the following: 1. The room or space has a floor area of 850 square feet or less, ~~and~~ 2. The room or space is used for the storage of 5 or fewer motorized vehicles, and 3. The room or space meets the natural ventilation requirements of IMC 402 and SPS 364.0402. The requirements for enclosed parking garages shall apply to all buildings, or parts of buildings, into which motor vehicles are driven for loading, unloading, or storage.

j Refer to IMC chapter 5 for exhaust requirements based upon the chemicals used.

k. For compressed natural gas IMC 502.16.

l. Mezzanine floor areas that are open to a service and/or repair area ~~shall~~ may not be included as floor area when determining the minimum exhaust rate from the room or space.

m. For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors at their source and are capable of exhausting a minimum of 50 cfm per station.

SECTION 222. SPS 364.0404 is repealed and recreated to read:

SPS 364.0404 Enclosed parking garages. Substitute the following wording for the requirements in IMC sections 404.1 and 404.2: **(1)** Mechanical ventilation systems for enclosed parking garages shall be permitted to operate intermittently by one of the following methods:

(a) The system shall be arranged to operate continuously at a minimum exhaust rate of 0.05 cfm/sf. Subsequently, the system shall operate at a minimum of 0.75 cfm/sf automatically upon detection of vehicle operation, the presence of occupants, or by a combination of occupancy sensors and carbon monoxide and nitrogen dioxide sensors as appropriate for the room or space. The system shall also be designed so to address the requirements listed in s. SPS 364.0404 (2) and (3).

(b) The system shall be arranged to operate intermittently for a total of at least 5 hours in each 24-hour period at a minimum rate of 0.75 cfm/sf and shall also include the installation of carbon monoxide and nitrogen dioxide sensors as appropriate for the room or space. The system shall also be designed so to address the requirements listed in s. SPS 364.0404 (2) and (3).

(2) (a) The system shall be arranged to operate automatically upon detection of carbon monoxide at a level of 35 parts per million by automatic detection devices.

(b) If diesel-fueled vehicles are stored, the system shall be arranged to operate automatically upon detection of nitrogen dioxide at a level of one part of per million by automatic detection devices.

(4) The system shall maintain the garage at negative or neutral pressure relative to other spaces.

SECTION 223. SPS 364.0407 (title) is repealed.

SECTION 224. SPS 364.0407 is renumbered SPS 364.0401 (1) (a) 3. and, as renumbered, is amended to read:

SPS 364.0401 (1) (a) 3. ~~This is a department rule in addition to the requirements in IMC section 400:~~ Chemical or septic toilets and composting privies are prohibited in spaces under negative pressure. Toilet rooms with chemical or septic toilets shall be provided with natural ventilation via a window, louver or skylight with at least 2 square feet of area openable directly to the outside <u>per septic vault or per chemical toilet</u>. The opening shall be provided with a screen to limit the passage of insects and vermin.

SECTION 225. SPS 364.0501 (6) is created to read:

SPS 364.0501 (6) These are department rules in addition to IMC section 501.3.2: The bottom of an exhaust outlet shall be located at least 12 inches vertically from the adjoining grade level and bottom of an areaway. Additional clearance may be required so as to address local weather conditions and surrounding land contour.

SECTION 226. SPS 364.0502 (2) (Note) is amended to read:

SPS 364.0502 Note: Under s. SPS 361.03 (14) (a), IFC section ~~2211.7~~ 2311.7 exempts a natural−gas motor−vehicle repair garage from the requirements of IMC section 502.16 if no work is performed on the fuel system in the vehicles, and the work is also limited to exchanging parts and maintenance that does not include any open flame or welding.

SECTION 227. SPS 364.0505 is created to read:

SPS 364.0505 Domestic kitchen exhaust equipment. The requirements in IMC section 505.4 are not included as part of chs. SPS 361 to 366.

SECTION 228. SPS 364.0507 (1) and (2) are amended to read:

SPS 364.0507 (1) CAPACITY OF HOODS. Substitute the following wording for the introductory paragraph in IMC section ~~507.13~~ 507.5: Commercial food service hoods shall exhaust a minimum net quantity of air determined either through engineering analysis or in accordance with this subsection and IMC sections ~~507.13.1~~ 507.5.1 through ~~507.13.4~~ 507.5.4. The net quantity of exhaust air shall be calculated by subtracting any airflow supplied directly to a hood cavity from the total exhaust flow rate of a hood. Where any combination of heavy−duty, medium−duty, and light−duty cooking appliances are utilized under a single hood, the exhaust rate required by IMC sections ~~507.13.1~~ 507.5.1 through ~~507.13.4~~ 507.5.4 for the heaviest duty appliance covered by the hood shall be used for the entire hood.

SPS 364.0507 (2) DISHWASHING APPLIANCES. The requirements of IMC section ~~507.13.5~~ 507.5.5 are not included as part of this chapter.

SECTION 229. SPS 364.0507 (3) is created to read:

SPS 364.0507 (3) MULTIPLE HOODS UTILIZING A SINGLE EXHAUST SYSTEM. The requirements in IMC section 507.1.1.1 are not included as part of chs. SPS 361 to 366.

SECTION 230. SPS 364.0602 is amended to read:

SPS 364.0602 Plenums. Substitute the following wording for the requirements, but not the exceptions, in IMC section 602.2.1: Except as required by Sections 602.2.1.1 through ~~602.2.1.5~~ 602.2.1.6, materials within plenums shall be noncombustible or shall have a flame spread index of not more than 25 and a smoke−developed index of not more than 50 when tested in accordance with ASTM E84, CAN/ULC S102.2 or UL 723.

SECTION 231. SPS 364.0607 (1) and (2) are renumbered SPS 364.0607 (2m) and (3m).

SECTION 232. SPS 364.0607 (1m) is created to read:

SPS 364.0607 (1m) SMOKE DAMPER ACTUATION. This is a department rule in addition to the requirements in IMC section 607.3.3.2: Where a listed duct smoke detector is installed inside the duct or outside the duct with sampling tubes protruding into the duct in the supply air ductwork

downstream of the air handling equipment, including air filters, and ahead of any branch ductwork and return air duct smoke detectors are installed inside the duct or outside the duct with sampling tubes protruding into the duct within 5 feet (1524 mm) of each return air smoke damper, all supply and return smoke dampers shall be closed when any of the duct smoke detectors in the supply or return air ducts are in alarm. Other than in mechanical smoke control systems, dampers shall be closed upon fan shutdown where local smoke detectors require a minimum velocity to operate.

SECTION 233. SPS 364.0701 is created to read:

SPS 364.0701 Combustible air. Barometric dampers may not be used for combustion air as allowed by IFC section 304.3 and NFPA 54-2015 section 9.3.1.4.

SECTION 234. SPS 364.0801 (2) and (2) (Note) are amended to read:

SPS 364.0801 (2) This is a department rule in addition to the requirements in IMC section 801.2: Portable or permanently installed, fuel-fired, unvented heating appliances~~,~~ may not be installed except during construction or demolition of a building if the appliances are provided in accordance with ch. SPS 314.

Note: See s. SPS 365.0621 for use of portable or permanently installed, ~~gas-fired~~ fuel-fired, unvented heating appliances.

SECTION 235. SPS 364.1500 (2) is renumbered SPS 364.1500 and SPS 364.1500 (intro.) and (1), as renumbered, are amended to read:

SPS 364.1500 Reference standards. (intro.) This is a department rule in addition to the requirements in IMC chapter 15: The following standards are ~~hereby~~ incorporated by reference into ~~this code~~ chs. SPS 361 to 366:

(1) FGI Guidelines for Design and Construction of ~~Health Care Facilities, 2010~~ Hospitals and Outpatient Facilities, 2014.

SECTION 236. SPS 364.1500 (1m) is created to read:

SPS 364.1500 (1m) FGI Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2014.

SECTION 237. SPS 365.0304 is created to read:

SPS 365.0304 Combustible air. Barometric dampers may not be used for combustion air.

SECTION 238. SPS 365.0502 is created to read:

SPS 365.0502 Door swing. The requirements in IFGC section 502.7.1 are not included as part of chs. SPS 361 to 366.

SECTION 239. SPS 365.0621 is amended to read:

SPS 365.0621 ~~**Portable unvented room**~~ **Unvented heaters.** Substitute the following wording for the requirements in IFGC section 621: Portable or permanently installed, ~~gas-fired~~ fuel-fired, unvented heating appliances ~~are prohibited~~ may not be installed, except during construction or demolition of a building if the appliances are provided in accordance with ch. SPS 314.

SECTION 240. SPS 365.0800 is amended to read:

SPS 365.0800 Referenced standards. This is a department rule in addition to the requirements in IFGC chapter 8: The following standard is ~~hereby~~ incorporated by reference into ~~this code~~ chs. SPS 361 to 366: ~~ANSI Z223.1/NFPA 54-2009~~ ANSI Z223.1/NFPA 54-2015, National Fuel Gas Code.

SECTION 241. SPS 366.0101 (1) is amended to read:

SPS 366.0101 (1) APPLICATION. The provisions of the IEBC shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the IBC, IMC, IPC, and IRC as applicable shall be considered in compliance with the provisions of ~~this code~~ chs. SPS 361 to 366.

SECTION 242. SPS 366.0101 (3) is renumbered SPS 366.0101 (3) (a) and SPS 366.0101 (3) (a) 2., as renumbered, is amended to read:

SPS 366.0101 (3) (a) 2. Except as provided in ~~par. (c)~~ subd. 3., buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health, and general welfare.

SECTION 243. SPS 366.0101 (3) (b) is created to read:

SPS 366.0101 (3) (b) A temporary use permit issued by a local authority may not supersede a state corrective building order.

SECTION 244. SPS 366.0101 (4) (b) and (c) are amended to read:

SPS 366.0101 (4) (b) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IEBC chapters ~~4~~ 5 through ~~12~~ 13 shall be considered in compliance with the provisions of ~~this code~~ chs. SPS 361 to 366.

(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC chapter ~~13~~ 14 shall be considered in compliance with the provisions of ~~this code~~ chs. SPS 361 to 366.

SECTION 245. SPS 366.0202 (2) (c) is created to read:

SPS 366.0202 (2) (c) Substitute the following definition for the corresponding definition in IEBC section 202: "Work area" means that portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by chs. SPS 361 to 366. The work area is the area reconfigured with full height walls or the area that has its required egress reconfigured.

SECTION 246. SPS 366.0300 is renumbered SPS 366.0400 and, as renumbered, is amended to read:

SPS 366.0400 Prescriptive compliance method. The requirements in IEBC Chapter ~~3~~ 4 are not included as part of ~~this code~~ chs. SPS 361 to 366, except for the requirements in IEBC Section ~~310~~ 410 when applied by IEBC Section ~~1301.2.5~~ 1401.2.5.

SECTION 247. SPS 366.0500 is renumbered SPS 366.0600 and, as renumbered, is amended to read:

SPS 366.0600 Carbon monoxide alarms for CBRF's accommodating fewer than 20 residents. These are department rules in addition to the requirements in IEBC chapter ~~5~~ 6 and are established under the authority of s. 101.127, Stats.:

SECTION 248. SPS 366.0503 is renumbered SPS 366.0603 and, as renumbered, is amended to read:

SPS 366.0603 Smoke alarms. These are department rules in addition to the requirements in IEBC section ~~503~~ 603:

SECTION 249. SPS 366.0506 is renumbered SPS 366.0606 and, as renumbered, is amended to read:

SPS 366.0606 Structural evaluation. The requirements in IEBC sections ~~506.2~~ 606.2 to ~~506.2.5~~ 606.2.5 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 250. SPS 366.0509 is renumbered 366.0609 and amended to read:

SPS 366.0609 Plumbing. The requirements in IEBC section ~~509~~ 609 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 251. SPS 366.0602 is renumbered SPS 366.0702 and SPS 366.0702 (1) and (2), as renumbered, are amended to read:

SPS 366.0702 (1) MATERIALS AND METHODS. Substitute the following wording for the requirements in IEBC section ~~602.4~~ 702.4: All new work shall comply with materials and

methods requirements in the IBC, IECC, IFGC, IMC, and IPC, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(2) INTERNATIONAL FUEL GAS CODE. The requirements in IEBC section ~~602.4.1~~ 702.4.1 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 252. SPS 366.0604 is renumbered SPS 366.0704 (2) and, as renumbered, is amended to read:

SPS 366.0704 (2) STAIRWAY WIDTH. This is a department rule in addition to the requirements in IEBC section ~~604~~ 704: Where installing an inclined platform lift or stairway chairlift, the clear−passage width shall be provided with the lift in the unfolded, usable position — except where an existing, previously approved lift is being replaced, the clear−passage width may remain as it was with the original lift in place, but it may not be reduced by the replacement.

SECTION 253. SPS 366.0605 and SPS 366.0607 are repealed.

SECTION 254. SPS 366.0701 is created to read:

SPS 366.0701 General. Substitute the following wording for the requirements in IEBC section 701.2: Conformance. An existing building or portion thereof may not be altered such that the building becomes less safe than was required in its existing condition.

SECTION 255. SPS 366.0704 is renumbered SPS 366.0804 and, as renumbered, is amended to read:

SPS 366.0804 Automatic sprinkler systems. This is a department exception to the requirement in IEBC section ~~704.2~~ 804.2: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings. This exclusion is also applicable to sprinkler systems triggered by changes of use or additions.

SECTION 256. SPS 366.0704 is created to read:

SPS 366.0704 Means of Egress. (1) ALTERATIONS. Substitute the following wording for the requirements in IEBC section 704.1: Alterations shall be done in a manner that maintains the level of protection required for the means of egress prior to the alteration.

SECTION 257. SPS 366.0705 is created to read:

SPS 366.0705 Accessibility. Substitute the following wording for the requirements in IEBC section 605.1: General. Repairs shall maintain accessibility in accordance with IEBC section 705.1.13.

SECTION 258. SPS 366.0709 is renumbered SPS 366.0809 and, as renumbered, is amended to read:

SPS 366.0809 Altered existing mechanical systems. The exception to the requirements in IEBC section ~~709.1~~ 809.1 and the requirements in IEBC section ~~709.2~~ 809.2 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 259. SPS 366.0710 is renumbered SPS 366.0810 and, as renumbered, is amended to read:

SPS 366.0810 Minimum plumbing fixtures. Substitute the following wording for the requirements in IEBC section ~~710.1~~ 810.1: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 260. SPS 366.0711 is repealed.

SECTION 261. SPS 366.0802 is renumbered SPS 366.0902 (2) and, as renumbered, is amended to read:

SPS 366.0902 (2) ~~**Emergency Controls.**~~ EMERGENCY CONTROLS. The requirements in IEBC section ~~802.2.1~~ 902.2.1 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 262. SPS 366.0808 is repealed.

SECTION 263. SPS 366.0809 is renumbered SPS 366.0909 and SPS 366.0909 (intro.), as renumbered, is amended to read:

SPS 366.0909 Plumbing. (intro.) These are department rules in addition to the requirements in IEBC chapter ~~8~~ 9:

SECTION 264. SPS 366.0901 (title) and (1) to (3) are renumbered SPS 366.1001 (title) and (1) to (3) and, as renumbered, are amended to read:

SPS 366.1001 (title) **Change of occupancy. (1)** CHANGE OF OCCUPANCY APPROVAL. ~~WITH NO OCCUPANCY CLASSIFICATION~~. Substitute the following wording for the requirements in IEBC section ~~901.2~~ 1001.2: A change ~~in~~ of occupancy~~, as defined in IEBC section 202, with no~~ or a change of occupancy ~~classification~~ within a space where there is a different fire protection system threshold requirement in IBC Chapter 9 may not be made to any structure ~~that will subject the structure to any special provisions of this code, including the provisions of IEBC sections 902 through 911,~~ without the approval of the code official. An increased occupant load may trigger additional means of egress or fire protection requirements.

(2) CHANGE OF OCCUPANCY CLASSIFICATION. This is a department rule in addition to the requirements in IEBC section ~~901.3~~ 1001.2.2: Buildings undergoing a change in occupancy that

would result in an increase in demand for either fossil fuel or electrical energy shall comply with the IECC.

(3) CERTIFICATION OF OCCUPANCY REQUIRED. The requirements in IEBC section ~~901.4~~ 1001.3 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 265. SPS 366.0901 (4) is renumbered SPS 366.1012 and, as renumbered, is amended to read:

SPS 366.1012 Standpipe systems. This is a department rule in addition to the requirements in IEBC section ~~912.2~~ 1012.2: Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with chapter 9 of the IBC when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R−1 or R−2 occupancy.

SECTION 266. SPS 366.0902 is created to read:

SPS 366.0902 Special use and occupancy. (1) BOILER AND FURNACE EQUIPMENT ROOMS. Substitute the following wording for the requirements, but not the exceptions, in IEBC section 902.2: Boiler and furnace equipment rooms. Boiler and furnace equipment rooms adjacent to or within Groups I-1, I-2, I-4, R-1, R-2 and R-4 occupancies shall be enclosed in compliance with IBC 509 heating equipment enclosure requirements.

SECTION 267. SPS 366.0903 is created to read:

SPS 366.0903 Building elements and materials. Substitute the following wording for the requirements in IEBC section 803.2.1: All existing interior vertical openings in the work area connecting two or more floors shall be enclosed with approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives.

SECTION 268. SPS 366.0904 is created to read:

SPS 366.0904 Level 3 alterations fire protection. (1) UPHOLSTERED FURNITURE. The requirement in IEBC section 904.1.3 condition 3 is not included as part of chs. SPS 361 to 366.

(2) FIRE ALARM AND DETECTION SYSTEMS. Substitute the requirements from 2009 IEBC section 804.2 for the requirements in IEBC section 904.2.

SECTION 269. SPS 366.0911 is renumbered SPS 366.1011 and, as renumbered, is amended to read:

SPS 366.1011 Other requirements. (1) ELEVATOR RECALL. This is a department rule in addition to the requirements in IEBC section ~~911~~ 1011: At least one existing elevator shall be provided with emergency recall operation and emergency in−car operation complying with ch. SPS 318 when an existing building or structure that is greater than 60 feet in height is changed to include a Group R−1 or R−2 occupancy.

(2) CARBON MONOXIDE ALARMS. This is a department rule in addition to the requirements in IEBC section ~~911~~ 1011: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with s. SPS 362.1200.

SECTION 270. SPS 366.0912 is renumbered SPS 366.1010 and, as renumbered, is amended to read:

SPS 366.1010 Substitute the following wording for the requirements in IEBC section ~~910~~ 1010: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 271. SPS 366.1002 is renumbered SPS 366.1102 (2) and, as renumbered, is amended to read:

SPS 366.1102 (2) FIRE PROTECTION SYSTEMS. This is a department exception to the requirements in IEBC section ~~1002.3~~ 1102.3: An automatic sprinkler system is not required for additions to individual dwelling units within existing townhouses that are not already protected with an automatic sprinkler system.

SECTION 272. SPS 366.1101 is renumbered SPS366.1201 and, as renumbered, is amended to read:

SPS 366.1201 (1) SCOPE. This is a department rule in addition to the requirements in IEBC section ~~1101.1~~ 1201.1: Any historic building is exempt from the energy requirements of ~~this code~~ chs. SPS 361 to 366.

(2) REPORT. The requirements in IEBC section ~~1101.2~~ 1202.2 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 273. SPS 366.1102 (title) and (1) are created to read:

SPS 366.1102 Heights and areas. (1) AREA LIMITATIONS. This is a department exception in addition to the exception in IEBC section 1102.2: Buildings meeting the legacy Wisconsin unlimited area provisions are allowed to have unlimited area additions per the current code without a separating firewall.

SECTION 274. SPS 366.1105 is renumbered SPS 366.1205 and SPS 366.1205 (intro), as renumbered, is amended to read:

SPS 366.1205 Exhibit buildings. (intro) These are department rules in addition to the requirements in IEBC section ~~1105~~ 1205: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

SECTION 275. SPS 366.1204 is created to read:

SPS 366.1204 Historic buildings. Historic buildings are not required to comply with the IECC for building envelope compliance except as follows:

(1) Existing ceiling, wall, or floor cavities exposed during alterations shall be filled with insulation.

(2) All replacement skylight, window, and/or door assemblies shall meet the minimum code requirements of the IECC unless specifically designed to address unique aesthetics associated with the historic nature of the building. Glass only replacements in an existing sash and frame are exempt from the application of the IECC.

(3) Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing so as to meet the minimum insulation required by the IECC, or shall provide insulation to the greatest extent possible.

SECTION 276. SPS 366.1301 is renumbered SPS 366.1401 and, as renumbered, is amended to read:

SPS 366.1401 ~~Applicability~~ General (1) APPLICABILITY. Substitute the following wording for the requirements in IEBC section ~~1301.2~~ 1401.2: The provisions of sections ~~1301.2.1~~ 1401.2.1 through ~~1301.2.5~~ 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

(2) ACCESSIBILITY REQUIREMENTS. Substitute the following wording for the requirements in IEBC section ~~1301.2.5~~ 1401.2.5: All portions of the buildings proposed for change of occupancy or being altered shall conform to the accessibility provisions of IEBC section 310.

(3) OTHER CODES. The requirements in IEBC section ~~1301.3.2~~ 1401.3.2 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 277. SPS 366.1400 is renumbered SPS 366.1500 and, as renumbered, is amended to read:

SPS 366.1500 Construction safeguards. The requirements in IEBC chapter ~~14~~ 15 are not included as part of ~~this code~~ chs. SPS 361 to 366.

SECTION 278. SPS 366.1401 (4) is created to read:

SPS 366.1401 (4) MINIMUM PLUMBING FIXTURES. This is a department rule in addition to the requirements in IEBC section 1401.2: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 279. Chapters SPS 361 – 366 Appendix A is repealed.

SECTION 280. Chapters SPS 361 – 366 Appendix B is renumbered SPS 361 to 366 Appendix.

SECTION 281. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)