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Tony Evers, Governor
Dan Hereth, Secretary

VIRTUAL/TELECONFERENCE
MANUFACTURED HOUSING CODE COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
September 24, 2025

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-3)

B. Approval of Minutes of July 23, 2025 (4-5)

C. Reminders: Conflicts of Interest, Scheduling Concerns

D. Introductions, Announcements and Recognition
1. Introduction: Kirk Ruetten, Secretary Designee

E. Administrative Matters – Discussion and Consideration
1. Department, Staff and Council Updates
2. Council Members
   a. Bennett, Jordan H. – Owner of Manufactured Home Community
   b. Breitlow, Steven S. – Labor Representative
   c. Diedrich, Angela C. – WI Manufactured Housing Industry Association Representative
   d. Goettl, Justin – Suppliers of Materials or Services Representative
   e. Gorleski, Robert A. – Inspector of Manufactured Homes
   f. Hunington, Bart J. – Manufactured Home Dealers Representative Member
   g. Mantey, Ryan W. – Installer of Manufactured Homes
   h. Nernberger, Casey K. – Manufacturer of Manufactured Homes
   i. Reinen, Michelle – Public Member
   j. Ruetten, Kirk – Secretary Designee
   k. Thiede, Mark – Manufactured Home Dealers Member
3. Advisory Council Role and Overview

F. Administrative Rule Matters – Discussion and Consideration (6-140)
1. Review of Manufactured Homes Related Administrative Code Chapters
2. Pending and Possible Rulemaking Projects

G. Legislative and Policy Matters – Discussion and Consideration

H. Discussion and Consideration of Items Added After Preparation of Agenda:
1. Introductions, Announcements and Recognition
2. Administrative Matters
3. Election of Officers
4. Appointment of Liaisons and Alternates
5. Delegation of Authorities
6. Education and Examination Matters
7. Credentialing Matters
8. Legislative and Policy Matters
9. Administrative Rule Matters
10. Council Liaison Training and Appointment of Mentors
11. Informational Items
12. Division of Legal Services and Compliance (DLSC) Matters
13. Motions
14. Petitions
15. Appearances from Requests Received or Renewed

I. Public Comments

CONVENE TO CLOSED SESSION to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J. Discussion and Consideration of Items Added After Preparation of Agenda:
1. Introductions, Announcements and Recognition
2. Administrative Matters
3. Election of Officers
4. Appointment of Liaisons and Alternates
5. Delegation of Authorities
6. Education and Examination Matters

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: TBD, 2026

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at https:\\dsps.wi.gov. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

VIRTUAL/TELECONFERENCE
MANUFACTURED HOUSING CODE COUNCIL
MEETING MINUTES
JULY 23, 2025

PRESENT: Jordan Bennett, Angela Diedrich, Justin Goettl, Robert Gorleski, Bart Huntington, Casey Nernberger, Michelle Reinen, Mark Thiede

ABSENT: Steven Breitlow, Ryan Mantey

STAFF: Will Johnson, Executive Director; Whitney Devoe, Legal Counsel; Jacob Pelegrin, Administrative Rule Coordinator; Brenda Taylor, Board Services Supervisor; and other Department Staff

CALL TO ORDER

Will Johnson, Executive Director, called the meeting to order at 9:30 a.m. A quorum was confirmed with eight (8) members present.

ADOPTION OF AGENDA

Amendments to the Agenda

- *D.4.f. Huntington [spelling]*

MOTION: Angela Diedrich moved, seconded by Robert Gorleski, to adopt the agenda as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Mark Thiede nominated Bart Huntington for the Office of Chairperson. Bart Huntington accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

Bart Huntington was elected as Chairperson by unanimous/ voice vote.

Vice Chairperson

NOMINATION: Bart Huntington nominated Mark Thiede for the Office of Vice Chairperson. Mark Theide accepted.

Will Johnson, Executive Director, called for nominations three (3) times.

Mark Thiede was elected as Vice Chairperson by unanimous voice vote.

2025 ELECTION RESULTS	
Chairperson	*Bart Huntington*
Vice Chairperson	*Mark Thiede*
Secretary	*Department Designee*

ADJOURNMENT

MOTION: Robert Gorleski moved, seconded by Michelle Reinen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:20 a.m.

DRAFT

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of person submitting the request:	2) Date when request submitted:
Nilajah Hardin **Administrative Rules Coordinator**	**09/10/25** **Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting**

3) Name of Board, Committee, Council, Sections:

Manufactured Housing Code Council

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
09/24/25	☒ Yes ☐ No	**Administrative Rule Matters – Discussion and Consideration** **1. Review of Manufactured Homes Related Administrative Code Chapters** **2. Pending or Possible Rulemaking Projects**

7) Place Item in:	8) Is an appearance before the Board being scheduled? *(If yes, please complete Appearance Request for Non-DSPS Staff)*	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session	☐ Yes ☒ No	**N/A**

10) Describe the issue and action that should be addressed:

Attachments:

1. Wis. Admin. Code Chapters:
   a. SPS 301 – Environmental Analysis and Review Procedures for Department Actions
   b. SPS 302 – Fee Schedule
   c. SPS 305 – Licenses, Certifications and Registrations
   d. SPS 321 – Construction Standards
   e. SPS 326 – Manufactured Home Communities
   f. SPS 368 – Manufactured Housing Rehabilitation and Recycling

11) Authorization

Nilajah D. Hardin — 09/10/25

Signature of person making this request — **Date**

Supervisor (if required) — **Date**

Executive Director signature (indicates approval to add post agenda deadline item to agenda) **Date**

Directions for including supporting documents:

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Chapter SPS 301

ENVIRONMENTAL ANALYSIS AND REVIEW PROCEDURES FOR DEPARTMENT ACTIONS

SPS 301.01 Purpose.
SPS 301.02 Policy.
SPS 301.03 Applicability.
SPS 301.04 Definitions.
SPS 301.05 Administration.
SPS 301.10 Action categories.
SPS 301.11 Action types.
SPS 301.20 Public notice.
SPS 301.21 Environmental assessments.
SPS 301.22 Environmental impact statements.

Note: Chapter Comm 1 was renumbered chapter SPS 301 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

SPS 301.01 Purpose. The purpose of this chapter is to establish policies and procedures to be used by the department in the implementation of s. 1.11, Stats. This chapter:

(1) Establishes a policy to ensure departmental consideration of the environmental impacts of its policies, plans and programs upon the human environment.

(2) Establishes a classification of departmental actions with regard to their need for an environmental impact statement.

(3) Establishes a process and procedures for creating environmental documents.

(4) Provides an opportunity for public input on environmental documents.

(5) Provides procedures to guide inter-agency interactions in the development of environmental documents.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99.

SPS 301.02 Policy. (1) The department acknowledges the Wisconsin environmental policy act, s. 1.11, Stats., as a legal obligation to evaluate and consider potential environmental impacts of its proposed actions. This obligation is shared by all divisions of the department.

(2) In carrying out its responsibility under s. 1.11, Stats., the department shall substantially follow the guidelines issued as rules by the United States council on environmental quality at 40 CFR Parts 1500 through 1508 (1987), as amended July 1, 1990, and its addenda.

(3) The department will implement procedures that will make the environmental analysis process useful to decision makers and the public. Environmental impact statements shall be concise, clear, and to the point. The statements shall emphasize major environmental issues relating to the proposed action and identify alternatives as necessary to inform department decision makers and the public.

(4) Public involvement, interagency coordination and consultation, and a systematic interdisciplinary approach to analysis of the issues shall be essential parts of the process of evaluating and considering environmental impacts.

(5) The department's decisions on proposed actions shall consider the findings of environmental documents.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99.

SPS 301.03 Applicability. This chapter shall apply to an action initiated or undertaken by the department under its statutory authority which may significantly and adversely affect the quality of the human environment.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99.

SPS 301.04 Definitions. In this chapter:

(1) "Department" means the department of safety and professional services.

(2) "Environmental assessment" means a concise document which provides sufficient evidence and analysis to determine whether to prepare an environmental impact statement or a finding of no significant impact.

(3) "Environmental document" means an environmental assessment, a finding of no significant impact, an environmental impact statement, notice of intent or record of decision.

(4) "Environmental impact statement" means a detailed written report which describes the need for the action, the alternatives to be considered, the affected environment and the environmental impact.

(5) "Finding of no significant impact" means a document briefly presenting the reasons why an action not categorically excluded will not have a significant adverse impact on the human environment.

(6) "Human environment" means the natural and physical surroundings and the relationship of people to those surroundings.

(7) "Impact" means a reasonable and foreseeable effect relative to the human environment, including ecological, aesthetic, historic, cultural, economic, social or health effects.

(8) "Secretary" means the secretary of the department of safety and professional services.

(9) "Significant impact" means considerable and important adverse effect on the human environment.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (1), (8) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

SPS 301.05 Administration. (1) (a) Except as provided in par. (b), before undertaking an action as described specified in Tables 301.11-1 and 301.11-2, the department shall determine the need for preparing an environmental assessment or environmental impact statement.

(b) An environmental assessment, environmental impact statement or any other type of environmental analysis is not required to be prepared for rule-making actions initiated under s. 227.24, Stats.

(c) The process to analyze or determine environmental impacts, if required under s. SPS 301.11, for actions described specified in s. SPS 301.10 (2) to (9), shall be undertaken at the time of rule-making that establishes or revises the procedures or process for the particular action.

(2) The department may:

(a) Prepare an environmental assessment or environmental impact statement itself;

(b) Prepare an environmental assessment or environmental impact statement jointly with other agencies which may have concurrent authority; or

(c) Adopt an environmental assessment or environmental impact statement or any portion of an environmental assessment or environmental impact statement prepared by others after reviewing and determining that the environmental assessment or environmental impact statement meets the requirements of this chapter with respect to content and public participation.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (1) (a), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 301.10 Action categories. For the purpose of this chapter, the department shall undertake or initiate the following actions as delineated in relating to the activities listed in Tables 301.11-1 and 301.11-2:

(1) Policy development and implementation which includes proposing legislation or proposing and adopting administrative rules that implement policy, principles and objectives which set limits for the actions or the results of actions of others.

(2) Credentialing which authorizes individuals or businesses to undertake specific actions dependent upon the individuals' or businesses' qualifications or registrations.

(3) Plan review which involves the evaluation of plan documents, reports or data, including petitions for variance, to determine compliance with department policies, principles and objectives.

(4) Evaluation services which involves the assessment of products or methods and their intended functions or results and the determination that the function or results comply with department policies, principles and objectives.

(5) Permits to operate which recognize or authorize individuals or businesses to use equipment or devices contingent upon compliance with department policies, principles and objectives.

(6) Consultation and training which involves providing information and advice through various media to enable individuals or businesses to comply with department policies, principles and objectives.

(7) Financial aid which involves providing funding or reimbursement to eligible individuals, groups, businesses or communities.

(8) Investigation which involves the evaluation of objects, the actions of others or the results of the actions of others and determining whether the object, action or results comply with department policies, principles and objectives.

(9) Auditing which involves reviewing the use of financial aid or evaluating the actions of others charged with the responsibility of administering or enforcing department policies, principles and objectives.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 301.11 Action types. (1) (a) Except as provided in sub. (2), Tables 301.11-1 and 301.11-2 specify the environmental action type for actions undertaken by the department.

(b) 1. An environmental type I action shall normally require the preparation of an environmental impact statement in accordance with s. SPS 301.22.

2. An environmental type II action indicates that an action cannot be categorized as either a environmental type I or type III action without additional information and shall normally require the preparation of an environment assessment in accordance with s. SPS 301.21.

3. An environmental type III action shall normally:

a. Not require the preparation of an environmental impact statement or environmental assessment;

b. Not require the need for additional environmental analysis; and

c. Require a record of decision indicating a categorical exclusion.

(2) No environmental analysis shall be undertaken by the department for any of the following:

(a) Actions exempted by statute.

(b) Emergency actions, including those under s. 227.24, Stats., to protect public health, safety, or welfare.

(c) Ancillary activities which are part of a routine series of related department actions.

(3) A proposed action to be undertaken by the department which is not described under s. SPS 301.10, Table 301.11-1 or Table 301.11-2 shall be evaluated as to its environmental action type and treated accordingly.

Table 301.11-1

Department Activities	Jurisdiction	Objectives	Environmental Action Type
Policy Development and Implementation	Amusement rides, tramways, lifts and tows	Establish design, construction, erection, operation and maintenance standards for public safety.	III
	Anhydrous ammonia systems	Establish design, construction, operation and maintenance standards for public safety.	III
	Buildings	Establish design, construction and maintenance standards for public safety and health.	III
		Establish soil erosion design, operation and maintenance standards for public health.	II
		Establish energy usage standards for future health and comfort relative to buildings.	II
		Establish sanitation design and usage standards for public health and comfort.	III

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Table 301.11-1 (Continued)

Department Activities	Jurisdiction	Objectives	Environmental Action Type
Policy Development and Implementation	Buildings	Establish accessible/usage standards for the physically disabled.	III
	Electrical systems	Establish design and installation standards for public safety.	III
		Establish design and illumination usage standards for public safety.	III
	Elevators	Establish design, construction, erection, operation and maintenance standards for public safety.	III
		Establish accessible/usage standards for the physically disabled.	III
	Fuels and fuel tank systems	Establish design, construction, operation and maintenance standards for public safety.	III
		Establish cleanup operation standards for public health, and groundwater and surface water protection.	II
		Establish product quality standards for consumer protection.	III
	HVAC systems	Establish construction, installation, operation and maintenance standards for public safety, health and comfort.	II
		Establish energy efficiency standards for future health and comfort relative to equipment.	II
	Mines, pits, quarries and explosives	Establish operation and maintenance standards for public safety.	III
		Establish noise operation standards for public safety and comfort.	II
	Plumbing systems	Establish design, installation, operation and maintenance standards for public safety and health relative to drain systems, vent systems and water supply systems.	II
		Establish wastewater recycling standards for public health relative to private onsite wastewater treatment systems.	II
	Pressure vessels	Establish construction, installation, operation and maintenance standards for public safety.	III
	Public employee safety	Establish operational process and procedure standards for public employee safety and health.	III
	Refrigeration systems	Establish construction, installation, operation and maintenance standards for public safety.	II

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Table 301.11-1 (Continued)

Department Activities	Jurisdiction	Objectives	Environmental Action Type
Policy Development and Implementation	Swimming pools	Establish design, construction, operation and maintenance standards for public safety and health.	III
	Individuals	Establish knowledge, skills and experience qualification standards for public safety and health relative to obtaining trade and occupational credentials.	III
	Businesses	Establish qualification or eligibility standards for obtaining credentials.	III
	Administrative processes	Establish service delivery procedures and processes for credentialing, plan review, evaluation services, permits to operate, financial aid, inspection, and consultation and training.	III
		Establish eligibility standards for obtaining financial aid relative to fuel tank systems and private onsite wastewater treatment systems.	II
Credentialing	Individuals and businesses	Evaluate applications documenting and communicating compliance or deficiencies relative to established qualification or registration standards.	III
Plan Review	Amusement rides, tramways, lifts and tows, Anhydrous ammonia systems, Buildings, Electrical systems, Elevators, Fuel tank systems, HVAC systems, Plumbing systems, Pressure vessels, Swimming pools	Evaluate proposed projects documenting and communicating compliance, discrepancies, deficiencies or inconsistencies relative to established design, construction, installation, operation, maintenance and usage standards.	III
Evaluation Services	Amusement rides, tramways, lifts and tows, Anhydrous ammonia systems, Buildings, Electrical systems, Elevators, Fuels, Fuel tank systems, HVAC systems, Plumbing systems, Pressure vessels, Swimming pools	Evaluate proposed products documenting and communicating compliance, discrepancies, deficiencies or inconsistencies relative to established design, manufacturing and operation standards.	III

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Table 301.11-1 (Continued)

Department Activities	Jurisdiction	Objectives	Environmental Action Type
Permits to Operate	Amusement rides, tramways, lifts and tows, Anhydrous ammonia systems, Buildings, Electrical systems, Elevators, Fuel tank systems, HVAC systems, Plumbing systems, Pressure vessels, Swimming pools	Evaluate applications documenting and communicating compliance or deficiencies relative to established qualification standards.	III
Consultation and Training	Amusement rides, tramways, lifts and tows, Anhydrous ammonia systems, Buildings, Electrical systems, Elevators, Employee safety, Fuels, Fuel tank systems, HVAC systems, Mines, pit, quarries and explosives, Plumbing systems, Pressure vessels, Swimming pools, Credentialing, Plan review, Evaluation services, Permits to operate, Consulting and training, Financial aid, Investigations, Auditing	Provide or respond to inquires relative to standards or administrative processes.	III
Financial Aid	Private onsite wastewater treatment systems, Fuel tank systems	Evaluate applications documenting and communicating compliance or deficiencies relative to established qualification standards.	III
Investigation	Individuals and businesses	Evaluate the activities and actions of individuals or businesses documenting and communicating compliance, discrepancies, deficiencies or inconsistencies relative to established credentialing standards or statutes.	III

Table 301.11-1 (Continued)

Department Activities	Jurisdiction	Objectives	Environmental Action Type
Investigation	Amusement rides, tramways, lifts and tows, Anhydrous ammonia systems, Buildings, Electrical systems, Elevators, Employee safety, Fuels, Fuel tank systems, HVAC systems, Mines, pits, quarries and explosives, Plumbing systems, Pressure vessels, Swimming pools	Evaluate objects and sites documenting and communicating compliance, discrepancies, deficiencies or inconsistencies relative to established design, construction, installation, operation, maintenance and usage standards.	III
Auditing	Credentialing, Plan review, Evaluation services, Permits to operate, Consulting and training, Financial aid, Investigations	Evaluate the efficiency and effectiveness of the service delivery procedures and processes provided by the department's partners and of the use of financial aid funds.	III
Facilities Development	(none)		
Facility and Maintenance Operations	(none)		
Financial Assistance	Administration of state and federal funds to businesses, local governments, non-profit organizations, regional planning commissions and individuals. (Other than the Financial Aid activities described in Table 301.11-1.)	Requires compliance with federal environmental review by applicant or recipient: ▪ The department exercises no discretion in administering funds. ▪ The department exercises some discretion in administering funds but is not the sole decision-maker. ▪ The department exercises some discretion in administering funds and may involve a major action.	 III III II
		No requirement for federal environmental review: ▪Funding for rehabilitation of existing structures: - Rehabilitation involves all or a major portion of existing properties and involves rezoning or a conditional use permit. - Rehabilitation involves all or a major portion of existing properties and does not require rezoning or a conditional use permit. ▪Funding for new development and may involve a major action. ▪Funding for planning and related activities.	 II III II III

Table 301.11-1 (Continued)

Department Activities	Jurisdiction	Objectives	Environmental Action Type
Policy Recommendations	Formulation of major programs, plans, policies and legislation, including budget proposals, directly affecting the economy and communities for which the department has primary implementation authority. (Other than the Policy Development and Implementation activities described in Table 301.11-1.)		II
	Provide technical assistance and advice on projects, plans, policies and legislation related to economic and community development.		III

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (1) (a), (b) 1., 2., (3), Table 301.11-2 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 301.20 Public notice. (1) The department shall provide public notice when the following environmental documents are available for public review:

(a) A preliminary environmental assessment;

(b) A final environmental assessment, except as provided under s. SPS 301.21 (1) (c);

(c) A notice of intent to prepare an environmental impact statement;

(d) A draft environmental impact statement;

(e) A final environmental impact statement; and

(f) A record of decision relative to an environmental assessment or environmental impact statement.

(2) The public notice of the availability of an environmental document shall include at least the following:

(a) The type of environmental document;

(b) The date the document will be available to the public;

(c) The name of the proposed action;

(d) A brief description of the proposed action; and

(e) The name and address of a contact within the department who can receive comments and respond to questions relative to the environmental document.

(3) The department shall provide public notice when a public hearing is to be held on an environmental impact statement under s. SPS 301.22 (8).

(4) Public notice of the availability of environmental documents or a public hearing for an environmental impact statement may be combined with public notice of other required public participation activities related to the proposed action.

(5) Public notice of the availability of environmental documents and the public hearing for an environmental impact statement shall be published as a class 1 notice under ch. 985, Stats., in:

(a) The official state newspaper for a proposed action which has a statewide impact; and

(b) A newspaper covering the affected area for a proposed action which does not have a statewide impact.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (1) (b), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 301.21 Environmental assessments. (1) GENERAL. (a) An environmental assessment shall be prepared in two steps, consisting of a preliminary environmental assessment and a final environmental assessment.

(b) If, during the preparation of a preliminary or final environmental assessment, the department determines that a proposed action would have a significant impact on the human environment, the department shall discontinue preparing the environmental assessment and issue a notice of intent to prepare an environmental impact statement.

(c) The department shall consider a preliminary environmental assessment as a final environmental assessment without further public notice under s. SPS 301.20, provided there are no revisions or supplements made to the preliminary environmental assessment.

(2) CONTENTS. (a) An environmental assessment shall address the significant environmental issues relevant to a proposed action.

(b) An environmental assessment shall address all of the following:

1. A description of the proposed action, including the purpose or need for the action.

2. A description of reasonable alternative actions to the proposed action, including the alternative of taking no action.

3. A description of the possible environmental impacts of the proposed action and alternatives.

4. Identification of persons and agencies consulted relative to the preparation of the environmental assessment.

5. A preliminary recommendation on whether or not the proposed action warrants the preparation of an environmental impact statement.

(3) RECORD OF DECISION. (a) The department shall decide whether the evidence in an environmental assessment indicates that a proposed action may have a significant impact on the human environment.

(b) 1. If the department determines that the action will have no significant impact on the human environment, the department shall prepare a finding of no significant impact.

2. A finding of no significant impact shall include a summary of the reasons for the finding.

3. A finding of no significant impact shall be filed with the secretary or his or her designee and shall be accompanied by:

a. A copy of the environmental assessment; and

b. A summary of public comments received, if any, relative to the environmental assessment.

(c) If the department determines that the action may have a significant impact on the human environment, the department shall provide public notice of intent to prepare an environmental impact statement in accordance with s. SPS 301.20.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (1) (c), (3) (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 301.22 Environmental impact statements. (1) PROCESS. The preparation of an environmental impact statement shall involve at least all of the following:

(a) Public notice of intent to prepare an environmental impact statement.

(b) A scoping process.

(c) A draft environmental impact statement and a final environmental impact statement.

(d) Public notice of the availability of environmental documents in accordance with s. SPS 301.20.

(e) At least one public hearing.

(2) SCOPING. (a) Before preparing an environmental impact statement, the department shall use a scoping process to determine all of the following:

1. The environmental issues to be addressed in depth in the environmental impact statement.

2. Environmental issues which are not significant or which have been covered in previous environmental analyses.

3. A timeline for the preparation of the statement and for public comment.

(b) 1. The scoping process shall include, to the extent possible, other affected or interested individuals and agencies.

2. The department may utilize meetings, hearings, workshops, surveys, questionnaires, committees, or other methods or activities to gather public input for the scoping process.

3. The department may integrate any or all of the scoping process activities with other required public participation activities related to the proposed action.

(3) CONTENTS. (a) An environmental impact statement shall describe the proposed action and identify the environmental consequences of the action.

(b) An environmental impact statement shall address all of the following:

1. A description of the proposed action, including the purpose or need for the action.

2. A description of reasonable alternative actions to the proposed action, including the alternative of taking no action.

3. A description of the possible environmental impacts of the proposed action and alternatives.

4. An identification of any adverse environmental effects which cannot be avoided should the action be undertaken.

5. The description of the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity.

6. An identification of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

7. An identification of any beneficial aspects of the proposed action.

8. An identification of any economic advantages and disadvantages of the proposed action.

(4) FORMAT. The department shall prepare an environmental impact statement in a format which facilitates good analysis and clear presentation.

(5) DISTRIBUTION. The department shall provide a copy of an environmental impact statement to at least all of the following:

(a) The office of the governor.

(b) The secretary of the department of natural resources.

(c) Any individual or organization that has requested a copy.

(6) PUBLIC COMMENT PERIOD. (a) The department shall establish a public comment period for a draft environmental impact statement.

(b) The public comment period for a draft environmental impact statement shall extend not less than 30 days from the document availability date under s. SPS 301.20 (2) (b)

(7) PUBLIC HEARING. (a) The department shall hold at least one public hearing on each draft environmental impact statement.

(b) The department shall provide public notice in accordance with s. SPS 301.20 (5) at least 30 days prior to the date of the first public hearing to be held for a draft environmental impact statement.

(c) The department shall conduct the public hearing for a draft environmental impact statement in accordance with s. 227.18, Stats.

(8) COMMENT REVIEW. (a) After the public hearing and comment period for a draft environmental impact statement, the department shall summarize the comments received.

(b) The department shall prepare a written response to the summarized comments received on the draft environmental impact statement.

(9) REVISION PROCEDURES. Before issuing a record of decision under sub. (10) (b), the department may revise, including the use of a supplement or addendum, all or part of the draft or final environmental impact statement.

(10) RECORD OF DECISION. (a) After a final environmental impact statement has been completed, the department shall prepare and file a written record of decision on a proposed action.

(b) The written record of decision following the completion of an environmental impact statement shall include all of the following:

1. A statement of the decision.

2. The identification of all alternatives considered.

3. The reason for choosing an alternative action.

(c) Upon completion of a final environmental impact statement, the department shall file in the office of the secretary a copy of all of the following:

1. The written record of decision.

2. The final version of the environmental impact statement.

3. The notice of public hearing for the draft environmental impact statement.

4. The summary of public hearing comments, if any.

5. The department's response to the public hearing comments.

6. The draft environmental impact statement.

History: Cr. Register, September, 1999, No. 525, eff. 10-1-99; correction in (1) (d), (6) (b), (7) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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Chapter SPS 302

FEE SCHEDULE

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Note: Chapter Ind 69 as it existed on June 30, 1992 was repealed and a new chapter ILHR 2 was created effective July 1, 1992. Chapter ILHR 2 was renumbered Comm 2 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2) (b) 6. and 7., Stats., Register, October, 1996, No. 490. Corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1997, No. 494; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1999, No. 518. Chapter Comm 2 was renumbered chapter SPS 302 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Miscellaneous

SPS 302.001 Scope. The fees established in this chapter shall be paid to the Wisconsin department of safety and professional services, for providing those services authorized in the Wisconsin Statutes. The divisions may withhold providing services to individuals who have past due accounts with the division.

Note: All checks or money orders are to be made payable to Wisconsin department of safety and professional services.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; correction made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

SPS 302.02 Handling, copying and miscellaneous fees. (1) HANDLING FEES. (a) The department may charge a handling fee, determined at $30.00 per hour, with a minimum fee of $30.00, in addition to any other fee provided in this chapter, to offset administrative costs.

(b) A handling fee of $60.00 per plan shall be charged to the submitting party for any plan which is submitted to the department, entered into the department's plan system and, then, requested to be returned by the submitting party prior to review. This fee does not apply to building plan components, other than the original building or heating and ventilation plan noted in s. SPS 302.31 (1) (a), submitted after the original plan submittal.

(2) PHOTOCOPYING FEES. A photocopying fee of $0.30 per page may be charged.

(3) PLAN REPRODUCTION FEES. A fee of $6.00 per plan sheet shall be charged to the submitting party for plan reproduction on plan sheets larger than legal size. Plan sheets at or smaller than legal size may be charged the normal photocopying fee.

(4) PLAN APPROVAL — ADDITIONAL SETS. A maximum of 5 sets of plans shall be stamped approved without additional fees being charged. Upon request, additional sets of plans identical to previously approved plans shall be stamped approved upon receipt of a $25.00 fee per plan.

Note: The 5 sets include the one set retained by the department.

(5) FEE FOR EXTENSION OF PLAN APPROVAL. The examination fee for a plan previously approved by the department for which an approval extension is requested shall be $120.00 per plan.

(6) MAILING LISTS. The fee for mailing lists shall be $30.00 for the first 1,000 names and $6.00 for each 1,000 names thereafter. This fee shall be doubled, if gummed labels are requested.

(7) COMPUTER INFORMATION. Information from computer files is available for the costs incurred in generating the data requested.

(8) INSPECTION AND COPYING OF FILES, PLANS AND SPECIFICATIONS. The department shall allow inspection and copying of all files and plans, specifications and related materials filed with the department, except as follows:

(a) The department may restrict, on a case by case basis, the right of inspection or copying of files and plans, specifications and related materials where the possible harm to the public interest outweighs the benefits of inspection or copying for the following types of buildings and facilities:

1. Banks, savings and loans, credit unions, securities dealers and other types or parts of buildings where large sums of money, negotiable securities or valuables are stored in secured areas;

2. Jails and other correctional institutions;

3. Public facilities regularly used for the storage or evaluation of evidence in criminal proceedings;

4. Armories;

5. Public broadcasting facilities;

6. Power generating facilities;

7. Museums and libraries; and

8. Noncommercial storage tanks which store heating oil for consumptive use on the premises.

9. Buildings that are or are anticipated to be owned by or leased to the state.

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(b) The department shall allow inspection or copying of files and plans, specifications and related materials of all buildings in response to lawful subpoena or written requests from law enforcement agencies.

(c) Prior to any inspection or copying of files and plans, specifications and related materials, a written, signed application shall be obtained from the person requesting the inspection or copying. The application shall contain a general description of the files or premises for which inspection or copying is requested and the full name, address and telephone number of the requester. The written request shall contain a statement that any information obtained from the inspection or copying shall not be used for any unlawful purpose or unfair competitive practice, and that the information set out therein is true and correct. The department will consider the information supplied in the request in conjunction with the type of buildings noted in par. (a) in determining whether the request for inspection or copying shall be granted. The department may transmit a copy of this statement to the owner and submitter of the documents being inspected or copied.

(d) The department may charge a reasonable amount to defray its costs in providing copies.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (1) (a), r. and recr. (4), cr. (4m), Register, July, 2000, No. 535, eff. 9-1-00; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535; CR 05-038: r. (7), cr. (8) (a) 9. Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (1) to (4), renum. (4m) to (6) to be (5) to (7) and am. (5) and (6) Register November 2008 No. 635, eff. 12-1-08; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.04 Miscellaneous plan reviews, inspections and services. (1) MISCELLANEOUS PLAN REVIEWS. Unless specified otherwise in this chapter, the fee for department costs incurred in performing miscellaneous plan reviews shall be $80.00 per hour per plan, with a minimum fee of $80.00 per plan.

(2) MISCELLANEOUS INSPECTIONS AND INVESTIGATIONS. Unless specified otherwise in this chapter, fees for department costs incurred in performing miscellaneous inspections or investigations, including special inspections for alterations, fabrication, repairs, testing, electrical construction and quality assurance methods, which are either provided on request or to satisfy administrative code requirements, shall be determined and assessed in accordance with Table 302.04. An additional amount may be charged to cover all expenses, including travel time, mileage, meals and lodging. Travel expenses shall be limited to those allowed under ss. 16.53 and 20.916, Stats., and collective bargaining agreements.

Table 302.04
Miscellaneous Inspections and Investigations Fees

Individual Special Inspections	Fee Per Hour Per Inspector
1. Inspections performed between the hours of 7:45 a.m. and 4:30 p.m. on weekdays Monday through Friday	$80.00
2. Inspections performed on Saturdays, Sundays, holidays and at times other than scheduled in 1.	$120.00
3. For supervising the American Society of Mechanical Engineers (ASME) joint review and audit and for conducting shop audits, Monday through Friday	$120.00

(3) MINIMUM CHARGE. In reference to Table 302.04 lines 1. and 2., a minimum charge of 4 hours shall be assessed for all special inspections required during fabrication and testing of ASME code items.

(4) MISCELLANEOUS GOODS AND SERVICES. The department may collect a fee for providing goods and services related to work that has been delegated by the department to authorized agents, municipalities or other state agencies based upon actual cost.

(5) INSPECTION ASSESSMENTS. The department may inspect any installation which is also inspected by a certified inspector. When the department inspection confirms that the inspection report is incomplete, invalid or unacceptable, the department shall assess the inspector or his or her employer a fee determined in accordance with sub. (2).

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (1), r. and recr. (2), cr. (2m), Register, July, 2000, No. 535, eff. 9-1-00; CR 05-025: renum. Comm 2.16 to be (4) and am. Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (1) and Table 2.04, renum. (2m) to (4) to be (3) to (5) and am. (3) Register November 2008 No. 635, eff. 12-1-08; correction in (2), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.06 Fee assessment and collection. (1) ASSESSMENT. Unless specified otherwise in this chapter, registration, inspection and all other fees in this chapter shall be paid annually before registration is processed by the department.

(2) COLLECTION. All fees not paid within 60 calendar days after the first invoice date may be assessed a late payment fee equal to one percent per month of the outstanding balance.

(3) MONTHLY BILLING SERVICE. Upon request and advance approval, the department may bill for services rendered on a monthly basis rather than requiring payment on an individual fee basis. Advance approval shall be obtained from the director in charge of the affected program. The decision to grant the request shall be based on the applicant's past record of paying for the service, the credit rating from a recognized credit organization or a letter of financial reference concerning loan and account information from a financial institution.

(4) CHARGE CARD. The department may accept fee payment by electronic payment.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am (2), r. Table 2.06, Register, July, 2000, No. 535, eff. 9-1-00; CR 08-039: am. (4) Register November 2008 No. 635, eff. 12-1-08.

SPS 302.07 Fee refunds. (1) GENERAL. If a request for a permit, for which a fee is paid and a processing time is specified, is not processed by the department within the time specified, a refund of 50% of the fee paid shall be made to the person who paid for the request for the permit.

(2) DEFINITIONS. The following definitions shall apply in this section:

(a) "Fee" means the amount of money paid for a single permit or request for service, but does not mean the total amount of money which may be submitted with an application covering more than one permit or request for service.

(b) "Permit" includes an examination of plans, initial permit to operate, registration of a device, approval of a material or product, shaft excavation permit, petition for variance, permission to start construction, rental unit certificate of compliance, priority review and petition, and underground tank registration and use permit, but does not include any inspection services.

(3) PROCESSING TIME. (a) *Starting date.* When an appointment process exists for a specific type of permit, the permit processing time shall begin on the appointment date. When an appointment process does not exist for a specific type of permit, the permit processing time shall begin on the day after receipt of the request for the permit whether submitted by mail or in person. When the department finds a permit application has been submitted with inadequate information or fees, the application will be placed on hold and the department will notify the applicant of the information needed to process the application. Upon receipt of the complete information, the department will process the permit, except that the length of the processing time shall start over and the processing time shall begin the day after the receipt of the additional information or fees.

(b) *Ending date.* The ending date which shall be used to assess whether the permit was processed within the time period specified shall be the date the department actually made a deter-

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mination to approve, deny or withhold the permit, and not the date on the correspondence noting the action or the date the permit was mailed out.

Note: The specific processing times for various permits may be found in the respective chapters where the permits are required.

(4) DETERMINATION. (a) The starting and the ending dates recorded on the computer record or individual file shall be the dates used to assess whether a refund is to be made.

(b) The initial determination as to whether the permit was processed within the time period specified shall be made by the director of the bureau responsible for issuing the permit.

(c) Determinations subject to dispute shall be forwarded to the division administrator for a final determination.

(5) PAYMENT OF REFUND FEES. (a) All refunds made by the department shall be forwarded through the United States postal service.

(b) Refunds shall be mailed to the person who paid for the request for the permit at the address of record indicated on the department's request for service forms.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (2) (b), Register, October, 1996, No. 490, eff. 11-1-96; am. (2) (b), Register, July, 2000, No. 535, eff. 9-1-00; CR 06-119: am. (3) (a) and (4) (a) Register July 2007 No. 619, eff. 8-1-07.

SPS 302.08 Waiver of fee assessments. All or a portion of any fee may be waived upon a determination of indigency. Waivers under this section may be granted only by the secretary of the department.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92.

SPS 302.09 Priority review. A person may request and make an appointment with the department to facilitate the examination of plans, or the review of a product or material for approval, on a priority basis. The fee for examination or review on a priority basis shall be twice the normal rate, based on the appropriate rate specified in this chapter. Scheduling on a priority basis shall be contingent upon the department having sufficient time and staff to accommodate the request.

History: CR 05-038: cr. Register October 2005 No. 598, eff. 11-1-05.

SPS 302.10 Projects without approval. The plan examination fees specified in this chapter shall be doubled for projects where the installation, erection or construction was initiated without the required departmental approval.

History: CR 05-038: cr. Register October 2005 No. 598, eff. 11-1-05.

Subchapter II — Safety Services

SPS 302.11 Boilers and pressure vessels. (1) BOILER FEES. Inspection fees for boilers shall be determined in accordance with Table 302.11-1.

(2) PRESSURE VESSEL FEES. Inspection fees for pressure vessels shall be determined in accordance with Table 302.11-2.

(3) REINSPECTION FEES. A fee of $80.00 per inspection shall be assessed for inspections made by the department to gain compliance with ch. SPS 341, after orders have been issued by the department.

Table 302.11-1
Boiler Inspection Fees

Type of Boiler	Heating Surface Area (Square Feet)	Type of Inspection	
		Internal	External
1. Miniature	20 or less	$35.00	$35.00
2. Power	21-250	$80.00	$80.00
3.	251-1,000	$180.00	$120.00
4.	1,001-10,000	$240.00	$170.00
5.	Over 10,000	$630.00	$290.00
6. Heating	N/A		
7. - With manhole		$140.00	$60.00
8. - Without manhole		$130.00	$60.00
9. - Multiple boilers in one building		$60.00 per boiler or $320.00 per 4 hour inspection period, whichever is less	

Table 302.11-2
Pressure Vessel Inspection Fees

Volume of Pressure Vessels (Cubic Feet)	Operating Pressure (psig)	Type of Inspection
		Internal or External
1. All sizes	Less than 15	No Fee
2. 11 or less	15 or more	No Fee
3. 12-200	15 or more	$50.00
4. 201-500	15 or more	$120.00
5. Over 500	15 or more	$140.00
6. Multiple pressure vessels in one building	---	$50.00 per vessel or $320.00 per 4 hour inspection period, whichever is less

(5) FEE FOR FAILURE TO HAVE BOILER OR PRESSURE VESSEL READY FOR INSPECTION. A fee equal to 50% of the applicable inspection fee shall be assessed for failure to have the boiler or pressure vessel ready for inspection on the date specified, unless the department is notified, in writing, 7 business days prior to the specified inspection date.

(6) PERMIT TO OPERATE. The fee for the issuance of a permit to operate each boiler or pressure vessel shall be $50.00.

(7) PIPING INVESTIGATION. Fees related to piping investigations performed by the department shall be determined in accordance with s. SPS 302.04 (2).

(8) NATIONAL BOARD EXAM. The fee for the application for and the administration of the national board of boiler and pressure vessel inspectors competency examination shall be $250.00.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; corrections in (3), (4) and (6) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527; am. (3), (4) and (6) and Tables 2.11-1 and 2.11-2, cr. (7), Register, July, 2000, No. 535, eff. 9-1-00; CR 05-025: am. Tables 2.11-1 and 2.11-2 and (5), r. (4), cr. (8) Register October 2005 No. 598, eff. 11-1-01; CR 08-039: am. (3), (8) and Tables 2.11-1 and 2.11-2 Register November 2008 No. 635, eff. 12-1-08; CR 09-050: am. (6) Register December 2009 No. 648, eff. 1-1-10; correction in (1), (2), (3), (7) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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SPS 302.12 Anhydrous ammonia systems. (1) PLAN EXAMINATION AND INSPECTION FEES. A fee of $700.00 shall be submitted for plan examination and external inspection of each new anhydrous ammonia handling or storage facility.

(2) PERIODIC INSPECTION FEES. (a) *Storage facilities.* Fees for the required periodic inspection of storage facilities shall be $150.00 per facility.

(b) *Nurse tanks.* Fees for the required periodic inspection of nurse tanks shall be determined in accordance with Table 302.12.

Table 302.12
Nurse Tank Inspection Fees

Nurse Tanks Per Site	Fee
1. 10 or less	$80.00
2. 11-30	$120.00
3. 31-50	$200.00
4. Over 50	$250.00

(3) REINSPECTION FEES. A fee in accordance with s. SPS 302.04 (2) shall be assessed for inspections made by the department to gain compliance with ch. SPS 343, after orders directing compliance have been issued by the department.

(4) PERMIT TO OPERATE. The fee for the issuance of a permit to operate each anhydrous ammonia system shall be $50.00.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (1), (2) (a) and (3) and Table 2.12, Register, July, 2000, No. 535, eff. 9-1-00; CR 05-038: am. (1), cr. (2m) Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (1), (2) and Table 2.12, renum. (2m) and (3) to be (3) and (4) Register November 2008 No. 635, eff. 12-1-08; CR 09-050: am. (4) Register December 2009 No. 648, eff. 1-1-10; correction in (2) (b), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.13 Mechanical refrigeration systems. (1) INSPECTION FEES. (a) The inspection fees, based on the aggregate tonnage of the mechanical refrigeration system, shall be determined in accordance with Table 302.13.

Table 302.13
Mechanical Refrigeration Inspection Fees

Capacity in Tons	Inspection Fee
1. Less than 3	No fee
2. 3-25	$60.00
3. 26-100	$100.00
4. 101-250	$130.00
5. 251-500	$210.00
6. 501-750	$290.00
7. 751-1,000	$350.00
8. Over 1,000	$400.00

Note: For the purpose of assessing the inspection fee, the capacity of a mechanical refrigeration system will be determined in tons. One ton of refrigeration capacity is considered to be the equivalent of abstracting heat at the rate of 12,000 Btu per hour.

(b) Fees related to steel-piping inspections performed by the department shall be determined in accordance with s. SPS 302.04 (2).

(2) REINSPECTION FEES. A fee of $80.00 per inspection shall be assessed for inspections made by the department to gain compliance with ch. SPS 345, after orders directing compliance have been issued by the department.

(3) PERMIT TO OPERATE. The fee for the issuance of a permit to operate each mechanical refrigeration system shall be $50.00.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; correction in (3) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1994, No. 467; r. (3), Register, October, 1996, No. 490, eff. 11-1-96; am. Table 2.13 and (2), Register, July, 2000, No. 535, eff. 9-1-00; CR 05-038: cr. (1m) Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. Table 2.13, renum. (1m) and (2) to be (2) and (3) and am. (2) Register November 2008 No. 635, eff. 12-1-08; CR 09-050: am. (3) Register December 2009 No. 648, eff. 1-1-10; CR 10-011: renum. (1) to be (1) (a), cr. (1) (b) Register August 2010 No. 656, eff. 9-1-10; correction in (1) (a), (b), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.15 Elevators, power dumbwaiters, escalators, moving walks and ramps, lifts for accessibility and material lifts. (1) PLAN EXAMINATION, APPLICATION AND INITIAL INSPECTION FEES. Fees for the initial inspection and for the examination of plans or for an application for installation or alteration, or both, submitted in accordance with the requirements of s. SPS 318.1007 or 318.1008, shall be determined in accordance with Table 302.15. A reinspection fee as specified in Table 302.15 shall be charged for each inspection conducted until the installation or alteration qualifies for a permit to operate.

(2) PERIODIC INSPECTION AND REINSPECTION FEES. Fees for periodic inspections and reinspections of all classes of elevators and lifting devices within the scope of ch. SPS 318 shall be determined in accordance with Table 302.15. An inspection fee shall also be charged for each reinspection of an elevator in accordance with Table 302.15 until the installation or alteration qualifies for a permit to operate.

(3) FEE FOR FAILURE TO HAVE EQUIPMENT READY FOR INSPECTION. A fee equal to 50% of the applicable inspection fee shall be assessed for failure to have the elevator or lifting device ready for inspection on the date specified, unless the department is notified, in writing, 7 business days prior to the specified inspection date.

(4) PERMIT TO OPERATE. The fee for the issuance of a permit to operate each conveyance shall be $50.00.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (3) and r. Table 2.15-2, Register, October, 1996, No. 490, eff. 11-1-96; emerg. r. and recr., eff. 6-1-97; r. and recr., Register, January, 1998, No. 505, eff. 2-1-98; am. (1) and (3), Register, November, 1999, No. 527, eff. 12-1-99; am. (1) to (3), cr. (2m), Register, July, 2000, No. 535, eff. 9-1-00; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register November 2004 No. 587; CR 05-038: am. Table 2.15-1, Table 2.15-2, and (2m) Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (1) and (2), r. Tables 2.15-1 and 2.15-2, cr. Table 2.15, renum. (2m) and (3) to be (3) and (4) Register November 2008 No. 635, eff. 12-1-08; CR 09-050: am. (4) Register December 2009 No. 648, eff. 1-1-10; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2017 No. 744.

Table 302.15
Plan Examination and Inspection Fees for Elevators, Escalators and Lift Devices

Type of Unit	Plan Examination		Type of Inspection		
			Acceptance or Acceptance Re-inspection		
	New Installations	Alterations, Repairs and Remodeling	New Installations	Alterations, Repairs and Remodeling	Periodic or Periodic Re-inspection
1. Traction elevator, other elevator driving machines	$400.00	$200.00	$800.00	$400.00	$320.00
2. Hydraulic elevator	$320.00	$160.00	$720.00	$360.00	$240.00
3. Dumbwaiter, platform lift, stair chair lift, special application elevator	$320.00	$160.00	$640.00	$320.00	$160.00
4. Escalator, moving walk	$320.00	$160.00	$800.00	$400.00	$320.00

SPS 302.17 Mines, pits and quarries. (1) SUBMITTAL REQUIREMENTS. The person or firm operating the crushing, screening or washing equipment shall submit, with the fee specified in sub. (2), the name of the mine, pit or quarry; the name of the company; the mailing address; the telephone number; and the type of product to be mined, such as ore, stone, clay, lime or aggregate.

(2) SAFETY SERVICE. The annual safety service fee for each metal or nonmetal mine, pit or quarry shall be based on the size of the respective operation for the calendar year. Production records shall be made available upon request. The fee shall be determined in accordance with Table 302.17. This fee does not apply to mines, pits or quarries used for private domestic use.

Note: The department intends to review the fees in Table 302.17 with the Mines, Pits and Quarries Advisory Council by June 1, 2001, and annually thereafter.

Table 302.17
Annual Production Safety Service Fee

Annual Production (Tons Per Year)	Annual Safety Service Fee
1. Less than 50,000	$70.00
2. 50,000-100,000	$140.00
3. 100,001-200,000	$280.00
4. 200,001-300,000	$420.00
5. 300,001-400,000	$560.00
6. 400,001-500,000	$700.00
7. Over 500,000	$1,120.00

(3) SHAFT EXCAVATION PERMIT. The fee for obtaining a shaft excavation permit shall be $400.00 per permit.

(4) MISCELLANEOUS INSPECTIONS. The fee for miscellaneous consultation inspections provided on request shall be in accordance with s. SPS 302.04 (2).

(5) TRAINING. The fee for annual refresher training provided by the department and required by the federal mine safety and health administration shall be $330.00 per course.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (1) and (2) and Table 2.17, renum. (3) (a) and (c) to be (3) and (4) and am., r. (3) (b) and (4), Register, July, 2000, No. 535, eff. 9-1-00; CR 02-042: am. Table 2.17 and (5), Register October 2002 No. 562, eff. 11-1-02; CR 08-039: am. Table 2.17 Register November 2008 No. 635, eff. 12-1-08; correction in (2), (4) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.18 Explosive materials. (1) USE. Fees for conducting a safety inspection of the use of explosive materials shall be assessed in accordance with s. SPS 302.04 (2). Use of explosive materials shall include the storage of daily supplies.

(2) PERMANENT STORAGE. Fees for conducting a safety inspection of a permanent explosive materials storage facility shall be determined in accordance with Table 302.18. The fees are based on the combined volume of one or more magazines at any given site. This inspection fee applies to blasters and explosive materials contractors working independently of mine, pit or quarry operations.

Table 302.18
Explosive Materials Storage Facility Inspection Fees

Quantity of Explosives	Fee
Storage Per Site	
1. Less than 100 cubic feet	$80.00
2. 100-500 cubic feet	$120.00
3. Over 500 cubic feet	$160.00

(3) TEMPORARY STORAGE IN A COMMUNITY. Fees for department costs incurred in the performance of safety inspections of temporary explosive materials storage magazines in a community shall be $80.00 per magazine.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; r. (1) and Table 2.18-1, Register, October, 1996, No. 490, eff. 11-1-96; renum. (2) to be (1) to (3) and am., am. Table 2.18, Register, July, 2000, No. 535, eff. 9-1-00; CR 08-039: am. Table 2.18 Register November 2008 No. 635, eff. 12-1-08; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.19 Fireworks manufacturing plants. Fees for department costs incurred in the performance of inspection of fireworks manufacturing plants shall be determined in accordance with s. SPS 302.04 (2).

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; r. (2), Register, October, 1996, No. 490, eff. 11-1-96; am. Register, July, 2000, No. 535, eff. 9-1-00; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.20 Amusement rides. (1) PLAN EXAMINATION, DATA REVIEW, REGISTRATION AND INSPECTIONS. Fees for amusement rides shall be determined in accordance with the following schedule:

(a) Plan examination for new amusement ride tramways..... $280.00 per plan submittal.

Note: See ch. SPS 333 for definitions of tramways.

(b) Review of engineering analysis and test data associated with the acceptance of amusement rides..... $280.00 per ride.

(c) 1. Annual registration for all amusement rides..... $55.00 per ride.

2. Late registration fee for failure to register amusement ride before opening it to the public..... $200.00 per ride.

(d) Initial inspection of custom-built, site-specific amusement rides not used in a portable mode..... per s. SPS 302.04 (2).

(e) Periodic inspection of coin operated kiddie rides..... $70.00 per ride.

(f) Periodic inspection of Class 1 amusement rides..... $140.00 per ride.

(g) Periodic inspection of Class 2 amusement rides, except amusement rides that the manufacturer estimates require more than 40 work hours for erection..... $250.00 per ride.

(h) Periodic inspection of Class 2 amusement rides that the manufacturer estimates require more than 40 work hours for erection ..... $350.00 per ride.

(i) Periodic inspection of amusement ride tramways..... $420.00 per tramway.

(j) Reinspection fee for noncompliance with orders previously issued by the department..... $100.00 per ride.

Note: See ch. SPS 334 for definitions of ride classes.

(2) FEE ASSESSMENT AND COLLECTION. Registration and outstanding inspection fees for amusement rides shall be paid before registration is processed by the department.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (1), Register, July, 2000, No. 535, eff. 9-1-00; CR 08-039: am. (1) (a), (b) and (2), renum. (1) (c), (d) to (h) and (k) to be (1) (c) 1., (e) to (i) and (j) and am., cr. (1) (c) 2. and (d), r. (1) (i) and (j) Register November 2008 No. 635, eff. 12-1-08; correction in (1) (d) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.21 Passenger ropeways. (1) PLAN EXAMINATION FEE. Fees for the examination of plans for passenger ropeways shall be determined in accordance with Table 302.21-1.

Table 302.21-1
Plan Examination Fees for Passenger Ropeways

Type of Passenger Ropeway	Fee Per Plan
1. Gondola lifts and rides	$780.00
2. Chair lifts and rides	$580.00
3. Surface tows, except fiber and wire rope tows	$390.00
4. Fiber and wire rope tows, and conveyors	$260.00

Note: See ch. SPS 334 for definition of the term "Amusement Ride" as it applies to passenger ropeways used as amusement rides.

Note: Surface tows include T-bar, platter and similar devices.

(2) INSPECTION FEES. Fees for the inspection of new installations, annual inspections and other inspections of passenger ropeways shall be determined in accordance with Table 302.21-2.

Table 302.21-2
Inspection Fees for Passenger Ropeways

Type of Passenger Ropeway	Inspection Fee Per Installation
1. Gondola lifts and rides	$490.00
2. Chair lifts and rides:	
3. Fixed grip	$280.00
4. Detachable grip	$350.00
5. Surface tows, except fiber and wire rope tows	$210.00
6. Fiber and wire rope tows, and conveyors	$140.00

Note: See ch. SPS 334 for definition of the term "Amusement Ride" as it applies to passenger ropeways used as amusement rides.

Note: Surface tows include T-bar, platter and similar devices.

(3) LOAD TEST FEE. The fee for certifying a load test of a passenger ropeway shall be $420.00 per load test.

(4) PERMIT TO OPERATE. The fee for the issuance of a permit to operate each passenger ropeway shall be $50.00.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (3), (4), Tables 2.21-1 and 2.21-2, Register, July, 2000, No. 535, eff. 9-1-00; CR 00-132: am. Register August 2001 No. 548, eff. 9-1-01; CR 08-039: am. (3) and Tables 2.21-1 and 2.21-2 Register November 2008 No. 635, eff. 12-1-08; CR 09-050: am. (4) Register December 2009 No. 648, eff. 1-1-10; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter III — Buildings

SPS 302.31 Buildings, structures, heating, ventilation and fire protection systems. (1) PLAN SUBMITTAL. (a) *General.* Fees relating to the submittal of all plans, submitted in accordance with the requirements of chs. SPS 361 to 366, shall be determined in accordance with this section.

(b) *Plan review fees.* Fees relating to the submittal of all building plans, heating, ventilating and air conditioning (HVAC) plans, and fire protection system plans shall be computed on the basis of the total gross square footage of each building or affected area. The fees shall be determined in accordance with Table 302.31-1 for buildings not located in municipalities that have assumed building inspection responsibilities. The fees shall be determined in accordance with Table 302.31-2 for buildings located in agent municipalities and counties that have assumed the building inspection responsibilities specified under s. 101.12 (3) (g), Stats., and ch. SPS 361.

(c) *Multiple identical buildings.* The fees set forth in this paragraph may be applied to a project which contains multiple identical buildings. In order to qualify for the multiple identical building fee, plans for all buildings shall be submitted at the same time. The fees for the submittal of plans for the first building shall be determined in accordance with Table 302.31-1 or 302.31-2 on the basis of the total gross area of one building. The fee for each of the remaining identical buildings shall be computed on the basis of an area of less than 2,500 square feet.

(d) *Miscellaneous plans.* The fee for miscellaneous plans shall be $250 per plan. Miscellaneous plans are plans which have no building, HVAC or fire protection system plan submissions and those plans for which no area may be associated. Miscellaneous plans include, but are not limited to, all of the following:

1. Footing and foundation plans submitted prior to the submission of the building plans.

2. Exhaust systems for dust, fumes, vapors and gases.

3. Stadium, grandstand and bleacher plans, and interior bleacher plans submitted as independent projects.

4. Any building component, other than building, HVAC and fire protection systems, submitted after installation.

(e) *Permission to start construction.* The fee for a permission to start construction shall be $75.00.

(f) *Revisions.* The fee for revisions to previously approved plans and plans that have been previously reviewed but not denied shall be $75.00.

(g) *Second class city.* A second class city that is certified to perform the expanded plan examinations specified in s. SPS 361.60 (5) (b) shall submit to the department the fee specified in Table 302.31-3 for each building or structure reviewed which exceeds the limits specified in s. SPS 361.60 (5) (c).

(h) *Appointed agent.* An agent that is appointed by the department under s. 101.12 (3g), stats., to perform plan examinations shall submit to the department the fees specified in Table 302.31-3 for each building or structure reviewed under s. 101.12 (3g), Stats.

(i) *Resubmission.* The fee for building, HVAC or fire protection system plans resubmitted within 8 months following denial of plan approval shall be $250 per plan.

(2) FEE FOR PLAN ENTRY. In addition to the plan review and inspection fees for a project, each separate submission of plans for the project shall be accompanied by a $100.00 plan entry fee. When plans for multiple projects are submitted together, each project shall constitute a separate submission and requires a $100.00 plan entry fee.

Note: For example, the total fee to be submitted under Table 302.31-1 for a 15,000 square foot building that includes building plans, HVAC plans, fire alarm plans and fire suppression plans would be $800 + $450 + $200 + $200 + $100 = $1,750.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(3) FEE FOR MISSING A PLAN REVIEW APPOINTMENT. A fee of $60.00 may be charged for missing a plan review appointment that was processed and scheduled by the department.

(4) REINSPECTION FEE. A fee as specified in s. SPS 302.04 (2) shall be assessed for inspections made by the department to gain compliance with rules after orders have been issued by the department.

(5) COMPLETION STATEMENT. A fee of $15.00 shall be assessed for any project where the department has issued orders for a completion statement to be submitted as required by s. SPS 361.40.

(6) FEE REFUNDS. The department may refund the difference in fees between Tables 302.31-1 and 302.31-2 for projects that are abandoned prior to construction.

(7) COLLECTION OF FEES. Fees shall be remitted at the time the plans are submitted. No plan examinations, approvals or inspections shall be made until fees are received.

Table 302.31-1
Plan Review Fees for Buildings Not Located in Municipalities That Perform Inspections

	Fees			
Area (Square Feet)	**Building Plans**	**HVAC Plans**	**Fire Alarm System Plans**	**Fire Suppression System Plans**
1. Less than 2,500	$300	$180	$50	$50
2. 2,500-5,000	350	250	100	100
3. 5,001-10,000	600	350	150	150
4. 10,001-20,000	800	450	200	200
5. 20,001-30,000	1,200	600	250	250
6. 30,001-40,000	1,600	900	400	400
7. 40,001-50,000	2,100	1,200	550	550
8. 50,001-75,000	2,900	1,600	800	800
9. 75,001-100,000	3,600	2,200	1,100	1,100
10. 100,001-200,000	6,000	2,900	1,400	1,400
11. 200,001-300,000	10,500	6,700	3,300	3,300
12. 300,001-400,000	15,500	9,800	4,800	4,800
13. 400,001-500,000	18,500	12,000	6,300	6,300
14. Over 500,000	20,000	13,500	7,100	7,100

Table 302.31-2
Plan Review Fees for Buildings Located in Municipalities That Perform Inspections

	Fees			
Area (Square Feet)	**Building Plans**	**HVAC Plans**	**Fire Alarm System Plans**	**Fire Suppression System Plans**
1. Less than 2,500	$250	$150	$30	$30
2. 2,500-5,000	300	200	60	60
3. 5,001-10,000	500	300	100	100
4. 10,001-20,000	700	400	150	150
5. 20,001-30,000	1,100	500	200	200
6. 30,001-40,000	1,400	800	350	350
7. 40,001-50,000	1,900	1,100	500	500
8. 50,001-75,000	2,600	1,400	700	700
9. 75,001-100,000	3,300	2,000	1,000	1,000
10. 100,001-200,000	5,400	2,600	1,200	1,200
11. 200,001-300,000	9,500	6,100	3,000	3,000
12. 300,001-400,000	14,000	8,800	4,400	4,400
13. 400,001-500,000	16,700	10,800	5,600	5,600
14. Over 500,000	18,000	12,100	6,400	6,400

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

Table 302.31-3
Fees to be Forwarded to the Department
for Reviews Performed by Second Class Cities and Appointed Agents

Area (Square Feet)	Fees			
	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
1. Less than 2,500	$30	$18	$5	$5
2. 2,500-5,000	35	25	10	10
3. 5,001-10,000	60	30	15	15
4. 10,001-20,000	80	45	20	20
5. 20,001-30,000	120	60	25	25
6. 30,001-40,000	160	90	40	40
7. 40,001-50,000	210	120	55	55
8. 50,001-75,000	290	160	80	80
9. 75,001-100,000	360	220	110	110
10. 100,001-200,000	600	290	140	140
11. 200,001-300,000	1,050	670	330	330
12. 300,001-400,000	1,550	980	480	480
13. 400,001-500,000	1,850	1,200	630	630
14. Over 500,000	2,000	1,350	710	710

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. (1) (intro.), Register, March, 1995, No. 471, eff. 4-1-95; cr. (1) (a) 2. g.; r. and recr. Table 2.31-1 and 2.31-2, Register, February, 1997, No. 494, eff. 4-1-97; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527; r. and recr. (1), (2) and Tables 2.31-1 and 2.31-2; cr. Table 2.31-3, Register, July, 2000, No. 535, eff. 9-1-00; CR 01-139: am. (1) (a), (b), (g), (h), (i), (3) and (5) Register June 2002 No. 558, eff. 7-1-02; corrections in (1) (g) and (h) made under s. 13.93 (2m) b) 7., Stats., Register January 2005 No. 589; CR 05-038: r. and recr. (2), cr. (2m), r. (3) Register October 2005 No. 598, eff. 11-1-05; CR 06-119: am. tables 2.31-1 to 2.31-3 Register July 2007 No. 619, eff. 8-1-07; CR 06-120: am. (1) (a), Register February 2008 No. 626, eff. 3-1-08; CR 08-039: am. (1) (d) to (f), (i), (5) and Tables 2.31-1, 2.31-2 and 2.31-3, renum. (2m) to be (3) Register November 2008 No. 635, eff. 12-1-08; CR 09-046: am. (1) (d) 6. and Table 2.31-1, Register March 2010 No. 651, eff. 4-1-10; CR 10-103: am. (1) (a) and (d), r. and recr. (1) (i), Register August 2011 No. 668, eff. 9-1-11; correction in (1) (a), (b), (c), (g), (h), (4), (5), (6) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; 2017 Wis. Act 198: am. (1) (h) Register April 2018 No. 748, eff. 5-1-18.

SPS 302.33 Manufactured homes. (1) CERTIFICATION AND INSPECTION FEES. Fees for certification and inspection relative to the manufacture of manufactured homes shall be determined in accordance with Table 302.33-1.

Table 302.33-1
Certification and Inspection Fees
for Manufactured Homes

Type of Approval	Fee
1. Manufactured home inspection	Established by Contract
2. Plant inspection and certification	See s. SPS 302.04 (2)
3. Required inspection not included in the fee distribution system described in 24 CFR 3282.204 (a)	See s. SPS 302.04 (2)
4. Warranty-related inspections, reinspections or investigative actions conducted as a result of consumer complaints	See s. SPS 302.04 (2)

(2) COMMUNITY PLAN REVIEW AND INSPECTIONS. Fees for plan review and inspection of new or expanded manufactured home communities shall be determined in accordance with Table 302.33-2.

Table 302.33-2
Manufactured Home Community
Plan Examination and Inspection Fees

Proposed Number of Home Sites	Plan Examination and Initial Inspection Fee	Reinspection Fee
1. 1-20	$250.00	$160.00
2. 21-50	450.00	160.00
3. 51-100	700.00	160.00
4. 101-175	900.00	160.00
5. more than 175	1,000.00	160.00

(3) COMMUNITY PERMITS. (a) Permit fees for manufactured home communities shall be determined in accordance with Table 302.33-3.

Table 302.33-3
Manufactured Home Community Permit Fees

Number of Home Sites	Permit Fee	Permit Revision Fee
1. 1-20	$250.00	$40.00
2. 21-50	450.00	40.00
3. 51-100	700.00	40.00
4. 101-175	900.00	40.00
5. more than 175	1,000.00	40.00

(b) A late fee of $80.00 shall be required for each permit if the renewal fee is not paid before the permit expires.

(c) Agents issuing permits shall reimburse the department 37% of the permit fees specified in par. (a).

(4) CERTIFICATE OF TITLE FEES. Fees for a certificate of title for a manufactured home shall be determined in accordance with the following schedule:

(a) For filing an application for the first certificate of title..... $8.50

(b) A manufactured housing rehabilitation and recycling fee upon filing an application under par. (a) or (d) $7.00

(c) For the original notation and subsequent release of each security interest noted upon a certificate of title..... $4.00

(d) For a certificate of title after a transfer..... $8.50

(e) A supplemental title fee upon filing an application under par. (a) or (d), except that this fee shall be waived with respect to an application under par. (d) for transfer of a decedent's interest in a manufactured home to his or her surviving spouse..... $7.50

(f) For each assignment of a security interest noted upon a certificate of title..... $1.00

(g) For a replacement certificate of title..... $8.00

(h) For processing applications for certificates of title that have special handling requests for fast service..... $15.00

(i) For the reinstatement of a certificate of title previously suspended or revoked..... $25.00

(j) For conducting a file search of manufactured home title records..... $3.00

(k) For each notification under s. 101.9213 (8), Stats., that a security interest has not been satisfied..... $4.00

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. Table 2.33, Register, October, 1996, No. 490, eff. 11-1-96; am. (2), Register, July, 2000, No. 535, eff. 9-1-00; CR 05-038: am. (1) and (2) Register October 2005 No. 598, eff. 11-1-05; emerg. cr. (5), eff. 2-1-05; CR 04-135: cr. (3), (4) and (5) Register February 2006 No. 602, eff. 3-1-06; CR 08-039: am. (1), r. (2), renum. (3) to (5) and Table 2.33 to be (2) to (4) and Table 2.33-1 and am. (2), (3) and Table 2.33-1, cr. Tables 2.33-2 and 2.33-3 Register November 2008 No. 635, eff. 12-1-08; correction in (1), (2), (3), Table 302.33-1 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.34 One- and two-family dwellings, multifamily dwellings, manufactured dwellings, manufactured multifamily dwellings, and camping units. (1) UNIFORM BUILDING PERMIT SEAL. A fee of $30.00 shall be remitted to the department at the time of application for a Wisconsin Uniform Building Permit Seal. Municipalities or UDC inspection agencies administering the Uniform Dwelling Code shall purchase one $30.00 permit seal for each new dwelling.

(2) DEPARTMENTAL INSPECTIONS. Where an employee of the department performs an on-site inspection related to the enforcement of the Uniform Dwelling Code as a result of a consumer complaint or a request by an individual in a municipality where permits are not issued and inspections are not performed, a fee may be assessed to the individual requesting the inspection determined in accordance with s. SPS 302.04 (2), with a minimum fee of $160.00 per inspection, payable in advance to the department.

(3) MULTIFAMILY DWELLINGS. Fees related to plan examination and field inspections for multifamily dwellings shall be determined in accordance with s. SPS 302.31.

(4) MODULAR HOMES. (a) Except as provided in pars. (b) and (c), where employees of the department perform plan reviews, plant evaluations, consumer complaint investigations or any other type of enforcement-related activity for modular homes, the manufacturer shall be assessed at the rates determined in accordance with s. SPS 302.04.

(b) The minimum fee for plan review shall be $80.00 per plan.

(c) The minimum fee for inspections shall be $160.00 per inspection.

(5) MANUFACTURED MULTIFAMILY DWELLINGS. (a) Fees related to plan examination and field inspections for manufactured multifamily dwellings shall be determined in accordance with s. SPS 302.31.

(b) Fees related to in-plant inspections for manufactured multifamily dwellings performed by the department shall be assessed and determined in accordance with s. SPS 302.04 (2).

(6) WISCONSIN INSIGNIAS. Fees for Wisconsin insignias shall be assessed and computed on the basis of $25.00 for each dwelling unit or camping unit.

(7) MISCELLANEOUS FEES. When the department provides goods or services not specifically covered by the fees in subs. (1) to (6), fees may be charged to persons or organizations requesting the goods and services based upon actual cost.

SPS 302.35 Electrical systems. (1) GENERAL. Fees for all permits issued and inspection services provided under s. SPS 316.011 (2) (a) shall be determined in accordance with this section.

(2) PERMIT AND INSPECTION FEE. (a) Except as provided under sub. (3), the permit and inspection fee for an electrical wiring installation described under s. SPS 316.012 (1) (a) or (b) shall be the greater of the sum of the fees determined in accordance with Table 302.35 or $160.

(b) The fee under par. (a) includes the fees for a minimum of one rough-in inspection and one final inspection.

(c) Any of the fees under Table 302.35 may, at the discretion of the department, be doubled for projects where the installation, erection, or construction of an installation component is initiated without the required permit.

Table 302.35
Commercial Electrical System Permit and Inspection Fees

Installation Component(s)	Unit of Measure	Fee
Service, including one service disconnect - 15 to 400 amperes	Each	$80.00
Service, including one service disconnect - 401 to 800 amperes	Each	$120.00
Service, including one service disconnect - over 800 amperes	Each	$160.00
Additional service disconnect	Each	$13.50
Feeder	Each	$40.00
Branch circuit – 20 amperes or less	Each	$20.00
Branch circuit – 21 to 60 amperes	Each	$30.00
Branch circuit – over 60 amperes	Each	$50.00
Temporary service and wiring	Lump sum	$240.00
Fire pump	Each	$160.00
Transformer, reactor, or similar component	Each	$40.00
Fire alarm, communication and data, and power over ethernet device	Each	$2.75
Emergency standby system, including generator, one transfer switch, and inverter	Each	$160.00
Additional emergency standby transfer switch	Each	$160.00
Solar photovoltaic system – 0-10 kW	Each	$160.00
Solar photovoltaic system – 11-20 kW	Each	$200.00
Solar photovoltaic system – over 20 kW	Each	$400.00
Swimming pool, including associated wiring	Each	$160.00
Elevator, escalator, or dumbwaiter, including associated wiring	Each	$80.00

(3) INSPECTION AGENCY PERMIT AND INSPECTION FEE. The permit and inspection fee assessed by an inspection agency for an electrical wiring installation described under s. SPS 316.012 (1) (a) or (b) may be determined by contract between the inspection agency and the department. In this subsection, "inspection agency" means an inspection agency registered under s. SPS 305.629.

(4) PLAN REVIEW FEE. A fee of $160 shall be assessed for each electrical system plan review that is required or is requested by the permit applicant.

(5) REINSPECTION FEE. A fee of $160 shall be assessed for a department reinspection conducted to gain compliance after an order has been issued by the department.

(6) REFUND OF PERMIT AND INSPECTION FEE. (a) The department may refund all or a portion of a fee assessed under sub. (2) for a project if installation of the electrical wiring has not commenced within 12 months after the date the permit is issued.

(b) The permit holder may request from the department a refund of a fee assessed under sub. (2) for a component that at the conclusion of the project has not been installed.

Note: Also see s. SPS 302.07.

(7) FEE FOR AN INCOMPLETE OR INCORRECT PERMIT. An additional fee of $80 may be assessed if a permit application is submitted with incomplete or incorrect information.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; renum. (4) to (7) to be (5) to (8), cr. (4), Register, March, 1995, No. 471, eff. 4-1-95; CR 00-159: am. (1), r. and recr. (2), r. (3), Register September 2001 No. 549 eff. 12-1-01; CR 05-038: am. (3) and (5) Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (1), (2), (4) (title), (a) and (c) Register November 2008 No. 635, eff. 12-1-08; correction in (2), (3), (4) (a), (5) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; EmR1703: emerg. am. (6), eff. 2-6-17; CR 17-017: am. (title), (6) Register March 2018 No. 747, eff. 4-1-18; CR 19-099: cr. Register June 2020 No. 774, eff. 7-1-20.

Subchapter IV — Gas Systems

Note: Section SPS 302.43 was renumbered s. ATCP 93.1605 under s. 13.92 (4) 1., Stats. under authority of 2013 Wis. Act 20, section 9138 (3) (fm) and (4) (f).

SPS 302.44 Gas system equipment. Fees for examination of plans and site inspections under ch. SPS 340 for the storage or vehicle-fuel dispensing of liquefied petroleum gas, liquefied natural gas, compressed natural gas, gaseous hydrogen or liquefied hydrogen shall be determined in accordance with Table 302.44.

Table 302.44
Plan Examination and Inspection Fees for Gas System Equipment

Activity	Fee
Plan examination	$300
Site inspection, up to 2 in conjunction with plan examination	$400 per site
Site inspection, if more than the above 2 are needed	As specified in s. SPS 302.04 (2)
Plan revision examination	$175 per revised plan
Re-inspection, for plan revision	As specified in s. SPS 302.04 (2)

History: CR 05-038: cr. Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. Table 2.44 Register November 2008 No. 635, eff. 12-1-08; CR 11-002: r. and recr. Register August 2011 No. 668, eff. 9-1-11; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter V — Material Approvals and Petitions

SPS 302.51 Material approvals. (1) The fee for department review of an application for the approval of a material, equipment or product, other than a plumbing product, or for approval of an alternate standard, shall be determined in accordance with Table 302.51.

(2) The fee for a special inspection of an installation of a material, equipment or product for which an experimental approval has been issued in accordance with s. SPS 320.18 or 361.50 shall be determined in accordance with s. SPS 302.04 (2).

Table 302.51
Material Review Fees

Action	Fee per Review Type of Review			
	Chapter SPS 310 and Voluntary	Alternate Product	Experimental	Alternate Standard
1. New approval	$1,000	$1,200	$2,000	$1,200
2. Renewal of approval with no changes	$750	$900	$1,500	NA*
3. Renewal of approval with changes	$1,000	$1,200	$2,000	NA*
4. Manufacturer's request for minor revision (no extension of approval period)	$200	$200	$200	NA*
5. Manufacturer's request for major revision (new approval period)	$1,000	$1,200	$2,000	NA*

*NA means not applicable

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. Register, July, 2000, No. 535, eff. 9-1-00; CR 01-139: am. (2) Register June 2002 No. 558, eff. 7-1-02; CR 05-038: am. Table 2.51 Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (2) and Table 2.51 Register November 2008 No. 635, eff. 12-1-08; correction in (1), (2), Table 302.51 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.52 Petitions for variance. (1) GENERAL. The department shall consider and may grant a variance from an administrative rule upon receipt of a fee, a completed petition for variance form from the owner, and a position statement from the fire department where applicable, provided an equivalency is established which meets the intent of the rule being petitioned.

(2) PETITIONS FOR VARIANCE ON RULES UNDER CHS. SPS 320 TO 325, UNIFORM DWELLING CODE, AND CH. SPS 327, CAMPING UNITS. The fee for reviewing petitions for variance on rules under chs. SPS 320 to 325, and 327 shall be $175.00 per petition.

(3) PETITIONS FOR VARIANCE ON RULES UNDER CHS. SPS 361 TO 366, COMMERCIAL BUILDING CODE. (a) Except as provided under sub. (4), the fee for reviewing petitions for variance on rules under chs. SPS 361 to 366 shall be $550.00 per petition.

(b) Except as provided in par. (d), a separate petition shall be submitted for each building, even if the buildings are similar. If, after review, it is determined that some or all of the petitions may be processed using a precedent, a portion of the variance fee may be refunded in accordance with sub. (10) (b).

(c) Where identical petitions are submitted for identical buildings with a common owner on a single piece of property, the fee for the first building shall be $550.00 and the fee for each subsequent building shall be submitted in accordance with sub. (10) (b) for precedent petitions.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(d) Where an identical variance is sought for identical buildings with a common owner in a single municipality, and all of the buildings are listed on one submitted petition, the fee for the first building shall be $550.00, and the fee for each subsequent building shall be $50.

(4) PETITIONS FOR VARIANCE ON HISTORIC BUILDINGS. The fee for reviewing petitions for variance on rules for historic buildings shall be $300.00 per petition.

(5) PETITIONS FOR VARIANCE ON RULES UNDER CHS. SPS 381 TO 387, UNIFORM PLUMBING CODE. The fee per petition for processing petitions for variance to rules under chs. SPS 381 to 387 shall be $300.00.

(6) PETITIONS FOR VARIANCE UNDER S. 101.055 (4), STATS. The fee for reviewing petitions for temporary, experimental and permanent variances under s. 101.055 (4), Stats., shall be $300.00 per petition.

(7) PETITIONS FOR VARIANCE, OTHER RULES. Except as provided in ch. SPS 305, the fee for reviewing petitions for variance on rules of the department, administered by the division of industry services and not specifically mentioned under this section, shall be $300.00 per petition.

(8) PRIORITY PETITIONS. (a) Upon request, the department will process petitions for variance on a priority basis. Except as specified in par. (b), the fees for processing these petitions shall be double the amounts specified in subs. (2), (3), (5) to (7) and (9).

(b) The fees for processing petitions for variance on rules for historic buildings, pursuant to s. 101.121 (3) (b), Stats., shall be as specified in sub. (4).

(9) REVISIONS. (a) Statements or conditions in a petition for variance may be revised within one year of the date of the written decision. The fee per petition for revisions to previously determined petitions for variance shall be as follows:

1. Petitions on rules under sub. (2) $50.00

2. Petitions on rules under sub. (5) $75.00

3. All other petitions $100.00

(b) For revisions requested after one year from the date of the written decision, a new petition for variance shall be submitted.

(10) ADDITIONAL AND REDUCED FEES. (a) For complex petitions for variance which require more than 8 hours to review and process, an additional fee may be charged at the rate of $80.00 per hour for each hour in excess of 8 hours. For precedent petitions for variance which require more than 3 hours to review and process, an additional fee may be charged at the rate of $80.00 per hour for each hour in excess of 3 hours.

(b) For petitions processed under sub. (3) or (4), a refund may be returned. The minimum fee per petition charged by the department shall be based on the following schedule:

1. The minimum fee for a petition for variance that is returned without decision before assignment for staff review shall be 25% of the required fee.

2. The minimum fee for a petition for variance that is returned without decision after staff review shall be 25% of the required fee plus $80.00 per hour of review and processing time.

3. The minimum fee for a non-priority petition for variance based on precedence shall be 50% of the required fee.

4. The minimum fee for a priority petition for variance based on precedence shall be 75% of the required fee.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; emerg. cr. (6m), eff. 10-1-93; cr. (6m), Register, March, 1994, No. 459, eff. 4-1-94; am. (3) (a), Register, March, 1995, No. 471, eff. 4-1-95; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527; r. and recr. (5), Register, April, 2000, No. 532, eff. 7-1-00; am. (3) (a), (c), (6), (7), (10) (a) and (b) 2., r. (6m), Register, July, 2000, No. 535, eff. 9-1-00; am. (3) (b), cr. (3) (d), Register, September, 2000, No. 537, eff. 10-1-00; CR 01-139: am. (3) (a) Register June 2002 No. 558, eff. 7-1-02; CR 05-038: am. (3) (d), (5) and (7) Register October 2005 No. 598, eff. 11-1-05; CR 06-120: am. (3) (title) and (a), (4) and (8) (b), Register February 2008 No. 626, eff. 3-1-08; CR 08-039: am. (2), (3) (a), (c), (d), (5), (7), (10) (a), (b) 2. Register November 2008 No. 635, eff. 12-1-08; CR 10-103: am. (3) (title) and (a) Register August 2011 No. 668, eff. 9-1-11; correction in (2), (3) (title), (a), (5), (7) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (7) made under s. 13.92 (4) (b) 6., Stats., Register October 2013 No. 694; EmR1703: emerg. am. (2), eff. 2-6-17; CR 17-017: am. (2) Register March 2018 No. 747, eff. 4-1-18; correction in (2) made under s. 35.17, Stats., Register March 2018 No. 747; CR 18-056: am. (2) Register November 2018 No. 755, eff. 12-1-18.

Subchapter VI — Building Water Systems

SPS 302.61 Miscellaneous inspections, reviews and services. (1) SPECIAL PLUMBING INSPECTIONS. (a) The fees for plumbing inspections for sanitary districts or other special purpose districts shall be determined in accordance with s. SPS 302.04 (2).

(b) The department may assess a fee determined in accordance with s. SPS 302.04 (2) for a field inspection for a department representative to conduct a soil evaluation.

(2) REVISIONS. The fee for revisions to previously approved plumbing and private sewage plans shall be $85.00 for the first hour and $80.00 per hour thereafter per plan. This fee shall apply when plans are revised for reasons other than those which were requested by the department.

(3) MISCELLANEOUS SERVICES. When the department provides goods or services not specifically covered in this section, fees may be charged to organizations requesting such goods and services.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; r. and recr. (3), Register, April, 2000, No. 532, eff. 7-1-00; am. (1) and (2), Register, July, 2000, No. 535, eff. 9-1-00; CR 05-038: am. (1) (a), r. (3) and (4) Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (2), renum. (5) to be (3) Register November 2008 No. 635, eff. 12-1-08; correction in (1) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 23-006: am. (2) Register September 2023 No. 813, eff. 10-1-23.

SPS 302.635 Lot restriction waivers. The fee for any lot restriction waiver issued by the department shall be $100.00 per lot.

History: Cr. Register, July, 2000, No. 535, eff. 9-1-00; CR 08-039: am. Register November 2008 No. 635, eff. 12-1-08.

SPS 302.64 Plumbing systems. (1) GENERAL. Plan examination fees for preliminary or complete plans shall accompany the plans and specifications when submitted. If the department determines, upon review of the plans, that inadequate fees were provided, the necessary additional fees shall be provided prior to departmental approval.

(2) EXAMINATION FEES. The plan examination fee shall be determined in accordance with Table 302.64-1. The minimum fee shall be $85.00 per plan.

Table 302.64-1
Plan Examination Fees for Plumbing Systems

Plan Type	Fee
1. Sanitary drain and vent system	$50.00 per inch diameter of each bldg. sewer, or for multiple sewer connections serving a single building the fee may be calculated per sub. (3) (a)
2. Sanitary building sewer only, no drain and vent	$30.00 per inch diameter of each bldg. sewer
3. Building water distribution system	$50.00 per inch diameter of each water service, or for multiple water service connections serving a single building the fee may be calculated per sub. (3) (b)
4. Building water service only, no water distribution system	$30.00 per inch diameter of each water service
*5. Car wash interceptor	$85.00 per interceptor
*6. Clearwater drain system	$15.00 per inch diameter of each clearwater drain system
*7. Garage catch basin	$85.00 per basin
*8. Grease interceptor	$85.00 per interceptor
*9. Oil interceptor	$85.00 per interceptor
*10. Sanitary dump station	$85.00 per station
*11. Chemical waste system	$85.00 per system
13. Alternate plumbing system	$800.00 per system
14. Manufactured home communities and campground/ recreational vehicle parks:	
a. 1-25 sites	$300.00
b. 26-50 sites	$350.00
c. 51-125 sites	$400.00
d. Over 125 sites	$500.00
15. Private water main	$30.00 per inch diameter
16. Cross connection control assemblies:	
a. Reduced pressure principle backflow preventer	$170.00 per assembly
b. Reduced pressure fire protection principle backflow preventer	$170.00 per assembly
c. Pressure vacuum breaker assembly	$170.00 per assembly
d. Spill resistant vacuum breaker	$170.00 per assembly
e. Reduced pressure detector fire protection backflow preventer	$170.00 per assembly
17. Sanitary private interceptor main sewers, determined on the largest diameter of each interceptor main sewer	$30.00 per inch diameter
18. Stormwater systems:	
a. Less than or equal to one acre drainage area	$15.00 per inch of largest diameter storm sewer, or for multiple sewer discharge points for a single site the fee may be calculated per sub. (3) (c)
b. > one or equal to 5 acres drainage area	$350.00
c. > 5 acres to < or equal to 15 acres drainage area	$500.00
d. > 15 acres drainage area	$600.00
19. Experimental plumbing system	$1,000.00 per system
20. Water or wastewater treatment systems, other than POWTS, designed to achieve compliance with Table 382.70-1	Amount as specified in s. SPS 302.04 (1)
21. Stormwater and clearwater infiltration systems for public buildings or facilities	$200.00 per system**

* For table entries 5. to 11., no additional fee would be required if submitted with the respective drain and vent system.

** This fee is in addition to building stormwater and clearwater plumbing systems.

(3) EXAMINATION FEES FOR ADDITIONS AND REMODELING. When new or relocated fixtures or both are connected to the existing piping inside a building, the fee shall be determined in accordance with the following procedures:

(a) *Sanitary building sewer, drain and vent.* 1. Total all of the drainage fixture units which are being added or relocated.

2. Refer to s. SPS 382.30 Table 382.30-2, and determine the horizontal drain size which would be required if all new or relocated fixtures discharged through one pipe.

Note: Disregard the asterisk limitation regarding water closets. This pipe size is used for determining the fee only and does not necessarily mean this pipe size is used in actual design or installation.

3. Determine the fee based on pipe diameter in Table 302.64-1, line 1.

(b) *Building water distribution system.* 1. Total all of the water supply fixture units which are being added or relocated, using s. SPS 382.40 Tables 382.40-1 and 2, and convert to gallons per minute (GPM) in accordance with s. SPS 382.40 Table 382.40-3.

2. The fees shall be determined in accordance with GPM demand of the new or relocated fixtures as specified in Table 302.64-2.

Table 302.64-2
Plan Examination Fees for Building Water Distribution Systems

GPM	Fee
1. 1-6	$25.00
2. 7-12	$35.00
3. 13-21	$50.00
4. 22-31	$60.00
5. 32-46	$75.00
6. 47-77	$100.00
7. 78-119	$125.00
8. 120-170	$150.00
9. 171-298	$175.00

(c) *Building storm sewer and drainage system.* 1. Total each different type of area which the new or relocated drains serve and convert to GPM using ch. SPS 382 Tables 382.36-1, 2 and 3. To this, add the GPM discharge from any added or relocated clear water drains located inside the building.

2. Refer to ch. SPS 382 Table 382.36-4, using the column for 1/4 inch per foot pitch, to determine the horizontal drain size which would be required if all new or relocated fixtures discharged through one pipe. Use this pipe size for determining the fee.

3. Determine the fee based on pipe diameter in Table 302.64-1, line 18. a.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; am. Table 2.64-1, Register, February, 1994, No. 458, eff. 3-1-94; am. Table 2.64-1; Register, February, 1997, No. 494, eff. 3-1-97; am. (3) (a) 3. and (c) 3. and Tables 2.64-1 and 2.64-2, Register, July, 2000, No. 535, eff. 9-1-00; CR 02-002: am. Table 2.64-1 Register April 2003 No. 568, eff. 5-1-03; CR 04-035: am Table 2.64-1 Register November 2004 No. 587, eff. 12-1-04; CR 08-039: am. (2), (3) (a) 3., (c) 3. and Tables 2.64-1 and 2.64-2 Register November 2008 No. 635, eff. 12-1-08; CR 09-050: am. Table 2.64-1 Register December 2009 No. 648, eff. 1-1-10; correction in (3) (a) 2., 3., (b) 1., 2., (c) 1., 2., 3., Table 302.64-1 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.645 Cross connection control assemblies. (1) The registration fee for each cross connection control assembly submitted to the department in accordance with s. SPS 382.20 (1) (c) shall be one of the following:

(a) Thirty dollars.

(b) Twenty dollars, if completed and filed electronically via the industry services division's web site.

Note: The Industry Services Division Web address is http://dsps.wi.gov/programs/industry-services.

(2) The filing fee for each cross connection control assembly performance test report required under s. SPS 382.22 (8) shall be one of the following:

(a) Thirty dollars.

(b) Twenty dollars, if completed and filed electronically via the industry services division's web site.

History: CR 02-002: cr. Register April 2003 No. 568, eff. 5-1-03; CR 02-129, am. Register January 2004 No. 577, eff. 2-1-04; CR 08-039: am. Register November 2008 No. 635, eff. 12-1-08; CR 09-050: r. and recr. Register December 2009 No. 648, eff. 1-1-10; correction in (1) (intro.), (2) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (1) (b), (2) (b) made under s. 13.92 (4) (b) 6., Stats., Register October 2013 No. 694.

SPS 302.65 Private onsite wastewater treatment systems. (1) GENERAL. The plan examination fee as determined under this section shall accompany the plans and specifications for the proposed design of a private onsite wastewater treatment system at a specific site. If the department determines, upon review of the plans, that inadequate fees were provided, the department will not make a final determination on the plans until the appropriate fees are received.

(2) EXAMINATION FEES. The plan examination fee for a private onsite wastewater treatment system submitted to the department for review shall be determined in accordance with Table 302.65, rounded to the nearest dollar.

Table 302.65
Plan Review
Private Onsite Wastewater Treatment Systems

	Type of Project	Fee
1.	All treatment components are approved under s. SPS 384.10 (2) or (3):	
a.	Design wastewater flow of the proposed system:	
b.	1,000 gpd or less	$250.00
c.	1,001-2,000 gpd	$325.00
d.	2,001-5,000 gpd	$400.00
e.	greater than 5,000 gpd	$450.00 plus $0.08 for each gpd over 5,000
2.	One or more treatment components are not approved under s. SPS 384.10 (2) or (3):	
a.	Design wastewater flow of the proposed system:	
b.	1,000 gpd or less	$450.00
c.	1,001-2,000 gpd	$600.00
d.	2,001-5,000 gpd	$750.00
e.	greater than 5,000 gpd	$900.00 plus $0.08 for each gpd over 5,000
3.	Holding tanks approved under s. SPS 384.10 (2) or (3):	
a.	Design wastewater flow of the proposed system:	
b.	5,000 gpd or less	$ 90.00
c.	5,001-10,000 gpd	$150.00
d.	greater than 10,000 gpd	$225.00
4.	Holding tanks not approved under s. SPS 384.10 (2) or (3):	
a.	Design wastewater flow of the proposed system:	
b.	5,000 gpd or less	$180.00
c.	5,001-10,000 gpd	$300.00
d.	greater than 10,000 gpd	$450.00

(3) DATA REVIEW. The fee to review soil saturation monitoring studies or reports in accordance with s. SPS 385.60 (2) or (3) shall be $240.00 per site.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; r. and recr., Register, April, 2000, No. 532, eff. 7-1-00; CR 02-129: am. (table) Register January 2004 No. 577, eff. 2-1-04; CR 08-039: am. (3) and Table 2.65 Register November 2008 No. 635, eff. 12-1-08; correction in (2), (3), Table 302.65 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.66 Product and standard approvals. (1) APPROVALS. (a) Except as provided in par. (b), the fee for the request of a review by the department for a plumbing product under s. SPS 384.10 (2) or for an alternate standard under s. SPS 381.20 (2) shall be determined in accordance with Table 302.66.

Table 302.66
Plumbing Product and Alternate Standard Review Fees

	Product or Standard	Fee: Type of Review: New Review	Fee: Type of Review: Revision or Renewal
1.	Alternate standards	$500*	$250*
2.	Chemical or biochemical treatment for POWTS	$250	$125
3.	Health care plumbing appliance	$250	$125
4.	Chemical or physical restoration processes for POWTS	$250	$125

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Table 302.66
Plumbing Product and Alternate Standard Review Fees (Continued)

Product or Standard	Fee Type of Review: New Review	Fee Type of Review: Revision or Renewal
5. Prefabricated holding or treatment components for POWTS	$250	$125
6. Prefabricated plumbing	$250	$125
7. Water treatment device	$250	$125
8. Wastewater treatment device	$250	$125
9. Commercial water vending or dispensing machines	$250	$125
10. Exterior grease interceptors	$250	$125

* Per standard.

(b) The fee for a minor revision to a previously issued approval for an exterior grease interceptor, or prefabricated holding or treatment component for a POWTS shall be $70.00 plus $10.00 for each approval affected in lieu of the fee specified in Table 302.66. For the purpose of this subdivision, a minor revision shall be considered a modification that does not affect the function, retention capacity, basic shape or size of the tank. The expiration date of the original approval shall not be extended if the minor revision is approved.

(c) 1. The fee for the request of an alternate approval to be issued by the department for a plumbing product shall be $400.00.

2. a. Except as provided in subd. 2. b., the fee for the request of a revision or renewal of an alternate approval to be issued by the department for a plumbing product shall be $200.00.

b. The fee for a minor revision to a previously issued alternate approval for an exterior grease interceptor, holding, septic or other sewage treatment tank shall be $70.00 plus $10.00 for each approval affected in lieu of the fee specified in subd. 2. a. For the purpose of this subparagraph, a minor revision shall be considered a modification that does not affect the function, retention capacity, basic shape or size of the tank, or the basis of the approval being classified as an alternate. The expiration date of the original approval shall not be extended if the minor revision is approved.

(d) 1. The fee for the request of an experimental approval to be issued by the department for a plumbing product shall be $1,000.00.

2. The fee for the request of a revision or renewal of an experimental approval to be issued by the department for a plumbing material or product shall be $500.00.

(e) The fee for a special inspection of an installation of a product, for which an experimental approval has been issued in accordance with s. SPS 384.50, shall be determined in accordance with s. SPS 302.04 (2).

(2) POWTS APPROVALS AND MANUFACTURER CHANGES. (a) 1. The fee for the request to have a method or technology reviewed as a POWTS holding, treatment or dispersal component or site constructed private onsite wastewater treatment system component by the department, in accordance with s. SPS 384.10 (3), shall be $400.00 per method, technology, or site constructed component.

2. The fee for the request of a revision or renewal of a method or technology reviewed as a POWTS holding, treatment or dispersal component or site constructed private onsite wastewater treatment system component by the department, in accordance with s. SPS 384.10 (3), shall be $150.00 per method, technology, or site constructed component.

(b) The fee for the request of a change of manufacturer's name or address on an approval issued by the department for a plumbing product shall be $20.00. The expiration date of the original approval shall not be extended.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; emerg. am. Table 2.66 and (1) (b) 1., eff. 5-12-94; am. Table 2.66, (1) (b) 1., Register, October, 1994, No. 466, eff. 11-1-94; am. Table 2.66, (1) (d) 2. and r. and recr. (2) (a), Register, April, 2000, No. 532, eff. 7-1-00; am. (1) (e) and Table 2.66, Register, July, 2000, No. 535, eff. 9-1-00; CR 02-002: am. Table Register April 2003 No. 568, eff. 5-1-03; CR 02-129: am. (1) (a) Register January 2004 No. 577, eff. 2-1-04; CR 04-035: am. Table 2.66, r. (1) (b) 1., renum. (1) (b) 2. to be (1) (b) Register November 2004 No. 587, eff. 12-1-04; CR 07-100: am. Table 2.66 and (2) Register September 2008 No. 633, eff. 10-1-08; CR 08-039: am. (1) (b) to (d), (2) (a) 1., (b) and Table 2.66 Register November 2008 No. 635, eff. 12-1-08; correction in (1) (a), (b), (e), (2) (a) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.67 Sanitary permits. (1) FEE. (a) Pursuant to s. 145.19 (5), Stats., the fee for a sanitary permit issued by a governmental unit shall be at least $141.00.

Note: Section 145.19 (5) of the Statutes was repealed in 2012; however, section 145.19 (2) of the Statutes requires a permit fee that is no less than the amount determined under the department's rules.

(b) The fee for a sanitary permit issued by the department under s. SPS 383.21 shall be $300.00.

(2) PORTION FORWARDED TO THE DEPARTMENT. The governmental unit responsible for the regulation of private onsite wastewater treatment systems shall forward to the department $100.00 of each sanitary permit fee, determined in accord with s. 145.19, Stats.

Note: The $100.00 includes the $25.00 groundwater fee, required by s. 145.19 (6), Stats., that is forwarded to the department of natural resources.

History: Cr. Register, June, 1992, No. 438, eff. 7-1-92; renum. and am. (1) to be (1) (a), cr. (1) (b) and am. (2), Register, April, 2000, No. 532, eff. 7-1-00; CR 08-039: am. Register November 2008 No. 635, eff. 12-1-08; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 302.675 Privy registrations. (1) VAULT PRIVY. The fee for registering a vault privy that is to serve a state-owned facility shall be $70.00.

(2) PIT PRIVY. The fee for registering a pit privy that is to serve a state-owned facility shall be $90.00.

History: CR 02-129: cr. Register January 2004 No. 577, eff. 2-1-04; CR 08-039: am. Register November 2008 No. 635, eff. 12-1-08.

SPS 302.68 Public swimming pool and water attraction plan review and inspection fees. (1) Plan examination and inspection fees for public swimming pools, water attractions and associated slides shall accompany plans and specifications when submitted to the department for review. If the department determines, upon review of the plans, that inadequate fees were received, the necessary additional fees shall be received by the department prior to plan review and determination.

(2) Except as provided in sub. (3), plan examination and inspection fees for the construction or modification of public swimming pools, water attractions and associated slides shall be as listed in Tables 302.68-1 and 302.68-2.

(3) (a) *Virginia Graeme Baker alterations.* 1. Fees for the review and approval of modifications to existing pools involving circulation systems or submerged suction outlets for the sole purpose of complying with the federal Virginia Graeme Baker Consumer Product Safety Commission rules shall be one of the following:

a. Three hundred fifty dollars, if the modification inspection is performed by department staff.

b. Two hundred dollars, if the modification inspection is not performed by department staff.

2. Modification inspections, beyond the initial modification inspection, performed by department staff for modifications to existing pools involving circulation systems or submerged suction outlets for the sole purpose of complying with the federal Virginia Graeme Baker Consumer Product Safety Commission rules shall be assessed in accordance with s. SPS 302.04 (2).

(b) *Alternate and experimental system design review.* Fees for the review and approval of alternate and experimental system designs shall be as specified in Table 302.68-1. A fee for the minor revision to a previously approved alternate or experimental

system design may be assessed. The expiration date of the original approval may not be extended if a minor revision is approved.

(d) *Reinspection fee.* A fee of $300.00 may be assessed for a second or subsequent final inspection where the initial final inspection is scheduled and partially conducted by the inspector, and the pool installation is found to be incomplete.

Table 302.68-1

Plan Review and Inspection Fees for Public Swimming Pools, Water Attractions and Associated Slides Where Department Staff Perform Construction Inspections

Type of Pool, Water Attraction or Equipment	Fee		
	Initial Construction	Modification	Revision to Previously Approved Plans
1. Pool Slide, Drop Slide or Water Slide, functional requirements [a, b]	$540.00	$240.00	$240.00
2. Pool Slide, Drop Slide or Water Slide, structural requirements [c]	$600.00	$240.00	$240.00
3. Public Swimming Pool, gutter type	$1,800.00	$1,000.00	$240.00
4. Public Swimming Pool, skimmer type	$1,500.00	$1,000.00	$240.00
5. Water Attraction (including interactive play attractions)	$1,800.00	$1,000.00	$240.00
6. Public Whirlpool	$1,500.00	$1,000.00	$240.00
7. Alternate and Experimental Design	$2,100.00	$1,350.00	$300.00

a No additional fee required if submitted with public swimming pool or water attraction.

b Fee required per submittal of pool slides or drop slides.

c Applies to pool slides over 6 feet (1.8 m) in height measured from the slide entrance to the deck of the pool or water attraction.

Table 302.68-2

Plan Review Fees For Public Swimming Pools, Water Attractions and Associated Slides Where Department Staff Do Not Perform Construction Inspections

Type of Pool, Water Attraction or Equipment	Fee		
	Initial Construction	Modification	Revision to Previously Approved Plans
1. Pool Slide, Drop Slide or Water Slide, functional requirements [a, b]	$540.00	$240.00	$240.00
2. Pool Slide, Drop Slide or Water Slide, structural requirements [c]	$600.00	$240.00	$240.00
3. Public Swimming Pool, gutter type	$1,200.00	$400.00	$240.00
4. Public Swimming Pool, skimmer type	$900.00	$400.00	$240.00
5. Water Attraction	$1,200.00	$400.00	$240.00
6. Public Whirlpool	$900.00	$400.00	$240.00
7. Alternate and Experimental Design	$1,500.00	$750.00	$300.00

a No additional fee required if submitted with public swimming pool or water attraction.

b Fee required per submittal of pool slides or drop slides.

c Applies to pool slides over 6 feet (1.8 m) in height measured from the slide entrance to the deck of the pool or water attraction.

History: Emerg. cr. eff. 10-1-93; cr. Register, March, 1994, No. 459, eff. 4-1-94; r. and recr., Register, November, 2000, No. 539, eff. 12-1-00; CR 02-002: am. (1), (2) and Table 2.68-1, cr. Table 2.68-2 Register April 2003 No. 568, eff. 5-1-03; CR 04-052: am. (1) and (2) and Tables 2.68-1 and 2.68-2, cr. (3) (d) Register January 2005 No. 589, eff. 2-1-05; CR 05-038: r. (3) (a) and (c) Register October 2005 No. 598, eff. 11-1-05; CR 08-039: am. (3) (d) and Tables 2.68-1 and 2.68-2 Register November 2008 No. 635, eff. 12-1-08; EmR0934: emerg. cr. (3) (a), eff. 1-1-10; CR 09-116: cr. (3) (a), am. (3) (d) and Tables 2.68-1 and 2.68-2 Register May 2010 No. 653, eff. 6-1-10; correction in (2), (3) (a) 2., (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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Chapter SPS 305

LICENSES, CERTIFICATIONS AND REGISTRATIONS

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Note: Corrections made in this chapter were made under s. 13.93 (2m) (b) 1., 7. and 14. Stats., Register, October, 1996, No. 490 and February, 1997, No. 494. Sections Comm 5.003 (10g), (27y) and (32s), 5.37, 5.38, 5.383, 5.385 and 5.387 were created as emergency rules, effective June 1, 2007, but were not adopted as permanent rules. Chapter Comm 5 was renumbered chapter SPS 305 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

SPS 305.001 Purpose. This chapter is to protect public and employee health, safety, and welfare by establishing minimum standards for the qualifications and responsibilities of persons and businesses that are required or permitted to obtain licenses, certifications, registrations, or enrollment under chs. 101, 145, and 167, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; CR 16-093: am. Register June 2018 No. 750, eff. 8-1-18.

SPS 305.002 Scope. This chapter applies to any person or business engaging or offering to engage in an activity or provide a service for which a license, certification, registration, or enrollment is required or desired under chs. 101, 145, and 167, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. Register, April, 2000, No. 532, eff. 5-1-00; CR 16-093: am. Register June 2018 No. 750, eff. 8-1-18.

SPS 305.003 Definitions. In this chapter:

(1) "Approved" means accepted by the department.

(2) "ASME" means American society of mechanical engineers.

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(2m) "ASSE" means American society of sanitary engineering.

(3) "Automatic fire sprinkler contractor" has the meaning specified under s. 145.01 (1), Stats.

Note: Under section 145.01 (1), Stats., "automatic fire sprinkler contractor" means any individual, firm or corporation who has paid the annual license fee and obtained a license to conduct a business in the design, installation, maintenance or repair of automatic fire sprinkler systems.

(4) "Automatic fire sprinkler system" has the meaning specified under s. 145.01 (2), Stats.

Note: Under s. 145.01 (2), Stats., "automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(5) "Automatic fire sprinkler system apprentice" has the meaning specified under s. 145.01 (3), Stats.

Note: Under s. 145.01 (3), Stats., "automatic fire sprinkler system apprentice" means any person other than an automatic fire sprinkler system contractor or a journeyman automatic fire sprinkler system fitter who is engaged in learning and assisting in the installation of automatic fire sprinkler systems and who is indentured under ch. 106, Stats.

(6) "Blasting" means any method of loosening, moving or shattering masses of solid matter by use of an explosive.

(7) "Blasting operation" means any enterprise or activity involving blasting.

(8) "Branch" means an office, other than the main business office, involved in the sales of manufactured homes that advertises as a sales location, displays new or used homes, takes sales calls, is staffed by licensed salespersons, has signage of a licensed dealer, and accepts offers or contracts on manufactured homes.

(9) "Broker" means a manufactured home dealer who has no sales lot, no inventory and no ownership interest in the manufactured homes being sold.

(10) "Building permit" means an official document or certificate granting permission to perform construction or erosion control work, except for electrical, plumbing or HVAC, on a one- or 2-family dwelling.

(11) "Business establishment" means any industrial or commercial organization or enterprise, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(12) "Cash price" means the manufactured home dealer asking price including dealer installed options and accessories and additional dealer mark-up, profit and transportation charges, minus the dollar value of cash discounts.

(13) "Cathodic protection tester" means a person who demonstrates an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping systems and metal tanks.

(14) "Conflict of interest" means a certified inspector inspecting work in which the inspector or the inspector's employer, other than the state or a municipality, has participated or has a monetary or personal interest.

(15) "Conveyance" has the meaning defined in ch. SPS 318.

(16) "Corrosion expert" means a person who is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience.

(17) "Damage" means defects caused by reasons other than normal wear through home age and usage.

(18) "Department" means the department of safety and professional services.

(19) "Direct supervision" means to assume the responsibility of an activity of others and its results by providing oversight and guidance at the site where the activity is being conducted.

(20) "Dwelling contractor" means any person, firm or corporation engaged in the business of performing construction or erosion control work on a one- or 2- family dwelling.

Note: Pursuant to s. 101.654 (1) (b), Stats., "dwelling contractor" does not include an owner of a dwelling who resides or will reside in the dwelling.

(21) "Electrical construction" means the installation of electrical wiring. "Electrical construction" does not include the maintenance, repair or fabrication of electrical equipment or the installation of electrical wiring and equipment covered by ch. PSC 114.

(22) "Electrical wiring" has the meaning given in s. 101.80 (1m), Stats.

Note: Under s. 101.80 (1m), Stats., "electrical wiring" means all equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used by a public utility, an electric cooperative, or a wholesale merchant operator for the purpose of generating, transmitting, distributing, or controlling heat, light, power, or natural gas to its customers or members.

(23) "Financial statement" means a balance sheet showing assets, liabilities and net worth.

(24) "Fireworks" has the meaning specified under s. 167.10 (1), Stats.

Note: Under s. 167.10 (1), Stats., "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

(a) Fuel or a lubricant.

(b) A firearm cartridge or shotgun shell.

(c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.

(d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

(e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

(f) A toy snake which contains no mercury.

(g) A model rocket engine.

(h) Tobacco and a tobacco product.

(i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.

(j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

(k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

(L) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.

(m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(25) "General supervision" means to assume the responsibility of an activity of others and its results without being present at the site where the activity is being conducted.

(26) "HVAC" means heating, ventilating and air conditioning.

(27) "HVAC equipment" means materials, piping, fittings, devices, appliances, apparatus, controls and control wiring used as part of or in connection with permanent heating, ventilating, air conditioning or exhausting systems serving buildings. HVAC equipment does not include residential bathroom fans and

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kitchen hoods, water heaters, process heating equipment, and space heaters such as masonry fireplaces and chimneys, factory-built fireplaces and venting systems, decorative gas fireplaces, and wood-burning stoves.

(28) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of a particular trade or practice, or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to the activity and the state statutes and rules governing the activity.

(29) "Journeyman automatic fire sprinkler fitter" has the meaning specified under s. 145.01 (6), Stats.

Note: Under s. 145.01 (6), Stats., "journeyman automatic fire sprinkler fitter" means any person other than an automatic fire sprinkler contractor who is engaged in the practical installation of automatic fire sprinkler systems.

(30) "Journeyman plumber" has the meaning specified under s. 145.01 (7), Stats.

Note: Under s. 145.01 (7), Stats., "journeyman plumber" means any person other than a master plumber, who is engaged in the practical installation of plumbing.

(31) "Journeyman plumber-restricted" means a person licensed under s. 145.14, Stats.

(32) "Licensee" means any manufactured home dealer or manufactured home salesperson or any person who is both a manufactured home dealer and a manufactured home salesperson.

(33) "Lift" means a conveyance device covered under the scope of American Society of Mechanical Engineers (ASME) A18.1a – Safety Standard for Platform Lifts and Stairway Chairlifts.

(34) "Liquefied petroleum gas" has the meaning specified under s. 101.16 (1) (b), Stats.

Note: Section 101.16 (1) (b), Stats., reads: " 'Liquefied petroleum gas' means any material which is composed predominantly of, or any mixtures of, any of the following hydrocarbons including their isomers:

1. Propane.
2. Propylene.
3. Butane.
4. Butylene.

(35) "Listed device" has the meaning specified under s. 167.10 (1) (e), (f) and (i) to (n), Stats.

Note: See the note after the definition of "fireworks", sub. (18), for the statutory language of s. 167.10 (1) (e), (f) and (i) to (n).

(36) "Main business office" means an office involved in the sales of manufactured homes that is the primary management location of the licensed manufactured home dealer.

(37) "Manufactured home" has the meaning given in s. 101.91 (2), Stats.

Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(38) "Manufactured home dealer" has the meaning given in s. 101.91 (3), Stats., except for a person who sells no more than one new or used manufactured home in any one calendar year.

Note: Under s. 101.91 (3), Stats., "manufactured home dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in, manufactured homes or who is engaged wholly or partially in the business of selling manufactured homes, whether or not the manufactured homes are owned by the person, but does not include:

(a) A receiver, trustee, personal representative, guardian, or other person appointed by or acting under the judgment or order of any court.

(b) Any public officer while performing that officer's official duty.

(c) Any employee of a person enumerated in par. (a) or (b).

(d) Any lender, as defined in s. 421.301 (22).

(e) A person transferring a manufactured home used for that person's personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

(39) "Manufactured home community" has the meaning given in s. 101.91 (5m), Stats.

Note: Under s. 101.91 (5m), Stats., "manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

(40) "Material hoist" has the meaning as given in s. 101.981 (1) (g), Stats.

Note: Section 101.981 (1) (g), Stats., reads: "Material hoist" means a hoist, other than a personnel hoist, that is used to raise or lower materials during construction, alteration, or demolition of a building or structure.

(41) "Master plumber" has the meaning specified under s. 145.01 (8), Stats.

Note: Under s. 145.01 (8), Stats., "master plumber" means any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

(42) "Master plumber-restricted" means a person licensed under s. 145.14, Stats.

(43) "Misconduct" means an act performed by an individual relating to the responsibilities or duties for which the individual has been licensed, registered or certified that jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such as education, experience or certification; illegal entry of premises; misuse of funds; or misrepresentation of authority.

(44) "Multipurpose piping system" means a type of water distribution system conveying potable water to plumbing fixtures and appliances and automatic fire sprinklers with the intention of serving both domestic water needs and fire protection needs within a one- or 2-family dwelling or manufactured dwelling.

(45) "Municipality" means a city, village, town or county.

(46) "Negligence" means the failure to exercise the degree of care and judgment to protect public health and safety normally expected of an individual performing activities within the scope of a license, certification or registration category.

(47) "Net worth" means the difference between the asset and liability values on a financial statement. Negative net worth is the excess of liabilities over assets.

(48) "New manufactured home" has the meaning given in s. 101.91 (11), Stats.

Note: Under s. 101.91 (11), Stats., "new manufactured home" means a manufactured home that has never been occupied, used or sold for personal or business use.

(49) "Non-broker" means a manufactured home dealer who has a sales lot, inventory or ownership interest in the manufactured homes being sold.

(50) "PECFA" means petroleum environmental cleanup fund award, as established in s. 292.63, Stats.

Note: Authority over sub. (50) was transferred to the Department of Natural Resources (DNR) by 2013 Wis. Act 20, s. 9138 (7) (f). Sub. (50) is subject to future rulemaking by DNR. See also ss. SPS 305.80 and 305.81 and ch. NR 747.

(51) "Personnel hoist" has the meaning as given in s. 101.981 (1) (h), Stats.

Note: Section 101.981 (1) (h), Stats., reads: "Personnel hoist" means a hoist that is installed inside or outside a building or structure during the construction, alteration, or demolition of the building or structure and that is used to raise and lower workers, other personnel, and materials which the hoist is designed to carry.

(52) "Pipelayer" has the meaning specified under s. 145.01 (9), Stats.

Note: Under s. 145.01 (9), Stats., "pipelayer" means a person registered under s. 145.07 (11).

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(53) "Plumbing" has the meaning specified under s. 145.01 (10), Stats.

Note: Section 145.01 (10), Stats., reads:

(10) PLUMBING. (a) "Plumbing" means:

1. All piping, fixtures, appliances, equipment, devices, and appurtenances in connection with water supply systems, water distribution systems, wastewater drainage systems, reclaimed water systems, and stormwater use systems, including hot water storage tanks, water treatment devices, and water heaters connected with these systems and also includes the installation thereof.

2. The construction, connection, installation, service, or repair of any drain or wastewater piping system that connects to the mains or other terminal within the bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems and stormwater treatment and dispersal systems, and the alteration of any such systems, drains or wastewater piping.

3. The construction, connection, installation, service, or repair of water service piping that connects to the main or other water utility service terminal within the bounds of, or beneath an area subject to easement for highway purposes and its connections.

4. The water pressure system other than municipal systems as provided in ch. 281.

5. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(br) "Plumbing" does not include any of the following:

1. A rainwater gutter or downspout down to the point that it discharges into a plumbing system, a subsoil drain, or a foundation drain.

2g. A process water reuse system if the process water reuse system is not connected to any plumbing fixture or appliance.

2m. A stormwater culvert under a roadway or walkway that is placed there only to equalize the water level from one end of the culvert to the other end.

3. The practical installation of process piping within a sewage disposal plant.

(54) "Plumbing appliance" means any one of a class of plumbing devices which is intended to perform a special function. The operation or control of the appliance may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature sensing elements. The devices may be manually adjusted or controlled by the user or operator, or may operate automatically through one or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight.

(55) "Plumbing apprentice" has the meaning specified under s. 145.01 (11), Stats.

Note: Under s. 145.01 (11), Stats., "plumbing apprentice" means any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

(56) "Place of employment" has the meaning specified under s. 101.01 (11), Stats.

Note: Under s. 101.01 (11), Stats., "place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer unrelated residents.

(57) "POWTS" means private onsite wastewater treatment system and has the meaning specified under s. 145.01 (12), Stats., for "private sewage system".

Note: Under s. 145.01 (12), Stats., "private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(58) "Private interceptor main sewer" has the meaning specified under s. SPS 381.01 (193).

Note: Under s. SPS 381.01 (193) "private interceptor main sewer" means a sewer serving 2 or more buildings and not part of the municipal sewer system.

(59) "Private water main" has the meaning specified under s. SPS 381.01 (195).

Note: Under s. SPS 381.01 (195) "private water main" means a water main serving 2 or more buildings and not part of the municipal water system.

(60) "Process piping" means that piping which is separated from a water supply system or drain system by the appropriate methods or means specified under ch. SPS 382 and is part of a system used exclusively for refining, manufacturing, industrial or shipping purposes of every character and description.

(61) "Public building" has the meaning specified under s. 101.01 (12), Stats.

Note: Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer unrelated residents or an adult family home, as defined in s. 50.01 (1).

(63) "Registered learner" has the meaning specified under s. 145.01 (13), Stats.

Note: Under s. 145.01 (13), Stats., "registered learner" means a person, other than a restricted plumber licensee, who is learning a limited type of plumbing and is engaged in assisting a restricted plumber licensee.

(65) "Restricted plumber licensee" has the meaning specified under s. 145.01 (14), Stats.

Note: Under s. 145.01 (14), Stats., "restricted plumber licensee" means any person licensed as a master plumber (restricted) or a journeyman plumber (restricted) under s. 145.14, Stats.

(66) "Retail purchaser" means any purchaser not licensed as a manufactured home dealer or a manufactured home salesperson.

(67) "Sanitary building sewer" has the meaning specified under s. SPS 381.01 (45).

Note: Under s. SPS 381.01 (45) "sanitary building sewer" means a building sewer which conveys wastewater consisting in part of domestic wastewater.

(68) "Site" means any plot of land which is owned or rented, and used or intended to be used for the accommodation of a manufactured home for residential purposes.

(69) "Storm building sewer" has the meaning specified under s. SPS 381.01 (46).

Note: Under s. SPS 381.01 (46) "storm building sewer" means a building sewer which conveys storm water wastes or clear water wastes, or both.

(70) "UDC" means chs. SPS 320 to 325, the Wisconsin uniform dwelling code.

(71) "Used manufactured home" has the meaning given in s. 101.91 (12), Stats.

Note: Under s. 101.91 (12), Stats., "used manufactured home" means a manufactured home that has previously been occupied, used or sold for personal or business use.

(72) "Utility contractor" has the meaning specified under s. 145.01 (15), Stats.

(73) "Water service" has the meaning specified under s. SPS 381.01 (282).

Note: Under s. SPS 381.01 (282) "water service" means that portion of a water supply system from the water main or private water supply to the building control valve.

(74) "Water supply system" has the meaning specified under s. SPS 381.01 (284).

Note: Under s. SPS 381.01 (284) "water supply system" means the piping of a private water main, water service and water distribution system, fixture supply connectors, fittings, valves, and appurtenances through which water is conveyed to points of usage such as plumbing fixtures, plumbing appliances, water using equipment or other piping systems to be served.

(75) "Year" means 12 consecutive months.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; corrections made under s. 13.93 (2m) (b), 6. and 7., Stats., Register, October, 1996, No. 490; cr. (1m), (32m), am. (7), (15), (16), (33), (36), (37) and (42), r. (11); Register, March, 1998, No. 507, eff. 4-1-98; r. (12), cr. (30m), am. (32), Register, April, 2000, No. 532, eff. 5-1-00; CR 00-159: cr. (48m), Register September 2001 No. 549 eff. 10-1-01; CR 04-134: cr. (6m), (6s), (8m), (11), (17m), (26m), (27e), (27m), (27s), (27w), (32e),

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(32h), (46m), (47m), and (48s) Register June 2005 No. 594, eff. 7-1-05; CR 04-058: am. (32m) Register February 2006 No. 602, eff. 5-1-06; CR 06-031: am. (22) Register October 2006 No. 610, eff. 11-1-06; emerg. cr. (10g), (27y) and (32s), eff. 6-1-07; CR 06-127: r. and recr. (9), cr. (10m), renum. (17m) and (18) to be (18) and (19), r. (19), Register September 2007 No. 621, eff. 10-1-07; emerg. cr. (10g), (27y) and (32s), eff. 6-1-07; CR 07-089: cr. (10g), (26t), (27y) and (32s) Register June 2008 No. 630, eff. 7-1-08; CR 08-030: am. (10g) (a) Register December 2008 No. 636, eff. 1-1-09; CR 08-092: cr. (26x) Register May 2009 No. 641, eff. 6-1-09; CR 09-028: r. and recr. (17) Register August 2010 No. 656, eff. 9-1-10; CR 11-020: renum. (1m) to (32h) to be (2) to (48), (32m) to (52) to be (50) to (75), cr. (49), Register December 2011 No. 672, eff. 1-1-12; correction in (18), (58), (59), (60), (67), (68), (70), (73), (74), as renumbered, made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 13-014: r. and recr. (15), r. (62) Register September 2013 No. 693, eff. 10-1-13; correction in (50) made under s. 13.92 (4) (b) 7., Stats., Register October 2013; CR 14-020: am. (15) Register August 2014 No. 704, eff. 9-1-14; CR 14-010: r. and recr. (15) Register August 2014 No. 704, eff. 9-1-14; correction in (64) made under s. 13.92 (4) (b) 7., Stats.; CR 23-006: cr. (2m) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.004 Incorporation of standards by reference. The following standards of the American Welding Society are hereby incorporated by reference into this chapter:

(1) D1.1-10, Structural Welding Code — Steel.

(2) D 1.2-08, Structural Welding Code — Aluminum.

(3) D1.3-08, Structural Welding Code — Sheet Steel.

(4) D 1.6-07, Structural Welding Code — Stainless Steel.

Note: Copies of the American Welding Society (AWS) standards can be purchased from Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112-5776, telephone 800-854-7179, or through the AWS web site at www.aws.org/.

Note: Copies of standards incorporated by reference are on file in the offices of the department and the legislative reference bureau.

History: CR 03-075: cr. Register June 2004 No. 582, eff. 8-1-04; CR 07-089: am. (1) Register June 2008 No. 630, eff. 7-1-08; CR 11-020: am. (1), renum. (2) to be (3) and amend, cr. (2), (4) Register December 2011 No. 672, eff. 1-1-12.

Subchapter I — General Requirements

Note: Authority over registrations under ss. SPS 305.80 and 305.81 was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, s. 9138 (7) (f). For purposes of administering registrations under ss. SPS 305.80 and 305.81 under subchapter I, "department" means DNR.

Note: Authority over certifications or registrations under ss. SPS 305.68 and 305.82 to 305.89 was transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f). For purposes of administering certifications or registrations under ss. 305.68 and SPS 305.82 to 305.89 under subchapter I, "department" means DATCP.

SPS 305.01 Application. (1) Application for a license, certification, registration, or enrollment or a license, certification, registration, or enrollment examination covered under this chapter shall be submitted on a form prescribed by the department.

Note: Applications and related forms for licenses, certifications, registrations, or enrollment covered under subchapters II to VII and IX and X of this chapter are available from the Division of Industry Services at P.O. Box 7082, Madison, WI 53707-7082; or at telephone (608) 261-8467 or (877) 617-1565 or 411 (Telecommunications Relay); or at the Division's website at http://dsps.wi.gov/programs/industry-services.

Note: Applications and related forms for registrations covered under ss. SPS 305.80 and 305.81 are available from the Department of Natural Resources at P.O. Box 7921, Madison, WI 53707-7921; or at the Department's Web site at http://dnr.wi.gov/topic/brownfields/pecfa.html.

Note: Applications and related forms for certifications or registrations covered under ss. SPS 305.68 and 305.82 to 305.89 are available from the Department of Agriculture, Trade and Consumer Protection at P.O. Box 8911, Madison, WI 53708-8911; or at telephone 608-224-4929; or at the Department's Web site at https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx.

(2) An application for a license, certification or registration which either requires or recognizes the attendance at or completion of educational courses as a qualification for the license, certification or registration shall be accompanied by such evidence, including but not limited to transcripts, that verifies fulfillment of the prerequisite.

(3) Pursuant to s. 101.022, Stats., the department may not issue or renew any license, certification, registration, or enrollment under this chapter unless the applicant for the license, certification, registration, or enrollment includes his or her social security number, or in the case of a license, certification, registration, or enrollment for a business, the applicant includes the federal employer identification number. The department shall consider the failure by the applicant to provide a social security number or federal employer identification number as an incomplete application and shall not process the application further until the appropriate number is provided.

(4) A business having multiple locations covered under one federal employer identification number applying for any of the following licenses, certifications or registrations need not obtain a separate license, certification or registration for each location:

(a) Dwelling contractor.

(b) Electrical contractor.

(c) UDC inspection agency.

(d) HVAC contractor.

(e) PECFA consulting firm.

(f) Tank specialty firm.

(g) Elevator contractor.

(h) Gas supplier.

(j) Inspection agency.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (2), cr. (3), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: cr. (4) Register June 2004 No. 582, eff. 8-1-04; CR 07-007: am. (4) (a) Register August 2007 No. 620, eff. 9-1-07; CR 07-089: cr. (4) (g) Register June 2008 No. 630, eff. 7-1-08; CR 08-092: cr. (4) (h) Register May 2009 No. 641, eff. 6-1-09; EmR0904: emerg. cr. (4) (i), eff. 3-2-09; CR 08-110: cr. (4) (i) Register September 2009 No. 645, eff. 10-1-09; CR 14-010: r. (4) (i) Register August 2014 No. 704, eff. 9-1-14; CR 16-093: am. (1), (3), cr. (4) (j) Register June 2018 No. 750, eff. 8-1-18; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2018 No. 750.

SPS 305.02 Fees. (1) (a) Fees required for the various licenses, certifications, registrations, or enrollment and their processing under this chapter shall be determined in accordance with Table 305.02, except as provided in par. (b).

(b) 1. Pursuant to s. 145.05, Stats., a person who holds a master plumber license, master plumber-restricted license, journeyman plumber license or journeyman plumber-restricted license and who is employed by a city of the first, second or third class as a plumbing inspector is not required to submit a license fee in order to renew his or her license.

2. A person who applies to renew his or her master plumber license, master plumber-restricted license, journeyman plumber license or journeyman plumber-restricted license without the license fee as permitted under subd. 1. shall provide evidence that he or she is a plumbing inspector for a first, second or third class city with the application for renewal.

Note: The exemption of not having to pay a license fee does not relieve an individual of fulfilling all other obligations or responsibilities to renew the license such as continuing education requirements.

(2) Fees required under this chapter for licenses, certifications, registrations, and enrollment and for processing examinations shall not be refundable.

(3) The department shall prorate a license, certification, registration, or enrollment fee on a monthly basis for the initial issuance of a license, certification, registration, or enrollment that is issued for less than the full license, certification, registration, or enrollment period.

(4) (a) The fee for a petition for variance submitted for a rule relative to this chapter shall be $200.00, except as provided in par. (b).

(b) The fee for a petition for variance submitted and requested by the submitter to be reviewed on a priority basis shall be $400.00.

(5) A fee of $15.00 shall be charged to replace a lost or destroyed license, certification, registration, or enrollment.

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Table 305.02
FEES

	License, Certification, Registration, or Enrollment Category	Type	Application Fee	Examination Fee	License, Certification, Registration, or Enrollment Fee
	Subchapter II				
1.	Class 1 Blaster	License	$15	$30	$100
2.	Class 2 Blaster	License	$15	$30	$100
3.	Class 3 Blaster	License	$15	$30	$100
4.	Class 4 Blaster	License	$15	$30	$100
5.	Class 5 Blaster	License	$15	$30	$100
6.	Class 6 Blaster	License	$15	$30	$100
7.	Class 7 Blaster	License	$15	$30	$100
8.	Fireworks Manufacturer	License	$15	NA	$70
	Subchapter III				
9.	Dwelling Contractor	Certification	$15	NA	$25
10.	Dwelling Contractor Qualifier	Certification	$15	NA	$30
11.	Dwelling Contractor — Restricted	Certification	$15	NA	$25
12.	Manufactured Home Manufacturer	License	$15	NA	$900
13.	Manufactured Home Dealer — Main Business	License	$15	NA	$200
14.	Manufactured Home Dealer — Branch	License	$15	NA	$200
15.	Manufactured Home Salesperson	License	$15	NA	$16
16.	Manufactured Home Installer	License	$15	NA	$100
17.	Soil Tester	Certification	$35	$75	$300
18.	Welder	Registration	$15	NA	$35
19.	Weld Test Conductor	Certification	$15	$20	$80
21.	POWTS Maintainer	Registration	$15	NA	$90
	Subchapter IV				
22.	Electrical Contractor	License	$35	NA	$200
24.	Master Electrician	License	$35	$30	$200
24m.	Residential Master Electrician	License	$35	$30	$200
24r.	Registered Master Electrician	Registration	$35	NA	$150
25.	Journeyman Electrician	License	$35	$30	$100
25g.	Industrial Journeyman Electrician	License	$35	$30	$100
25r.	Residential Journeyman Electrician	License	$35	$30	$100
26.	Registered Electrician	Enrollment	$15	NA	$20
26e.	Electrical Apprentice	Registration	$15	NA	$15
26m.	Industrial Electrical Apprentice	Registration	$15	NA	$15
26s.	Residential Electrical Apprentice	Registration	$15	NA	$15
	Subchapter V				
27.	Automatic Fire Sprinkler Contractor	License	$25	$100	$2000
28.	Journeyman Automatic Fire Sprinkler Fitter	License	$10	$20	$180
29.	Automatic Fire Sprinkler System Apprentice	Registration	$15	NA	$15
30.	Automatic Fire Sprinkler Contractor — Maintenance	Registration	$25	$50	$400
31.	Automatic Fire Sprinkler Fitter — Maintenance	Registration	$10	NA	$60
32.	Automatic Fire Sprinkler System Tester	Registration	$15	$25	$180
32m.	Automatic Fire Sprinkler System Tester Learner	Registration	$15	NA	$15
	Subchapter VI				
33.	Boiler-Pressure Vessel Inspector	Certification	$15	NA	$120
34.	In-Service Field Inspector	Certification	$15	NA	$120
35.	Commercial Building Inspector	Certification	$15	$25	$40
36.	Commercial Electrical Inspector	Certification	$15	$25	$40
37.	Commercial Plumbing Inspector	Certification	$15	$25	$40
37m.	Fire Detection, Prevention, and Suppression Inspector	Certification	$15	NA	$40
37s.	Inspection Agency	Registration	$15	NA	$40
38.	UDC-Construction Inspector	Certification	$15	$25	$40
39.	UDC-Electrical Inspector	Certification	$15	$25	$40
40.	UDC-HVAC Inspector	Certification	$15	$25	$40
41.	UDC-Plumbing Inspector	Certification	$15	$25	$40
42.	UDC Inspection Agency	Registration	$15	NA	$40
43	Soil Erosion Inspector	Certification	$15	NA	$40
44.	Elevator Inspector	License	$15	NA	$120

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Table 305.02 (Continued)
FEES

	License, Certification, Registration, or Enrollment Category	Type	Application Fee	Examination Fee	License, Certification, Registration, or Enrollment Fee
45.	POWTS Inspector	Certification	$15	$25	$40
	Subchapter VI (Continued)				
46.	Rental Weatherization Inspector	Certification	$15	$25	$40
47.	Tank System Inspector**	Certification	$20	$15	$50
	Subchapter VII				
48.	HVAC Contractor	Registration	$15	NA	$160
49.	HVAC Qualifier	Certification	$15	$25	$60
50m.	Liquefied Gas Supplier	License	$15	NA	$60
50n.	Liquefied Gas Supplier — Restricted	License	$15	NA	$40
	Subchapter VIII				
51.	PECFA Consulting Firm*	Registration	$20	NA	$50
52.	PECFA Consultant*	Registration	$20	NA	$50
53.	Tank Specialty Firm**	Registration	$20	NA	$50
54.	Tank-System Site Assessor**	Certification	$20	$15	$50
55.	Aboveground Tank System Installer**	Certification	$20	$15	$50
56.	Underground Tank System Installer**	Certification	$20	$15	$50
57.	Tank System Liner**	Certification	$20	$15	$50
58.	Tank System Remover-Cleaner**	Certification	$20	$15	$50
59.	Tank System Tightness Tester**	Certification	$20	NA	$50
60.	Cathodic Protection Tester**	Certification	$20	NA	$50
61.	Corrosion Expert**	Certification	$20	NA	$50
	Subchapter IX				
62.	Master Plumber	License	$20	$30	$500
63.	Master Plumber-Restricted Service	License	$20	$30	$500
64.	Master Plumber-Restricted Appliance	License	$20	$30	$500
65.	Journeyman Plumber	License	$10	$20	$180
66.	Journeyman Plumber-Restricted Service	License	$10	$20	$180
67.	Journeyman Plumber-Restricted Appliance	License	$10	$20	$180
68.	Plumbing Apprentice	Registration	$15	NA	$15
69.	Plumbing Learner-Restricted Appliance	Registration	$15	NA	$15
70.	Plumbing Learner-Restricted Service	Registration	$15	NA	$15
71.	Utility Contractor	License	$10	$30	$500
72.	Pipelayer	Registration	$15	NA	$180
73.	Cross Connection Control Assembly Tester	Registration	$15	NA	$180
	Subchapter X				
74.	Elevator Contractor	License	$15	NA	$100
75.	Elevator Mechanic	License	$15	$50	$90
76.	Elevator Mechanic-restricted	License	$15	$50	$90
77.	Elevator Apprentice	Registration	$15	NA	$15
78.	Elevator Apprentice-restricted	Registration	$15	NA	$15
79.	Elevator Helper	Registration	$15	NA	$15
80.	Lift Mechanic	License	$15	$50	$90
81.	Lift Apprentice	Registration	$15	NA	$15
82.	Lift Helper	Registration	$15	NA	$15

[a] No fee if application is submitted electronically; $15 application fee for a late renewal per s. SPS 305.07 (2) (b) 1. a.

* Authority for fees under Table 305.02 lines 51 and 52 was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, s. 9138 (7) (f). Table 305.02 lines 51 and 52 are subject to future rulemaking by DNR. See also ss. SPS 305.80 and 305.81.

**Authority for fees under Table 305.02 lines 47 and 53 to 61 was transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f). Table 305.02 lines 47 and 53 to 61 are subject to future rulemaking by DATCP. See also ss. SPS 305.68 and 305.82 to 305.89.

NA means Not Applicable

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; cr. line 11, renum. lines 11 to 63 to be 12 to 64; Register, March, 1998, No. 507, eff. 4-1-98; am. (1) to (3), (5) and Table 5.02, Register, April, 2000, No. 532, eff. 5-1-00; except Table 5.02 line 17 eff. 7-1-00; am. Table 5.02, Register, July, 2000, No. 535, eff. 9-1-00; CR 00-159: renumber Table 5.02 lines 37 to 65 to be lines 38 to 66, cr. line 37; Register September 2001 No. 549 eff. 10-1-01; CR 03-075: am. (1) (a) and Table 5.02 Register June 2004 No. 582, eff. 8-1-04; CR 04-134: cr. lines 11e, 11m and 11s of Table 5.02 Register June 2005 No. 594, eff. 7-1-05; CR 06-031: am. Table 5.02 Register October 2006 No. 610, eff. 11-1-06; CR 06-071: cr. line 11w Register November 2006 No. 611, eff. 12-1-06; CR 07-007: am. lines 9 and 10, cr. line 9m of Table 5.02 Register August 2007 No. 620, eff. 9-1-07; CR 06-127: am. Table 5.02 Line 49, cr. Table 5.02 Lines 54g and 54r, Register September 2007 No. 621, eff. 10-1-07; CR 07-089: am. Table 5.02 line 39, cr. lines 67 to 75 Register June 2008 No. 630, eff. 7-1-08; CR 08-039: am. (5) and Table 5.02 Register November 2008 No. 635, eff. 12-1-08; CR 08-092: cr. lines 50m and 50n of Table 5.02 Register May 2009 No. 641, eff. 6-1-09; EmR0904: emerg. cr. line 8m of Table 5.02, eff. 3-2-09; CR 08-110: cr. line 8m of Table 5.02 Register September 2009 No. 645, eff. 10-1-09; CR 09-046: am. lines 1 to 8, 13 to 15, 18 to 20, 29, 33, 34, 44, 50 and 68 to 70 of Table 5.02 Register March 2010 No. 651, eff. 4-1-10; CR 09-028: am. Table 5.02 lines 22, 24, 25, 26, cr. lines 24m, 25g, 25r, 26e, 26m, and 26s, r. line 23 Register August 2010 No. 656, eff. 9-1-10, except repeal of line 23, eff. 4-1-13; CR 10-039: am. Table 5.02 line 19, r. Table 5.02 line 20 Register November 2010 No. 659, eff. 12-1-10; CR 10-090: cr. Table 5.02 lines 50r to 50t Register January 2011 No. 661, eff. 2-1-11; CR 11-020: cr. Table 305.02 line 32m, Register December 2011 No. 672, eff. 1-1-12; correction in (1) (a), Table footnote [a] made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 12-007: r. Table 305.02 lines 50r. to 50t Register July 2012 No. 679, eff. 8-1-12; CR 13-014: r. Table 305.02 line 50 Register September 2013 No. 693, eff. 10-1-13; CR 14-010: r. Table 305.02 line 8m. Register August 2014 No. 704, eff. 9-1-14; EmR1415: emerg. cr. Table 305.02 line 24r., eff. 8-6-14; CR 14-049: cr. Table 305.02 line 24r. Register July 2015 No. 715, eff. 8-1-15; EmR1524: cr. Table 305.02 line 37m., eff. 11-21-15; CR 15-086: cr. Table 305.02 line

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37m., Register June 2016 No. 726, eff. 7-1-16; CR 16-093: am. (1) (a), (2), (3), (5), Table 305.02 (intro), line 26., cr. Table 305.02 line 37s. Register June 2018 No. 750, eff. 8-1-18; CR 23-006: am. Table 305.02 line 73. Register September 2023 No. 813, eff. 10-1-23.

SPS 305.03 Petitions for variance. An individual may submit a petition for variance to any rule in this chapter in accordance with ch. SPS 303.

Note: Many of the rules relating to credentials reflect specific statutory requirements; in such cases the department is not able to grant a petition for variance if it would supersede a statutory requirement.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.04 Processing times. (1) An application for a license, certification, registration, or enrollment covered under this chapter shall be granted or denied by the department within 21 calendar days after the department receives all of the application materials necessary to obtain the license, certification, registration, or enrollment.

Note: Pursuant to s. 227.116, Stats., the failure by the department to make a determination on an application results in the department having to prepare and file a report with the permit information center of the department. The failure by the department to make a determination on an application does not relieve a person from the obligation to comply with the requirements or qualifications of the license, certification, registration, or enrollment or to secure the license, certification, registration, or enrollment.

(2) (a) If the license, certification, registration, or enrollment application information is insufficient, the department shall request additional information within 21 calendar days of receipt of the application.

(b) If an applicant does not respond to a request by the department for additional information within 3 months after the date of the request, the department shall make a determination on the application based upon the information on hand.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (2) (a), Register, April, 2000, No. 532, eff. 5-1-00; CR 16-093: am. (1), (2) (a) Register June 2018 No. 750, eff. 8-1-18.

SPS 305.05 Mailing. (1) Unless otherwise provided by law, all orders, notices and other papers may be served by the department by first class mail at the address on file with the department.

(2) A license, certification, registration, or enrollment holder shall be responsible for notifying the department of any change in mailing address.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (2), Register, April, 2000, No. 532, eff. 5-1-00; CR 16-093: am. (2) Register June 2018 No. 750, eff. 8-1-18.

SPS 305.06 Terms. (1) A license, certification, registration, or enrollment issued under this chapter shall be valid for a period of time no longer than that specified in Table 305.06.

(2) A license, certification, registration, or enrollment issued under this chapter shall expire at midnight on the day or date of expiration of the term specified in Table 305.06.

Table 305.06
TERMS

	License, Certification, Registration, or Enrollment Category	Term	Expiration Date
	Subchapter II		
1.	Class 1 Blaster	4 years	Date of Issuance
2.	Class 2 Blaster	4 years	Date of Issuance
3.	Class 3 Blaster	4 years	Date of Issuance
4.	Class 4 Blaster	4 years	Date of Issuance
5.	Class 5 Blaster	4 years	Date of Issuance
6.	Class 6 Blaster	4 years	Date of Issuance
7.	Class 7 Blaster	4 years	Date of Issuance
8.	Fireworks Manufacturer	4 years	Date of Issuance
	Subchapter III		
9.	Dwelling Contractor	1 year	Date of Issuance
9m.	Dwelling Contractor Qualifier	2 years	Date of Issuance
10.	Dwelling Contractor — Restricted	1 year	Date of Issuance
11.	Manufactured Home Manufacturer	4 years	December 31
11e.	Manufactured Home Dealer — Main Business Office	4 years	Date of Issuance
11m.	Manufactured Home Dealer — Branch	4 years	Date of Issuance
11s.	Manufactured Home Salesperson	4 years	Date of Issuance
11w.	Manufactured Home Installer	4 years	Date of Issuance
12.	Soil Tester	4 years	June 30
13.	Welder	4 years	Date of Issuance
14.	Weld Test Conductor	4 years	Date of Issuance
16.	POWTS Maintainer	4 years	Date of Issuance
	Subchapter IV		
17.	Electrical Contractor	4 years	June 30
19.	Master Electrician	4 years	June 30
19m.	Residential Master Electrician	4 years	June 30
19r.	Registered Master Electrician	Permanent	NA
20.	Journeyman Electrician	4 years	June 30
20g.	Industrial Journeyman Electrician	4 years	June 30
20r.	Residential Journeyman Electrician	4 years	June 30
	Subchapter IV (Continued)		
21.	Registered Electrician	1 year	Date of Issuance
21e.	Electrical Apprentice	1 year	Date of Issuance
21m.	Industrial Electrical Apprentice	1 year	Date of Issuance
21s.	Residential Electrical Apprentice	1 year	Date of Issuance
	Subchapter V		

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Table 305.06 (Continued)
TERMS

	License, Certification, Registration, or Enrollment Category	Term	Expiration Date
22.	Automatic Fire Sprinkler Contractor	4 years	June 30
23.	Journeyman Automatic Fire Sprinkler Fitter	4 years	June 30
24.	Automatic Fire Sprinkler System Apprentice	1 year	Date of Issuance
25.	Automatic Fire Sprinkler Contractor-Maintenance	4 years	June 30
26.	Automatic Fire Sprinkler Fitter-Maintenance	4 years	June 30
27.	Automatic Fire Sprinkler System Tester	4 years	Date of Issuance
27m.	Automatic Fire Sprinkler System Tester Learner	1 year	Date of Issuance
	Subchapter VI		
28.	Boiler-Pressure Vessel Inspector	4 years	December 31
29.	In-Service Field Inspector	4 years	December 31
30.	Commercial Building Inspector	4 years	June 30
31.	Commercial Electrical Inspector	4 years	June 30
32.	Commercial Plumbing Inspector	4 years	June 30
32m.	Fire Detection, Prevention, and Suppression Inspector	4 years	June 30
32s.	Inspection Agency	4 years	Date of Issuance
33.	UDC-Construction Inspector	4 years	June 30
34.	UDC-Electrical Inspector	4 years	June 30
35.	UDC-HVAC Inspector	4 years	June 30
36.	UDC-Plumbing Inspector	4 years	June 30
37.	UDC Inspection Agency	4 years	Date of Issuance
38.	Soil Erosion Inspector	4 years	June 30
39.	Elevator Inspector	2 years	December 31
40.	POWTS Inspector	4 years	June 30
41.	Rental Weatherization Inspector	4 years	June 30
42.	Tank System Inspector**	2 years	Date of Issuance
	Subchapter VII		
43.	HVAC Contractor	4 years	Date of Issuance
44.	HVAC Qualifier	4 years	Date of Issuance
45m.	Liquefied Gas Supplier	2 years	Date of Issuance
45n.	Liquefied Gas Supplier — Restricted	2 years	Date of Issuance
	Subchapter VIII		
46.	PECFA Consulting Firm*	2 years	Date of Issuance
47.	PECFA Consultant*	2 years	Date of Issuance
48.	Tank Specialty Firm**	2 years	Date of Issuance
49.	Tank-System Site Assessor**	2 years	Date of Issuance
50.	Aboveground Tank System Installer**	2 years	Date of Issuance
51.	Underground Tank System Installer**	2 years	Date of Issuance
52.	Tank System Liner**	2 years	Date of Issuance
53.	Tank System Remover-Cleaner**	2 years	Date of Issuance
54.	Tank System Tightness Tester**	2 years	Date of Issuance
54g.	Cathodic Protection Tester**	2 years	Date of Issuance
54r.	Corrosion Expert**	2 years	Date of Issuance
	Subchapter IX		
55.	Master Plumber	4 years	March 31
56.	Master Plumber-Restricted Service	4 years	March 31
57.	Master Plumber-Restricted Appliance	4 years	March 31
58.	Journeyman Plumber	4 years	March 31
59.	Journeyman Plumber-Restricted Service	4 years	March 31
60.	Journeyman Plumber-Restricted Appliance	4 years	March 31
	Subchapter IX (Continued)		
61.	Plumbing Apprentice	1 year	Date of Issuance
62.	Plumbing Learner-Restricted Appliance	2 years	Date of Issuance
63.	Plumbing Learner-Restricted Service	2 years	Date of Issuance
64.	Utility Contractor	4 years	March 31
65.	Pipelayer	4 years	March 31
66.	Cross Connection Control Assembly Tester	4 years	Date of Issuance
	Subchapter X		
67.	Elevator Contractor	2 years	Date of Issuance
68.	Elevator Mechanic	2 years	Date of Issuance
69.	Elevator Mechanic-restricted	2 years	Date of Issuance
70.	Elevator Apprentice	4 years	Date of Issuance
71.	Elevator Apprentice-restricted	4 years	Date of Issuance
72.	Elevator Helper	4 years	Date of Issuance
73.	Lift Mechanic	2 years	Date of Issuance

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Table 305.06 (Continued)
TERMS

	License, Certification, Registration, or Enrollment Category	Term	Expiration Date
74.	Lift Apprentice	4 years	Date of Issuance
75.	Lift Helper	4 years	Date of Issuance

* Authority for terms under Table 305.06 lines 46 and 47 was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, s. 9138 (7) (f). Table 305.06 lines 46 and 47 are subject to future rulemaking by DNR. See also ss. SPS 305.80 and 305.81.

** Authority for terms under Table 305.06 lines 42 and 48 to 54r was transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f). Table 305.06 lines 42 and 48 to 54r are subject to future rulemaking by DATCP. See also ss. SPS 305.68 and 305.82 to 305.89.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. Table, line 36, Register, January, 1998, No. 505, eff. 2-1-98; renum. lines 11 to 63 to 12 to 64 and am. line 21 and 39, cr. line 11, Register, March, 1998, No. 507, eff. 4-1-98; am. Register, April, 2000, No. 532, eff. 5-1-00; except Table 5.06 line 17 eff. 7-1-00; CR 00-159: renum. Table 5.06, lines 37 to 65 to be 38 to 66, cr. line 37, Register September 2001 No. 549 eff. 10-1-01; CR 03-075: am. (2) and Table 5.06 Register June 2004 No. 582, eff. 8-1-04; CR 04-134: cr. lines 11e, 11m and 11s of Table 5.06 Register June 2005 No. 594, eff. 7-1-05; CR 05-025: am. Table 5.06 lines 28 and 29 Register October 2005 No. 598, eff. 11-1-05; CR 06-031: am. Table 5.06 Register October 2006 No. 610, eff. 11-1-06; CR 06-071: cr. line 11w Register November 2006 No. 611, eff. 12-1-06; CR 07-007: am. lines 9. and 10., cr. line 9m. of Table 5.06 Register August 2007 No. 620, eff. 9-1-07; CR 06-127: am. Table 5.06 Lines 42 and 49 to 53, cr. Table 5.06 Lines 54g and 54r, Register September 2007 No. 621, eff. 10-1-07; CR 07-089: cr. lines 67 to 75 of Table 5.06 Register June 2008 No. 630, eff. 7-1-08; CR 08-092: cr. lines 45m and 45n of Table 5.06 Register May 2009 No. 641, eff. 6-1-09; correction to numbering of lines 45m and 45n made under s. 13.92 (4) (b) 1., Stats., Register May 2009 No. 641; EmR0904: emerg. cr. line 8m of Table 5.06, eff. 3-2-09; CR 08-110: cr. line 8m of Table 5.06 Register September 2009 No. 645, eff. 10-1-09; CR 09-028: am. Table 5.06 line 21, cr. lines 19m, 20g, 20r, 21e, 21m, and 21s, r. line 18 Register August 2010 No. 656, eff. 9-1-10, except repeal of line 18, eff. 4-1-13; CR 10-039: am. Table 5.06 line 14, r. Table 5.06 line 15 Register November 2010 No. 659, ef. 12-1-10; CR 10-064: am. Table 5.06 line 66 Register December 2010 No. 660, eff. 1-1-11; CR 10-090: cr. Table 5.06 lines 45r to 45t Register January 2011 No. 661, eff. 2-1-11; CR 11-020: cr. Table 305.06 line 27m, Register December 2011 No. 672, eff. 1-1-12; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 12-007: r. Table 305.06 lines 45r. to 45t. Register July 2012 No. 679, eff. 8-1-12; CR 13-014: r. Table 305.06 line 45 Register September 2013 No. 693, eff. 10-1-13; CR 14-010: r. Table 305.06 line 8m, column (5) Register August 2014 No. 704, eff. 9-1-14; EmR1415: emerg. cr. Table 305.06 line 19r., eff. 8-6-14; CR 14-049: cr. Table 305.06 line 19r. Register July 2015 No. 715, eff. 8-1-15; EmR1524: cr. Table 305.06 line 32m., eff. 11-21-15; CR 15-086: cr. Table 305.06 line 32m., Register June 2016 No. 726, eff. 7-1-16; CR 16-093: am. (1), (2), Table 305.06 (intro.), line 21., cr. Table 305.06 line 32s. Register June 2018 No. 750, eff. 8-1-18; CR 19-118: am. Table 305.06 line 39 Register May 2020 No. 773, eff. 6-1-20; CR 23-006: am. Table 305.06 line 66. Register September 2023 No. 813, eff. 10-1-23.

SPS 305.07 Renewal. (1) (a) Except under s. SPS 305.96, a notice of renewal shall be mailed by the department to a license, certification, registration, or enrollment holder at least 30 calendar days prior to the expiration of the license, certification, registration, or enrollment.

(b) Failure to receive a notice for renewal of a license, certification, registration, or enrollment shall not be considered as an excuse or good cause for failure to renew a license, certification, registration, or enrollment prior to the expiration of the license, certification, registration, or enrollment.

(2) (a) Except as provided in par. (b), upon receipt of the renewal application from the department, a person may apply to renew his or her license, certification, registration, or enrollment provided an application, a license, certification, registration, or enrollment fee and evidence of all renewal obligations, if any, are submitted to the department prior to the expiration date of the license, certification, registration, or enrollment.

Note: Qualification obligations for renewal are specified under the appropriate license, certification, registration, or enrollment category sections.

(b) 1. A person may apply to renew his or her license, certification, registration, or enrollment in accordance with par. (a) no later than one term after expiration of the license, certification, registration, or enrollment as specified in Table 305.06 in accordance with all of the following conditions:

a. An application fee as specified in s. SPS 305.02, Table 305.02 shall accompany the renewal application.

b. Any continuing education credit obtained after the expiration date of the license, certification, registration, or enrollment, but prior to one term after the expiration date of the license, certification, registration, or enrollment as specified in Table 305.06, that is needed to fulfill the renewal obligations shall be documented and filed with the department on a form prescribed by the department.

Note: The form to document late continuing education credit may be obtained from the Division of Industry Services at P.O. Box 7082, Madison, WI 53707-7082; or at telephone 608/261-8500 or 877/617-1565 or 411 (Telecommunications Relay).

2. The submission of a form under subd. 1. b. to the department shall include a $25.00 processing fee.

3. a. Subdivisions 1. and 2. and par. (c) do not apply to a license, certification or registration issued under s. SPS 305.68 or ss. SPS 305.82 to 305.88.

b. A person who files for renewal after the expiration date of a license, certification or registration issued under s. SPS 305.68 or ss. SPS 305.82 to 305.88 shall comply with this chapter's requirements for initially receiving that license, certification or registration.

c. A person who files for renewal of a license, certification or registration issued under s. SPS 305.68, 305.84 or 305.85, and who has not obtained all continuing education credit required for renewal shall comply with this chapter's requirements for initially receiving that license, certification or registration.

d. For a license, certification or registration issued under s. SPS 305.68, 305.84 or 305.85, the time period for obtaining continuing education credits shall extend from the beginning date to the expiration date of that license, certification or registration.

(c) A person who files for renewal more than one term after expiration of his or her license, certification, registration, or enrollment may be reinstated by filing with the department an administrative fee of $200.00, an application, and the application fee and the license, certification, registration, or enrollment fee specified in s. SPS 305.02, Table 305.02. The department may also require demonstration of competence by various methods including written or oral examination, documentation of relevant work experience in other jurisdictions, or documentation of education or experience in the field. Any education or examination required by the department may not be more extensive than the requirements in effect at the time of the request for reinstatement.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. Register, April, 2000, No. 532, eff. 5-1-00; am. (2), Register, May, 2001, No. 545, eff. 6-1-01; CR 03-075: r. and recr. (2) (c) Register June 2004 No. 582, eff. 8-1-04; CR 06-127: cr. (2) (b) 3., Register September 2007 No. 621, eff. 10-1-07; correction in (1) (a), (2) (b) 1. (intro.), a., b., 3. a., b., c., d., (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (2) (b) 1. b. Register August 2014 No. 704, eff. 9-1-14; CR 16-093: am. (1), (2) (a), (b) 1., (intro.), b., (c) Register June 2018 No. 750, eff. 8-1-18.

SPS 305.08 Continuing education. (1) PROGRAM SPECIFICATIONS. (a) Only courses, programs and seminars approved in writing by the department shall be used for credit to fulfill continuing education requirements.

(b) 1. Requests for a course, program or seminar to be recognized for approval shall be submitted in writing to the department.

2. Requests for approval shall include sufficient information to determine if the course, program or seminar complies with this subsection.

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3. The department shall review and make a determination on a request for approval within 21 calendar days of receipt of the request and information necessary to complete the review.

(c) 1. Thirty minutes of attendance in an approved course, program or seminar shall be deemed equal to 0.5 hours of acceptable continuing education.

2. Continuing education credit for attendance in approved continuing education courses, programs or seminars in other than 30 minute increments shall be rounded down to the next half hour.

(d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to the skills and knowledge of one or more license, certification or registration categories.

(e) 1. The department may limit credit approval to specific license, certification, or registration categories when approving a course, program, or seminar for continuing education credit.

2. a. Except as provided in subd. 2. c., the approval of a course, program or seminar for continuing education credit shall expire 5 years after the date of approval.

b. Approval of courses, programs or seminars for continuing education credit may be renewed. Renewal shall be in accordance with par. (b).

c. An approval of a course, program or seminar for continuing education credit under s. SPS 305.68 or subch. VIII shall expire either 3 years after the date of approval, or as otherwise specified in the approval.

3. The department may revoke the approval of a course, program or seminar for continuing education credit for any false statements, misrepresentation of facts or violation of the conditions on which the approval was based. The department may not revoke the approval of a course, program or seminar less than 30 calendar days prior to the course, program or seminar being held.

(f) 1. The individual or organization which had obtained the course, program or seminar approval shall maintain an attendance record of those individuals who have attended and completed the course, program or seminar for at least 5 years from the date of the course, program or seminar.

2. The attendance record shall include all of the following:

a. The course name.

b. The course identification number assigned by the department.

c. The date or dates the course was held or completed.

d. The name of each attendee.

e. The name of each license, certification or registration held by the attendee for which the course applies.

f. The license, certification or registration number assigned by the department of each attendee.

3. A copy of the attendance record shall be forwarded by the person or organization which had obtained the course, program or seminar approval to the department within 14 calendar days after completion of the course or program.

(g) Any individual or organization that obtains a course, program, or seminar approval for continuing education credit under s. SPS 305.68 or subch. VIII shall notify the department of any material changes to the information submitted for that approval.

(h) Any individual or organization that obtains a course, program, or seminar approval for continuing education credit under s. SPS 305.68 or subch. VIII shall notify the department if the course, program, or seminar is discontinued before the end of its approval period.

(2) EVIDENCE OF COMPLIANCE. Each license, certification or registration holder shall retain evidence of compliance with continuing education requirements throughout the license, certification or registration period for which continuing education credit was required for renewal of the license, certification or registration.

(a) The department shall accept as evidence of compliance original or copies of documents, certified by the individual or organization providing the course, program or seminar, indicating attendance and completion of the continuing education credit.

(b) The department may require a license, certification or registration holder to submit evidence of compliance for the continuing education credit which was required to renew the license, certification or registration.

(3) CONTINUING EDUCATIONAL CYCLE. (a) Except as provided under s. SPS 305.07 (2) (b), for those license, certification or registration categories which require continuing educational credit for renewal, the license, certification or registration holder shall obtain the necessary amount of continuing educational credit prior to the expiration date of the license, certification, or registration as specified in Table 305.06.

(c) The attendance of a continuing education course, program or seminar in order to fulfill late renewal obligations under s. SPS 305.07 (2) (b) may not be credited toward more than one renewal cycle for a specific license, certification or registration.

Note: The provisions under par. (c) do not limit an individual in attending or completing courses, programs or seminars multiple times on separate occasions for continuing education credit.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (3) (a), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (d), (e) 1., (f) 2. e., f., (2) (intro.), (b) and (3), Register, April, 2000, No. 532, eff. 5-1-00; am. (3), Register, May, 2001, No. 545, eff. 6-1-01; CR 03-075: r. (1) (b) 2., renum. (1) (b) 3. and 4. to be (1) (b) 2. and 3., r. and recr. (1) (e) 2. b. Register June 2004 No. 582, eff. 8-1-04; CR 06-127: am. (1) (e) 2. a., cr. (1) (e) 2. c., (g) and (h), Register September 2007 No. 621, eff. 10-1-07; CR 09-046: am. (1) (f) 1. Register March 2010 No. 651, eff. 4-1-10; correction in (1) (e) 2. c., (g), (h), (3) (a), (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (1) (e) 1., (3) (a), r. (3) (b) Register August 2014 No. 704, eff. 9-1-14.

SPS 305.09 Examinations administered by the department. (1) For those license, certification or registration categories which require examination, the department shall conduct at least 4 license, certification or registration examinations annually for each license, certification or registration category at times and locations specified by the department.

(2) An application and fee for a license, certification or registration that requires an examination shall be received by the department at least 30 calendar days prior to the day of the examination. The department may postpone the applicant's appearance to another examination date if any of the following occur:

(a) The applicant fails to have the application on file with the department within the required time.

(b) The application information or required qualifications are incomplete.

(c) The examination center is filled to capacity.

(3) Upon verification of the application and the required qualifications, the department shall notify an applicant in writing of the date, time and place of the examination.

(4) (a) An applicant for license, certification or registration examination shall provide a photo identification or other appropriate evidence to gain admittance to an examination.

(b) An applicant shall bring to a license, certification or registration examination all necessary materials as specified by the department.

(c) 1. Except as provided in subd. 2., an applicant who fails to appear at a scheduled license, certification or registration examination without giving notice to the department at least 24 hours

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before the examination shall be considered to have failed the examination and shall be required to submit a re-examination application and examination fee.

2. The department may waive the 24-hour notification requirement of subd. 1. due to inclement weather, if the applicant notifies the department the day of the examination.

(5) The examination for a license, certification or registration shall be based on a job analysis of the knowledge, skills and abilities associated with the license, certification or registration. The examination shall include all of the following subject matter:

(a) Regulations and standards governing the work or activities required or permitted under the license, certification or registration.

(b) Theories, principles, and practices associated with the activities required or permitted under the license, certification or registration.

(6) (a) A grade of 70% or greater in each part of a license, certification or registration examination shall be considered a passing grade.

(b) 1. Except as provided in subd. 2., an applicant failing a part of a multi-part license, certification or registration examination shall be required to retake only those parts failed.

2. An applicant who does not pass all required parts of a multi-part license, certification or registration examination within one year after the date of the initial examination shall apply, retake and pass all parts of the license, certification or registration examination.

(7) (a) The department shall inform an applicant of the results of an examination in writing within 21 calendar days from the examination date.

(b) Upon notification of failing a license, certification or registration examination, an applicant may request another examination in accordance with s. SPS 305.01.

(c) 1. An applicant who has successfully passed a license, certification or registration examination may submit an application and the license, certification or registration fee as specified under s. SPS 305.02, Table 305.02 for the appropriate license, certification or registration within 3 months after the date the department had mailed the results of the examination.

2. Failure to apply for a license, certification or registration in accordance with subd. 1., shall necessitate the applicant to apply, retake and pass another license, certification or registration examination in order to obtain the license, certification or registration.

(8) (a) An applicant may request and make an appointment with the department to review his or her examination.

(b) The request to review an examination relating to subchs. II to VII, but not including s. SPS 305.68, and subchs. IX and X shall be accompanied by a $15 fee.

(c) An applicant who has failed his or her examination may not review the examination less than 7 calendar days before the applicant is scheduled to retake the examination.

(d) The department shall retain license, certification or registration examinations at least 2 months after the date of the examination.

Note: This section only applies to examinations administered by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1), (2) (intro.), (4) (a), (b), (c) 1., (5), (6), (7) (b), (c) and (8) (c), Register, April, 2000, No. 532, eff. 5-1-00; CR 09-046: renum. (8) (b) and (c) to be (8) (c) and (d), cr. (8) (b) Register March 2010 No. 651, eff. 4-1-10; correction in (7) (b), (c) 1., (8) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (title) Register August 2014 No. 704, eff. 9-1-14.

SPS 305.10 Denial, suspension and revocation. (1) Except as provided in sub. (2) pertaining to licenses or registrations for master plumbers, journeyman plumbers, cross connection control assembly testers, and utility contractors, the department may deny, suspend, or revoke a license, certification, registration, or enrollment under this chapter in accordance with the following provisions:

(a) *Reasons.* The department may deny, suspend, or revoke a license, certification, registration, or enrollment under this chapter if the department determines that an applicant or holder of the license, certification, registration, or enrollment is responsible for any of the following:

1. Fails to meet the qualifications for the license, certification, registration, or enrollment.

2. Has obtained the license, certification, registration, or enrollment through fraud or deceit.

3. Has demonstrated negligence or incompetence in fulfilling the responsibilities or obligations of the license, certification, registration, or enrollment.

4. Has a conflict of interest in fulfilling the responsibilities or obligations under the license, certification, registration, or enrollment.

5. Has demonstrated misconduct in fulfilling the responsibilities or obligations under the license, certification, registration, or enrollment.

6. Has been arrested or convicted for a crime substantially related to the license, certification, registration, or enrollment.

7. Has a physical or mental impairment which prevents the applicant or holder from fulfilling the responsibilities or obligations under the license, certification, registration, or enrollment.

8. Has violated state, federal, or local laws or regulations relating to the conduct of the activities under the license, certification, registration, or enrollment.

9. Has been certified by the department of revenue under s. 73.0301, Stats., to be liable for taxes.

10. Has been delinquent in making court-ordered payments relating to the support of a child or former spouse pursuant to s. 101.022, Stats.

11. Has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency relating to paternity or child support proceedings pursuant to s. 101.022, Stats.

12. If registered or certified under ss. SPS 305.80 to 305.81, has performed any of the following:

a. Intentionally shifted costs, for the purpose of making ineligible costs appear to be eligible.

b. Intentionally billed for activities not undertaken at a specific cleanup site.

c. Rebated the deductible or structured a claim to provide a responsible party with a rebate or reimbursement of the deductible.

d. Intentionally submitted invoices or bills containing fraud, or submitted claims that were incomplete or contained fraud.

e. Conducted unnecessary, ineffective or incomplete remedial activities or services.

f. Attempted to defraud, including but not limited to false or double billing of clients for work conducted.

g. Charged a fee that the department determined was excessive, after written notice from the department that the fee was excessive and should not have been charged.

h. Exhibited a pattern of attempting and failing to complete remediations of PECFA sites.

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i. Performed activities that result in both exceeding a cost cap established by the department, and submittal of a claim to the department for the cost in excess of that cost cap.

j. Failed to pay a financial penalty assessed under ch. NR 747 for a grossly ineligible cost.

13. If registered or certified under s. SPS 305.68 or subch. VIII, has performed any of the following:

a. Failed to maintain required records.

b. Denied the department access to requested records.

c. Failed to submit a required notice or report to the department, within a required time period.

d. Submitted false reports to the department.

e. Exhibited a pattern of submitting substantially inadequate reports.

14. If registered under s. SPS 305.31 as a dwelling contractor, has done or has been any of the following:

a. Failed to hold or to engage, as an employee, a person who holds a dwelling contractor qualifier certification under s. SPS 305.315 in obtaining a building permit.

b. Engaged in the construction of a dwelling without a uniform building permit when required under s. SPS 320.08.

c. Convicted of a crime related to the construction of a dwelling.

d. Adjudged bankrupt on 2 or more occasions.

(b) *Notice of denial, suspension or revocation.* Except as provided under s. 101.654 (4), Stats., relative to a dwelling contractor certification, and par. (c), a notice of denial, suspension, or revocation shall be sent to the applicant or the license, certification, registration, or enrollment holder. The notice shall include all of the following:

1. The basis for the denial, suspension or revocation, including the facts relied on by the department to make its decision and a citation of applicable statutes and administrative rules establishing the legal basis for the decision; and

2. A statement that the applicant or the license, certification, registration, or enrollment holder may file a request for an administrative hearing.

(c) *Summary suspension.* Under s. 227.51 (3), Stats., the department may summarily suspend any license, certification, registration, or enrollment if the department finds that immediate action is necessary for public health, safety, or welfare. The summary suspension of a license, certification, registration, or enrollment shall remain in effect until after a final decision is issued following a hearing.

(d) *Hearing.* 1. The request for an administrative hearing shall be received by the office of legal counsel of the department no later than 30 days following the date of mailing of the notice under par. (b), otherwise, the request for hearing shall be denied by the department.

Note: Requests for an administrative hearing may be mailed to the Department of Safety and Professional Services Legal Counsel, P.O. Box 7190, Madison, WI 53707-7190.

2. Hearings shall comply with the provisions of ch. 227, Stats.

(e) *Surrender of license, certification, registration, or enrollment.* A person whose license, certification, registration, or enrollment has been suspended or revoked shall surrender the license, certification, registration, or enrollment to the department upon request.

(f) *Reinstatement.* 1. 'Suspension.' a. A person whose license, certification, registration, or enrollment has been suspended may apply to have the license, certification, registration, or enrollment reissued only after the time set for suspension by the department or hearing examiner has passed and by complying with the conditions set forth in the suspension order.

b. The request to the department to have a suspended license, certification, registration, or enrollment reissued shall be made in writing.

c. The department may require a person whose license, certification, registration, or enrollment has been suspended to apply for the license, certification, registration, or enrollment by complying with all of the requirements for a new applicant, including paying the application fees and successfully passing an examination.

d. The department may impose conditions on the reissued license, certification, registration, or enrollment to assure compliance with this chapter.

2. 'Revocation.' A person whose license, certification, registration, or enrollment has been revoked may not apply to receive such a license, certification, registration, or enrollment.

(2) Pursuant to s. 145.10, Stats., the department may suspend or revoke the license or registration of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, or cross connection control assembly tester in accordance with this subsection.

(a) *General.* The department may suspend or revoke a license or registration for any of the following reasons:

1. The practice of fraud or deceit in obtaining a license or registration.

2. Negligence, incompetence or misconduct in the practice or work allowed by the license or registration.

3. Failure to correct an installation for which the license or registration holder is responsible within the time prescribed by the department.

Note: Section 145.10 (1) (b), Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

4. Falsified information on an inspection form under s. 145.20 (5), Stats.

(b) *Investigations.* The department may conduct an investigation of any alleged violations of this chapter or chs. SPS 382 and 383. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(c) *Summary suspension.* Under s. 227.51 (3), Stats., the department may summarily suspend any license or registration if the department finds that immediate action is necessary for public health, safety or welfare. The summary suspension of a license or registration shall remain in effect until after a final decision is issued following a hearing.

(d) *Hearings.* The hearing for the suspension or revocation of a license or registration shall be conducted as a contested case hearing in accordance with ch. 227, Stats., and s. 145.10, Stats.

(e) *Findings.* The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

1. 'Suspension.' The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose license or registration has been suspended may apply to have the license or registration reinstated by filing a new application and payment of the appropriate fee specified in s. SPS 305.02.

2. 'Revocation.' The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose license or

registration has been revoked shall be eligible for the license or registration only after the time set for revocation by department order has passed. A person whose license or registration has been revoked may apply to have the license or registration reinstated only after submitting a completed application for license or registration examination, if required, payment of the examination fee, passing of the examination and payment of the license or registration fee specified in s. SPS 305.02.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a) (intro.), r. and recr. (1) (e), (2) (c), cr. (1) (f), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (intro.), (a), (b) (intro.), 2., (c), (e), (f), (2) (intro.) to (a) 3., (c), (d), (e) 1. and 2., cr. (1) (a) 9. to 11., Register, April, 2000, No. 532, eff. 5-1-00; correction in (2) (a) 4. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 04-058: cr. (1) (a) 12. Register February 2006 No. 602, eff. 5-1-06; correction in (2) (a) 4. made under s. 13.93 (2m) (b) 7., Stats., Register October 2006 No. 610; CR 07-007: cr. (1) (a) 14., am. (1) (b) (intro.) Register August 2007 No. 620, eff. 9-1-07; CR 06-127: renum. (1) (a) 12. h. to k. to be (1) (a) 13. a. to c. and 12. h., cr. (1) (a) 12. i. and j. and 13. (intro), d. and e., Register September 2007 No. 621, eff. 10-1-07; correction in (1) (a) 12. (intro.), j., 13. (intro.), 14. (intro.), a., b., (2) (b), (e) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (1) (a) 12. j. made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; CR 16-093: am. (1) (a) (intro.), 1. to 8., (b) (intro.), 2., (c), (e), (f) Register June 2018 No. 750, eff. 8-1-18; correction in (1) (a) 10., 11. made under s. 13.92 (4) (b) 7., Stats., Register June 2018 No. 750; CR 23-006: am. (1) (intro.), (2) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.11 Responsibilities. (1) A person who holds a license, certification, registration, or enrollment under this chapter shall carry on his or her person the license, certification, registration, or enrollment issued by the department while performing or conducting the activity or activities permitted under the license, certification, registration, or enrollment.

(2) A person who holds a license, certification, registration, or enrollment under this chapter shall upon request of the department or its representative present the license, certification, registration, or enrollment for identification.

(3) The requirements of this section apply to licenses, certifications, registrations, or enrollment issued to an individual and not to a business.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; cr. (3), Register, March, 1998, No. 507, eff. 4-1-98; am. Register, April, 2000, No. 532, eff. 5-1-00; CR 16-093: am. Register June 2018 No. 750, eff. 8-1-18.

SPS 305.12 Penalties. In addition to the forfeitures provided for in s. SPS 305.125, penalties for violations of the provisions of this chapter may be assessed in accordance with the respective penalty provisions in the statutes, depending upon the license, certification, registration, or enrollment category or activity involved.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am., Register, March, 1998, No. 507, eff. 4-1-98; am. Register, April, 2000, No. 532, eff. 5-1-00; CR 07-069: r. and recr. Register February 2008 No. 626, eff. 3-1-08.; correction in (2) (h) made under s. 13.92 (4) (b) 7., Stats., Register May 2009 No. 641; CR 09-021: am. (1), cr. (2m) Register November 2009 No. 647, eff. 12-1-09; correction in (2) (h) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2009 No. 648; CR 10-039: renum. (1) to be Comm 5.12 and am., renum. (2) to (7) to be Comm 5.125 (1), (2), and (4) to (8) and am. (1) (a) Register November 2010 No. 659, eff. 12-1-10; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-093: am. Register June 2018 No. 750, eff. 8-1-18.

SPS 305.125 Administrative forfeitures. (1) PLUMBING FORFEITURES. (a) Pursuant to s. 145.12 (5), Stats., the department may assess a forfeiture in the amount listed in pars. (b) to (i) to a violator of the licensing requirements under s. 145.06, Stats.

Note: A violation of each paragraph is considered separately when assessing a first, second or third violation. For example: violating paragraphs (a), (b) and (c) creates a first violation for each paragraph, not a first, second and third violation.

(b) The amount of forfeiture assessed against an individual who does not hold the appropriate type of plumbing license under subch. IX and who installs plumbing when a master plumber is not in charge of the plumbing installation shall be one of the following:

1. First offense — $1,000.
2. Second offense — $1,500.
3. Third and subsequent offense — $2,000.

(c) The amount of forfeiture assessed against an individual who does not hold the appropriate type of plumbing license under subch. IX and who installs plumbing where a master plumber is in charge of the plumbing installation shall be one of the following:

1. First offense — $100.
2. Second offense — $500.
3. Third and subsequent offense — $1,000.

(d) The amount of forfeiture assessed against a master plumber who allows the use of his or her master plumber license for the purpose of obtaining a plumbing permit without that master plumber assuming responsibility for the plumbing installation shall be one of the following:

1. First offense — $1,000.
2. Second offense — $1,500.
3. Third and subsequent offense — $2,000.

(e) The amount of forfeiture assessed against a master plumber who allows another licensed plumber to install plumbing in the master plumber's name when that master plumber is not in charge of the plumbing installation shall be one of the following:

1. First violation offense — $500.
2. Second violation offense — $1,000.
3. Third and subsequent violation offense — $2,000.

(f) The amount of forfeiture assessed against a master plumber who allows an individual who does not hold the appropriate license under subch. IX to install plumbing when that master plumber is in charge of the plumbing installation shall be one of the following:

1. First violation offense — $1,500.
2. Second violation offense — $1,750.
3. Third and subsequent violation offense — $2,000.

(g) The amount of forfeiture assessed against an individual who does not hold an appropriate master plumber license under s. SPS 305.91 and who engages in the business or offers to engage in the business of superintending plumbing installations shall be one of the following:

1. First violation offense — $1,000.
2. Second violation offense — $1,500.
3. Third and subsequent violation offense — $2,000.

(h) The amount of forfeiture assessed against an individual who does not hold a registration as a cross connection control assembly tester under s. SPS 305.99 and who tests cross connection control assemblies to meet the requirements in s. SPS 382.22 (8) shall be one of the following:

1. First violation offense — $500.
2. Second violation offense — $1,000.
3. Third and subsequent violation offense — $2,000.

Note: See section 145.06, Stats., for exemptions to the licensing requirements.

(i) When a violator creates an imminent health risk the forfeiture amounts under pars. (b) to (h) shall be doubled within the maximum statutory limit of $2,000.

(2) POWTS FORFEITURES. (a) Pursuant to s. 145.12 (5) (a), Stats., the department may assess a forfeiture in the amount listed in par. (b) to a violator of the restriction requirements under s. 145.20 (6) (a), Stats.

(b) The amount of forfeiture assessed against an individual who violates the restriction requirements under s. 145.20 (6) (a), Stats., shall be one of the following:

1. First offense — $1,000.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

2. Second offense — $1,500.

3. Third and subsequent offense — $2,000.

(4) FORFEITURE PROCESS. (a) The department shall assess an administrative forfeiture in writing.

(b) A notice of administrative forfeiture shall include the following:

1. The rule or rules violated.

2. A statement or explanation of how the violation was determined.

3. The amount of forfeiture.

4. A statement or explanation of how the amount of forfeiture was determined.

5. Information about how to contest the notice of administrative forfeiture.

(5) FORFEITURE PAYMENTS. (a) Except as provided in sub. (6), all forfeitures shall be paid to the department within 30 days after issuance of the notice.

(b) An interest penalty shall be imposed in accordance with s. 145.12 (5) (d), Stats., for a forfeiture not paid in accordance with par. (a).

Note: Section 145.12 (5) (d), Stats., reads: In the case of any failure in the payment of a forfeiture, the department shall impose an interest penalty of 12% per year from the time when the forfeiture should have been paid.

(c) The department may refer unpaid forfeitures to the attorney general.

Note: Section 145.12 (5) (e), Stats., reads: The attorney general may bring an action in the name of the state to collect any forfeiture imposed, or interest accrued, under this subsection if the forfeitures or interest has not been paid after the exhaustion of all administrative and judicial reviews.

(6) FORFEITURE APPEAL. (a) A person assessed an administrative forfeiture may request a review of the assessment of forfeiture issued under sub. (1) and the grounds for the assessment in accordance with all of the following procedures:

1. A request for review of an assessment of forfeiture under this subsection shall be on the basis to completely overturn the assessment.

2. A request for review of an assessment of forfeiture shall be made in writing to the administrator of the division of industry services.

Note: Requests for a review by the administrator may be sent to Administrator, Division of Industry Services, P.O. Box 2658, Madison, WI 53701-2658.

3. A request for review of an assessment of forfeiture shall include a statement of the specific reasons why the person believes the administrative forfeiture and the grounds for the assessment should be overturned.

(b) A request for review of an assessment of an administrative of forfeiture and the grounds for the assessment shall be denied if the request is received more than 30 days after issuance of the forfeiture notice.

(c) 1. The administrator shall make a decision on a request for review of an assessment of administrative forfeiture and the grounds for assessment within 15 days of receipt of the request.

2. If the administrator determines that insufficient reasons are provided in a request for review, the request may be denied.

3. A denial of a request for review shall be in writing and shall state the reasons for denial and information about the right to appeal the denial.

4. If the administrator determines that sufficient reasons are provided in a request for review, the request shall be granted.

5. If the administrator grants a request for review, the administrator shall notify the person making the request in writing of the date, time and location where the review will take place and who will conduct the review. The review shall be scheduled within 10 days after the request for review is granted, unless the person requesting the review asks for and is granted an extension.

6. If a review is granted, the person requesting the review shall be provided an opportunity to meet with the administrator or designee to present statements and documents regarding the contested notice of administrative forfeiture and the grounds for the assessment.

7. If a review is granted, the division shall provide technical expertise to represent the department's position.

(7) ADMINISTRATOR REVIEW. (a) The administrator shall issue a written decision within 30 days following a review under sub. (6) (c) 5.

(b) The written decision from the administrator shall include information about appeal rights and procedures if the decision is to deny overturning the assessment of administrative forfeiture and the grounds for assessment.

(8) SECRETARY REVIEW. (a) A person adversely affected by the decision of the administrator under sub. (7) may request a hearing by the secretary to review an assessment of administrative forfeiture and the grounds for assessment in accordance with all of the following procedures:

1. A request for a hearing shall be made in writing to the secretary.

2. A request for a hearing shall include a statement of the specific reasons why the person believes the forfeiture assessment and the grounds for assessment should be overturned.

3. A request for a hearing shall be denied if the request is received more than 30 days after issuance of the decision by the administrator under sub. (7).

(b) A hearing held by the secretary or designee to review the decision of the administrator on an administrative forfeiture shall be a contested case hearing. The hearing and the decision issued after the hearing shall be governed by the provisions under ch. 227, Stats.

History: CR 10-039: renum. from Comm 5.12 (2) to (8) and am. (1) (a), cr. (3) Register November 2010 No. 659, eff. 12-1-10; corrections in (5) (a), (6) (a) (intro.), (7) (a), (8) (a) (intro.) and 3. made under s. 13.92 (4) (b) 7., Stats., Register November 2010 No. 659; CR 10-090: cr. (3m) Register January 2010 No. 661, eff. 2-1-11; correction in (1) (g) (intro.), (h) (intro.), (3) (c) (intro.), (3m) (a), (b) (intro.), (c) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 12-007: r. (3m) Register July 2012 No. 679, eff 8-1-12; correction in (6) (a) 2. made under s. 13.92 (4) (b) 6., Stats., Register September 2013 No. 693; CR 14-010: r. (3) (a) 1. Register August 2014 No. 704, eff. 9-1-14; CR 19-118: r. (3) Register May 2020 No. 773, eff. 6-1-20; CR 23-006: am. (1) (h) (intro.) Register September 2023 No. 813, eff. 10-1-23.

Subchapter II — Blasting and Fireworks

SPS 305.20 Blasters. (1) GENERAL. (a) No person may prepare explosive charges or conduct blasting operations unless the person complies with one of the following conditions:

1. Holds a license issued by the department as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster.

2. Is under the direct supervision of a person who holds a license issued by the department as a licensed blaster in one or more of the categories specified in subd. 1.

(b) The operations and activities associated with a person who holds a license as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster shall be limited to the operations or activities delineated under this paragraph.

1. A person, who either holds a license as a licensed class 1 blaster or is under the direct supervision of a person who holds a license as a licensed class 1 blaster, may conduct blasting operations and activities not closer than 500 feet to an inhabited building for stumps, boulders, ice, frost, concrete, footings, founda-

tions, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

2. A person, who either holds a license as a licensed class 2 blaster or is under the direct supervision of a person who holds a license as a licensed class 2 blaster, may conduct blasting operations and activities for stumps, boulders, ice, frost, concrete, footings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

3. A person, who either holds a license as a licensed class 3 blaster or is under the direct supervision of a person who holds a license as a licensed class 3 blaster, may conduct blasting operations and activities for underground mining, underground construction or tunnels.

4. A person, who either holds a license as a licensed class 4 blaster or is under the direct supervision of a person who holds a license as a licensed class 4 blaster, may conduct blasting operation and activities not closer than 2500 feet to an inhabited building for quarries, open pits, road cuts, trenches, site excavations, basements, underwater demolition or underground excavations.

5. A person, who either holds a license as a licensed class 5 blaster or is under the direct supervision of a person who holds a license as a licensed class 5 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for quarries, open pits and road cuts.

6. A person, who either holds a license as a licensed class 6 blaster or is under the direct supervision of a person who holds a license as a licensed class 6 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for trenches, site excavations, basements, underwater demolition, underground excavations or structures 15 feet or less in height.

7. A person, who either holds a license as a licensed class 7 blaster or is under the direct supervision of a person who holds a license as a licensed class 7 blaster, may conduct blasting operations and activities for structures greater than 15 feet in height, bridges, towers or any of the objects or purposes specified under subds. 1. to 6.

(c) A person who holds a valid blaster license which was issued prior to November 1, 1996 shall be deemed to hold the category of blaster license specified in Table 305.20 and may conduct blasting operations and activities under par. (b).

Table 305.20

Blaster License Categories Prior to November 1, 1996	New Blaster License Categories
Class 1-Limited Blasting: 1a, 1b, 1c, 1d, 1g	Class 1 Blaster
Class 1-Limited Blasting: 1e, 1f, 1h; Class 4-Precision Blasting: 4g, 4h	Class 2 Blaster
Class 2-Underground Blasting: 2a, 2b	Class 3 Blaster
Class 3-Surface Blasting: 3a, 3b, 3c, 3d	Class 4 Blaster
Class 4-Precision Blasting: 4a, 4b	Class 5 Blaster
Class 4-Precision Blasting: 4c, 4d, 4e, 4f	Class 6 Blaster
Class 5-Special Blasting: 5a, 5b	Class 7 Blaster

(2) APPLICATION FOR EXAMINATION. A person applying to take a blaster license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) A person applying to take a blaster license examination shall be at least 21 years old.

(b) A person applying to take a blaster license examination shall have one or more of the following qualifying experience:

1. At least 640 hours of experience working under the direct supervision of a person who holds a class 1 blaster license for a class 1 blaster license examination.

2. At least 640 hours of experience working under the direct supervision of a person who holds a class 2 blaster license for a class 2 blaster license examination.

3. At least 640 hours of experience working under the direct supervision of a person who holds a class 3 blaster license for a class 3 blaster license examination.

4. At least 640 hours of experience working under the direct supervision of a person who holds a class 4, class 5 or class 6 blaster license for a class 4 license examination.

5. At least 640 hours of experience working under the direct supervision of a person who holds a class 5 blaster license for a class 5 blaster license examination.

6. At least 1000 hours of experience working under the direct supervision of a person who holds a class 6 blaster license for a class 6 blaster license examination.

7. At least 2000 hours of experience working under the direct supervision of a person who holds a class 7 blaster license for a class 7 blaster license examination.

(4) EXAMINATION. A person seeking to obtain a blaster license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for a blaster license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RENEWAL. (a) 1. A person may renew his or her license as a blaster.

2. A blaster license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a blaster license shall be contingent upon the applicant completing and passing a take home examination.

(c) The renewal of a blaster license shall be contingent upon the department's review of the applicant's criminal history record from the state department of justice.

Note: The department will obtain the criminal history record directly from the state department of justice.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; cr. (2) (c), (6) (c), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a) 1. and 2., (b) and (5), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: r. (2) (c), am. (6) (c) Register June 2004 No. 582, eff. 8-1-04; correction in (1) (c), (2) (a), (b), (4), (5), (6) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.21 Fireworks manufacturers. (1) GENERAL. (a) Pursuant to s. 167.10 (6m), Stats., no person may manufacture fireworks or a listed device in this state unless the person holds a license issued by the department as a licensed fireworks manufacturer.

(b) A fireworks manufacturer license shall be obtained and held for each plant where fireworks or listed devices are to be manufactured.

(2) APPLICATION FOR LICENSE. A person applying for a fireworks manufacturer license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for a license as a fireworks manufacturer shall hold a federal license issued under 18 USC chapter 40 section 843.

(b) The person applying for a fireworks manufacturer license shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

(3m) RESPONSIBILITIES. A person who holds a fireworks manufacturer license shall post the license at the plant where the fireworks are to be manufactured.

(4) RENEWAL. (a) 1. A person may renew his or her license as a fireworks manufacturer.

2. A fireworks manufacturer license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a fireworks manufacturer license shall be contingent upon the applicant possessing a federal license issued under 18 USC chapter 40 section 843.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; cr. (3m), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; correction in (2) (a), (b), (4) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter III — Dwellings, Structures and Sites

SPS 305.31 Dwelling contractor. (1) GENERAL. Pursuant to s. 101.654 (1) (a), Stats., no person may obtain a building permit for a one- or 2-family dwelling unless the person complies with all of the following, except as provided under s. 101.654 (1) (b) and (c) 2., Stats.:

(a) Holds one of the following credentials issued by the department:

1. A dwelling contractor certification.

2. A dwelling contractor — restricted certification.

(b) Holds or engages, as an employee, a person who holds a certification issued by the department as a dwelling contractor qualifier.

Note: Section 101.654 (1) (b), Stats., exempts an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on the dwelling from obtaining a dwelling contractor financial responsibility certification.

Note: Section 101.654 (1) (c) 2., Stats., reads: "The continuing education requirements under par. (a) and the rules promulgated by the department under sub. (1m) do not apply to any person who holds a current license issued by the department at the time that the person obtains a building permit if the work the person does under the permit is work for which the person is licensed."

(2) APPLICATION FOR DWELLING CONTRACTOR CERTIFICATION. A person applying for a dwelling contractor certification or a dwelling contractor — restricted certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

Note: A dwelling contractor — restricted certification will be issued to an individual who applies using a bond of less than $25,000. The card issued by the department for a dwelling contractor — restricted certification will read "Financial Responsibility-by a bond under $25,000 Certification".

(3) QUALIFICATIONS FOR CERTIFICATION. (a) A person applying for a dwelling contractor certification or a dwelling contractor — restricted certification shall provide all of the following:

1. A statement certifying that the person complies with the worker's compensation requirements and unemployment compensation requirements as specified under s. 101.654 (2), Stats.

2. Evidence of compliance with the liability or bond insurance requirements as specified under s. 101.654 (2) and (2m), Stats.

(b) The person applying for a dwelling contractor certification or a dwelling contractor — restricted certification shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A person who holds a dwelling contractor certification or a dwelling contractor — restricted certification shall comply with the responsibilities under s. 101.654 (4), Stats.

(b) For any construction project that requires a uniform building permit under s. SPS 320.08, a person who holds a dwelling contractor certification or a dwelling contractor — restricted certification may not commence construction until a permit is issued for the construction.

(c) For any construction project that involves installation or modification of a private onsite wastewater treatment system, a person who holds a dwelling contractor certification or a dwelling contractor — restricted certification may not commence construction until a sanitary permit is issued for the construction in accordance with s. SPS 383.21.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) Pursuant to s. 101.654 (3), Stats., a dwelling contractor certification or a dwelling contractor — restricted certification shall be valid for no longer than one year after the date of issuance.

(b) 1. A person may renew his or her dwelling contractor certification or dwelling contractor — restricted certification.

2. A dwelling contractor certification or a dwelling contractor — restricted certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: renum. (4) to be (4) (a), cr. (4) (b) and (c) Register June 2004 No. 582, eff. 8-1-04; CR 07-007: r. and recr. Register August 2007 No. 620, eff. 9-1-07, except (1) (b) eff. 1-1-08; CR 08-110: am. (1) (a), (4) and (5) Register September 2009 No. 645, eff. 10-1-09; correction in (2) (a), (b), (4) (b), (c), (d), (5) (b) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 19-118: r. (d) Register May 2020 No. 773, eff. 6-1-20.

SPS 305.315 Dwelling contractor qualifier. (1) GENERAL. The purpose of the dwelling contractor qualifier certification is to provide proof of fulfilling the continuing education obligations to the issuers of building permits as required under s. 101.654 (1) (a), Stats.

(2) APPLICATION. A person applying for a dwelling contractor qualifier certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(c) Evidence that the person has completed at least 12 hours in an approved course in dwelling construction within one year prior to the date of application. The course shall include instruction in at least the following subject matter and one or more tests on at least the following subject matter:

1. Construction laws.

2. Construction codes.

3. Construction business practices.

(3) RENEWAL. (a) 1. A person may renew his or her certification as a dwelling contractor qualifier.

2. A dwelling contractor qualifier certification shall be renewed in accordance with s. SPS 305.07.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(b) The renewal of a certification as a dwelling contractor qualifier shall be contingent upon the individual completing at least 12 hours of approved continuing education prior to the expiration of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in sub. (5).

(c) Continuing education shall be obtained through any of the following means:

1. Attending seminars, corporate in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences meeting the requirements of sub. (4). Attendance may be in person or via remote classroom where a provider is available to participate to comment and answer questions.

2. Teaching a continuing education program that meets the requirements of sub. (4). A person who teaches may only receive credit for the initial offering or presentation of a course or program during a biennium.

3. Participating in continuing education program that does not meet in person that meets the requirements of sub. (4) including the completion of interactive short courses or tutorials, delivery of educational programs and courses on CD-ROM or the Internet, webinars, or correspondence courses.

4. Attending technical or professional society meetings that meet the requirements of sub. (4). A maximum of 6 hours per biennial renewal cycle may be counted toward continuing education requirements.

(d) Each certification holder shall retain evidence of compliance with continuing education requirements in accordance with s. SPS 305.08 (2).

(4) STANDARDS FOR CONTINUING EDUCATION. Only courses, programs, meetings, and seminars approved by the department in accordance with s. SPS 305.08 shall be used to fulfill continuing education requirements for renewal of a dwelling contractor qualifier certification. Continuing education shall meet all of the following criteria:

(a) Include instruction in an organized method of learning contributing directly to the professional competency of the certification holder and pertaining to subject matters that integrally relate to the practice of the profession. The instruction shall include amplification, evaluation, examples, and explanation of the course subject matter to the certification holder.

(b) Be conducted by individuals or entities which have specialized education, training, or experience in the subject matter of the program.

(c) Include at least 10 review questions for each credit hour if the continuing education credit is obtained through distance education as specified in sub. (3) (c) 3. The department may require submittal of the review questions for approval.

(d) Include at least 30 questions for each credit hour if the continuing education course, program, or seminar is predominantly question-and-answer based. A minimum score of 70 percent is required to receive continuing education credit. The department may require submittal of the questions for approval.

(e) Include any of the following content:

1. Construction laws and codes.

2. Construction safety topics that are directly related to operating a residential construction business.

3. Business management, estimating, and job costing.

4. Changes in construction and business management laws.

5. Design and building science.

6. Contracts, liability, and risk management.

7. Marketing and sales topics regarding the provision of accurate and ethical information to the customer.

8. Project management, personnel management, and scheduling.

9. Carpentry, concrete, swimming pool installation, damp proofing a basement, excavation, insulation work, masonry work, painting and decorating, roofing, siding and gutters, screen or storm sash installation, tile and marble work, or house wrecking.

10. Accounting, finance, and taxes.

11. Communication and customer service.

12. Environmental or land use analysis.

13. Zoning and governance policies and procedures.

14. Mold, lead, asbestos, or other hazardous material mitigation.

15. Energy codes and energy conservation methods applicable to residential structures.

16. Other subject matter approved by the department.

(5) WAIVER. A person who holds a certification as a dwelling contractor qualifier may apply to the department for waiver of the continuing education requirements under sub. (3) (b) on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: CR 07-007: cr. Register August 2007 No. 620, eff. 9-1-07; CR 11-020: r. (2) (c) (intro.), 2., renum. (2) (c) 1. to be (2) (c), correction in (2) (a), (b), (3) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: renum. (3) (b) 1., 2. to (3) (b), (5) and am. (b), cr. (3) (c), (d), (4) Register August 2014 No. 704, eff. 9-1-14; correction in (5) (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2014 No. 704, eff. 9-1-14; correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register July 2015 No. 715.

SPS 305.32 Manufactured home manufacturers.

(1) GENERAL. (a) Pursuant to s. 101.95, Stats., no manufacturer of manufactured homes may manufacture, sell or distribute for sale manufactured homes unless the manufacturer holds a license issued by the department as a licensed manufactured home manufacturer.

(b) A manufactured home manufacturer license shall be required for each manufacturing plant which manufactures homes to be sold or distributed for sale in the state.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home manufacturer license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. The person applying for a manufactured home manufacturer license shall be the owner of the manufacturing business, a partner in the manufacturing business applying on behalf of the partnership, or the chairman of the board or chief executive officer applying on behalf of the manufacturing corporation.

(4) RESPONSIBILITIES. (a) A person who holds a manufactured home manufacturer license shall post the license at the plant which manufactures homes to be sold or distributed for sale in the state.

(b) A person who holds a manufactured home manufacturer license shall comply with the warranty and disclosure responsibilities under s. 101.953, Stats.

(5) RENEWAL. (a) A person may renew his or her manufactured home manufacturer license.

(b) A manufactured home manufacturer license shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; cr. (3m), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: am. Register June 2004 No. 582, eff. 8-1-04; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register February 2006 No. 602; CR 06-071: renum. (3m) to be (3m) (a), cr. (3m) (b) Register November 2006 No.

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611, eff. 12-1-06; CR 11-020: renum. (3m), (4) to be (4), (5), Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (5) (b), as renumbered, made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.323 Manufactured home dealer. (1) GENERAL. Under s. 101.951 (1), Stats., no person may engage in the business of selling manufactured homes to a consumer or to the retail market unless the person holds a license issued by the department as a licensed manufactured home dealer. A branch license shall also be obtained for each branch operated by the licensed manufactured home dealer to sell homes.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home dealer license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(c) A license fee for each branch in accordance with s. SPS 305.02, Table 305.02.

(d) One of the following forms of security:

1. 'Surety bond.' A surety bond shall be filed on form SBD-10679 and issued by a bonding company licensed by this state. The surety bond shall be payable for the benefit of any person sustaining a loss because of an act of the licensee constituting grounds for the suspension or revocation of a license under s. 101.951 (6), Stats.

2. 'Financial statement.' A financial statement shall be filed on form SBD-10678 or the equivalent in accordance with generally accepted accounting principles and be dated not more than 90 days prior to the date of application. A small business, as defined in s. 227.114 (1), Stats., that does no interim financial reporting may submit a financial statement from the close of the business's most recent fiscal year. Financial statements anticipating some future event shall not be accepted.

(3) QUALIFICATIONS. (a) *Minimum net worth or bond.* The minimum level of net worth or surety bond of an applicant shall be determined in accordance with Table 305.323-1 for a non-broker or Table 305.323-2 for a broker. The department shall deny the license of any applicant who fails to meet the net worth or surety bond criteria specified in the tables.

Table 305.323-1
Minimum Net Worth or Bond for a Non-Broker

Number of Manufactured Homes Sold Per Year	Amount
New Dealer	$50,000
2–50	$50,000
51–up	$100,000

Table 305.323-2
Minimum Net Worth or Bond for a Broker

Number of Manufactured Homes Sold Per Year	Amount
New Dealer	$25,000
2–50	$25,000
51–up	$50,000

(b) *Person applying.* The person applying for a manufactured home dealer license shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairperson of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. A person who holds a manufactured home dealer license shall post the license at the main business office and shall comply with the trade practices, facilities and records requirements specified in subs. (5) to (9).

(5) ADVERTISING AND SALES REPRESENTATIONS. (a) *Truthful.* The use of false, deceptive or misleading advertising or representations by any licensee to induce the purchase of a manufactured home is prohibited.

(b) *Factual.* Any licensee, making a statement of fact to the public in an advertisement, written statement or representation concerning the manufactured home offered for sale, the services provided or any other aspects of business operation, shall, upon request of the department, furnish evidence of the validity and accuracy of the statement of fact at the time it was made.

(c) *Disclosures required when advertising price.* When the price of a manufactured home is advertised by a licensee, the advertised price shall include all charges that shall be paid by the retail purchaser to acquire ownership of the advertised home with the exception of sales tax, title registration fees, government required permits, and charges from lenders or other entities.

(d) *Name.* Advertisements for manufactured home sales shall include the licensed business name.

(e) *New or used.* When advertising a manufactured home, a licensee shall state the model year of the home or whether the home is a new manufactured home or a used manufactured home. If the manufactured homes in an advertisement are either all new or all used, one reference in the advertisement designating that they are new or used is sufficient.

(f) *Expiration terms of sales or promotions.* Whenever a sale or promotion offering gifts, merchandise, equipment, accessories, service, discounts, price reductions or cash is advertised, the advertisement shall specifically disclose the expiration terms or date of the sale or promotion.

(g) *Relocations.* Whenever a licensee advertises a manufactured home on a rental lot site that may have to be moved as a condition of the sale, that fact shall be stated in the advertisement.

Note: See Department of Agricultural, Trade and Consumer Protection rules under section ATCP 125.02 regarding tie-in sales; separate or discriminatory charges.

(6) PURCHASE CONTRACT. (a) *Usage.* 1. A licensee shall furnish retail purchasers with a manufactured home purchase contract that clearly states that the retail purchaser is making an offer to purchase a manufactured home. An exact copy of the purchase contract shall be provided to the retail purchaser at the time the retail purchaser signs the offer and again after the offer is accepted by the manufactured home dealer if accepted at a different time than accepted by the retail purchaser. Any changes in the purchase contract after signing by the retail purchaser or subsequent to acceptance by the manufactured home dealer shall be initialed by all the parties on all copies.

2. A manufactured home purchase contract shall be executed whenever the licensee accepts a down payment, deposit, or title for a trade-in unit from a prospective retail purchaser.

(b) *Contract requirements.* A manufactured home purchase contract shall be completed on form SBD-10807.

(c) *Termination of offer to purchase.* 1. Unless otherwise specified in the contract, the offer to purchase is automatically voided if the licensee fails to accept or reject the offer by the close of the manufactured home dealer's next business day.

2. The licensee shall not sell the manufactured home to any other person until the offer is rejected by the licensee or the offer is voided in accordance with this subsection, or the retail purchaser cancels the contract in accordance with par. (d).

3. Any down payment, deposit or title shall be returned to the prospective retail purchaser within 2 working hours of the time the offer to purchase is rejected by the licensee. If the prospective retail purchaser is not present or available during the 2 hour period, those items shall be returned in person or mailed by the close of the manufactured home dealer's next business day.

(d) *Cancellation of agreements.* 1. The purchase contract shall clearly state that cancellation of a manufactured home contract within one business day of acceptance by a manufactured home dealer may subject the retail purchaser to a penalty of up to

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1% of the cash price of the manufactured home and that cancellation after the close of the next business day may subject the retail purchaser to a penalty not to exceed the penalty amount specified in the contract. Modification of the purchase contract shall not extend the cancellation period. Documented proof of notification of cancellation is required regardless of the method of notification.

2. The title and any down payment or deposit which is not retained by the manufactured home dealer as a penalty in accordance with subd. 1. shall be returned to the retail purchaser by the close of the manufactured home dealer's next business day following receipt of the retail purchaser's notice of cancellation.

3. Whenever a manufactured home is sold away from the licensed place of business, the manufactured home dealer shall furnish the customer with a written notice of the 3-day consumer cancellation rights in accordance with s. 423.202, Stats.

(e) *Price changes.* Any increase in price to a retail purchaser after the manufactured home dealer has accepted an offer is prohibited except when the price increase is due to any of the following:

1. The addition of new equipment required by local, state or federal law.

2. Local, state or federal tax changes.

3. The reappraisal of a trade-in unit that has suffered damage or is missing furnishings, appliances or accessories that were part of the trade-in unit at the time the purchase contract was executed. Reappraisal by the licensee shall be limited to an amount equal to the retail repair costs of the damage incurred, or to the value of furnishings, appliances or accessories removed.

(f) *Contract notice.* The purchase contract shall include information regarding possible price increases due to any of the items in par. (e) 1. to 3.

(g) *Warranties.* Warranties and disclosures shall be provided in accordance with s. 101.953, Stats.

(h) *Name of prior owner.* The purchase contract shall include the name and address of the current titled owner if the manufactured home is consigned to or listed by the licensee. The name and address of the previous owner shall be kept on file at the manufactured home dealer's main business office if the manufactured home is owned and offered for sale by the licensee.

(i) *On-site sales.* If the manufactured home is displayed for sale on a rental lot site or if a licensee represents that a manufactured home may occupy a site in a specified manufactured home community, the manufactured home dealer shall do all of the following:

1. Clearly state on the purchase contract whether or not the manufactured home may have to be moved from the site.

2. Clearly state on the purchase contract that the contract is voidable by the retail purchaser if the retail purchaser is rejected by, or the purchaser's manufactured home is not permitted in, the manufactured home community.

3. If the manufactured home may remain on site, inform the prospective retail purchaser in writing prior to the execution of the contract that a copy of the current manufactured home community lease and rules may be obtained from the current manufactured home owner or manufactured home community operator.

(j) *Service fees.* A licensee shall not assess a retail purchaser an additional service charge or fee for completing any sales-related home inspection forms that are required by law or rule.

(k) *Waiver.* The use of a manufactured home purchase contract that requires the retail purchaser to waive any claims the retail purchaser may have for breach of contract by the licensee is prohibited.

(7) CONSIGNMENT AND LISTING AGREEMENTS. (a) *Usage and contents.* 1. Form SBD-10808 shall be used whenever a manufactured home dealer lists or offers to sell a used manufactured home on consignment.

2. Form SBD-10807 shall be used whenever a manufactured home dealer sells a listed or consigned used manufactured home.

(b) *On-site sales on rental sites.* Manufactured homes selling agreements for units offered for sale on-site on rental sites shall comply with sub. (6) (i).

(c) *Net sales prohibited.* Licensees shall not obtain, negotiate, or attempt to negotiate any manufactured home selling agreement providing for a stipulated net price to the owner with the excess over the stipulated net price to be received by the licensee as commission.

(8) DISCLOSURE OF THE CONDITIONS OF THE MANUFACTURED HOME. (a) *Model year designation.* Changing the model year of a manufactured home is prohibited. If no model year is designated, the year of manufacture applies.

(b) *New manufactured home disclosure.* The licensee shall, on the face of the new manufactured home purchase contract, disclose all manufactured home dealer installed options or accessories and whether or not the options or accessories are warranted.

(c) *Used manufactured home general condition disclosure.* 1. Before the execution of a purchase contract for a used manufactured home owned by a licensee, the licensee shall inform a prospective retail purchaser of all significant structural or mechanical defects or damage on form SBD-10809. If the licensee is unable to determine whether specific damage or defects exist, that fact shall be noted on the disclosure form. Disclosure of information shall include that which the licensee discovers as a result of a reasonably competent and diligent inspection which shall consist of, but is not limited to, a walk-around and interior inspection, an under-home inspection, roof inspection and inspection of the appliances. A reasonably competent and diligent inspection is not required to cover every possible technical detail. The licensee is not required to dismantle any part of the manufactured home during the inspection process.

2. The seller of a listed or consigned used manufactured home shall provide a completed form SBD-10809 to the licensee. The licensee shall provide the completed disclosure statement to the prospective retail purchaser.

3. Unless otherwise agreed to in the purchase contract, the inspection disclosures shall not create any warranties, expressed or implied, or affect warranty coverage provided for in the purchase contract.

(9) FACILITIES AND RECORDS. (a) *Business facilities.* Manufactured home dealers shall provide and maintain business facilities that comply with all of the following:

1. A main business office that maintains books, records and files necessary to conduct business. The required business office may be established within a residence if the office is accessible to an outside entrance and is used primarily for conducting the manufactured home business.

2. A display lot within the same block or directly across the street from the main business office, if a display lot is provided.

3. A repair shop, or a service agreement with a nearby repair shop, where there are repair tools, repair equipment and personnel to perform the services provided for in a warranty applicable to a manufactured home sold by the manufactured home dealer. Any service agreement shall be on form SBD-10685.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(b) *Relocation.* A main business office may not be relocated without notice to the department.

(c) *Sign.* Manufactured home dealers who carry and display inventory shall provide an exterior business sign in compliance with s. 100.18 (5), Stats.

(d) *Temporary sales locations.* 1. Manufactured home dealers shall be permitted to display and sell manufactured homes at a temporary site other than the licensed place of business.

2. A temporary sales location may not be used for longer than 30 days.

3. A consigned, listed or model manufactured home shall not be considered a temporary sales location.

Note: There may be zoning, building code and permit requirements relating to business locations that are enforced by local municipalities.

(e) *Records kept.* The books, records and files required to be kept and maintained at the main business office by a manufactured home dealer shall include all of the following:

1. A written verification that the manufactured home dealer has in place a dealership arrangement or an established relationship with a manufacturer to sell and advertise the manufacturer's new manufactured homes.

2. The title or other evidence of ownership for each used manufactured home owned and offered for sale and the manufacturer's statement of origin information for each new manufactured home owned and offered for sale. The manufactured home dealer shall also have a factory invoice, a completed manufactured home dealer reassignment form or a purchase contract evidencing trade-in or purchase when a manufacturer or lending institution is holding the title or manufacturer's statement of origin of the manufactured home.

3. A written selling agreement between the owner and the manufactured home dealer for each manufactured home owned by an individual and offered for sale or listed by the manufactured home dealer.

4. The original or a copy of all manufactured home purchase contracts, purchase orders and invoices. The records shall also include a copy of form SBD-10687 as additional evidence of the sale as well as information regarding collection of sales tax and Wisconsin title and registration fees, if applicable.

5. A record of every manufactured home bought, sold, exchanged, consigned, or listed that includes the following information: date acquired, acquired from name and address, new or used, year, model and identification number, date sold or disposed of, disposed of or sold to name and address.

(f) *Maintenance of records.* The records under par. (e) shall be maintained for 5 years. The records shall be open to inspection and copying by the department during reasonable business hours.

(10) RENEWAL. (a) 1. A person may renew his or her manufactured home dealer license.

2. A manufactured home dealer license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a license as a manufactured home dealer shall be contingent upon the applicant providing the information required under sub. (2) (d).

History: CR 04-134: cr. Register June 2005 No. 594, eff. 7-1-05; CR 06-031: am. (1) Register October 2006 No. 610, eff. 11-1-06; CR 06-071: r. and recr. (6) (f), am. (6) (h) Register November 2006 No. 611, eff. 12-1-06; CR 11-020: am. (6) (e) (intro.), (i) (intro.), (7) (b), renum. (6) (e) 4., (f) to (g) to be (6) (f), (g) to (k), Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (c), (3) (a), (10) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.325 Manufactured home salesperson. (1) GENERAL. Under s. 101.952 (1), Stats., no person may engage in the business of selling manufactured homes to a consumer or to the retail market unless the person holds a license issued by the department as a licensed manufactured home salesperson. A manufactured home dealer who acts as a manufactured home salesperson shall secure a manufactured home salesperson license in addition to the manufactured home dealer license.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home salesperson license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home salesperson license shall hold a manufactured home dealer license issued by the department or shall be employed by a person who holds a manufactured home dealer license issued by the department.

(4) RESPONSIBILITIES. (a) A person who holds a manufactured home salesperson license shall comply with the responsibilities under ss. 101.952 (3), and 101.953, Stats.

Note: Section 101.952 (3), Stats., indicates that every licensee shall carry his or her license when engaged in his or her business and display the same upon request.

(b) A person who holds a manufactured home salesperson license shall comply with the provisions under s. SPS 305.323 that apply to a licensee.

(5) INVALID LICENSE. A manufactured home salesperson license shall remain valid until one of the following conditions occur:

(a) The manufactured home salesperson is not employed by a person who holds a manufactured home dealer license issued by the department.

(b) The department suspends or revokes the manufactured home salesperson's license.

(6) RENEWAL. (a) A person may renew his or her manufactured home salesperson license.

(b) A manufactured home salesperson license shall be renewed in accordance with s. SPS 305.07.

History: CR 04-134: cr. Register June 2005 No. 594, eff. 7-1-05; CR 06-071: am. (4) (a) Register November 2006 No. 611, eff. 12-1-06; CR 11-020: renum. (1) (a)to be (1), renum. (5) (a) (intro.), 1., 4. to be (5) (intro.), (a), (b) and am., r. (1) (b), (5) (a) 2., 3., (b), Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (4) (b), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.327 Manufactured home installer. (1) GENERAL. (a) Except as provided in par. (b), beginning on January 1, 2007, pursuant to s. 101.96, Stats., no person may install a manufactured home onto a foundation or other support system unless the person complies with one of the following conditions:

1. The person holds a license issued by the department as a licensed manufactured home installer.

2. The person is under the general supervision of another person who holds a license issued by the department as a licensed manufactured home installer.

(b) 1. The owner of a manufactured home who will reside in the home may install his or her own manufactured home without holding a license as a licensed manufactured home installer. This exemption does not apply to the owner who contracts for or otherwise arranges for the installation.

2. A person is not required to hold a license as a licensed manufactured home installer for electrical, plumbing or HVAC work associated with the installation of a manufactured home.

Note: There may be other state or local licensing requirements involved in the installation of manufactured homes.

(2) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home installer license shall comply with all of the following conditions:

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(a) The person is at least 18 years old.

(b) The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the 2 years before the date on which the person's license application is submitted.

(c) The person has not been found responsible in any judicial or administrative forum during the 2 years before the date on which the person's license application is submitted for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

(3) APPLICATION FOR LICENSE. A person may apply for a license as a licensed manufactured home installer by submitting an application, an application fee and the license fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

(a) Evidence that the person holds a manufactured home installer license issued by the federal department of housing and urban development.

(b) Evidence that the person holds a manufactured home installer license issued by a state administrative agency (SAA) that has an installer licensing program that is equivalent to the rules under this section.

(c) Evidence that the person has completed at least 12 hours in an approved course or courses in the installation of manufactured homes within one year prior to the date of application. The course or courses shall include instruction in at least the following subject matter and one or more tests on the subject matter:

1. Soil mechanics.
2. Site preparation.
3. Structural support, stabilization and anchorage.
4. Setting.
5. Ventilation of crawl spaces.
6. Connections, plumbing, electrical, HVAC.
7. Joining of home sections.

(4) RESPONSIBILITIES. A person who installs or supervises the installation of manufactured homes as a licensed manufactured home installer shall be responsible for compliance with the installation requirements in ch. SPS 321.

(5) RENEWAL. (a) 1. A person may renew his or her license as a manufactured home installer.

2. A manufactured home installer license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a manufactured home installer shall be contingent upon the manufactured home installer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a manufactured home installer may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(c) The renewal of a license as a manufactured home installer shall be contingent upon all of the following conditions:

1. The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the previous 2 years.

2. The person has not been found responsible in any judicial or administrative forum during the previous 2 years for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

History: CR 06-071: cr. Register November 2006 No. 611, eff. 12-1-06; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register July 2007 No. 619; CR 08-110: r. (3) (b), renum. (3) (a) and (4) to be (3) and (4) (a), cr. (4) (b) Register September 2009 No. 645, eff. 10-1-09; correction to renumber of (3) made under s. 13.92 (4) (b) 1., Stats., Register September 2009 No. 645; correction in (3) (intro.), (4) (a), (b), (5) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (5) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 19-118: renum. (4) (a) to (4), r. (4) (b) Register May 2020 No. 772, eff. 6-1-20.

SPS 305.33 Soil testers. (1) GENERAL. Pursuant to s. 145.045, Stats., no person may conduct soil evaluations relative to the discharge or disposal of liquid domestic wastes into the soil unless the person holds a certification issued by the department as a certified soil tester.

(2) APPLICATION FOR EXAMINATION. A person applying to take a soil tester certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee specified in s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying to take a soil tester certification examination shall be at least 18 years old.

(4) EXAMINATION. A person seeking to obtain a soil tester certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for soil tester certification, a person may obtain the certification by submitting an application and a certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. A certified soil tester who, as an employee of a local governmental unit is responsible for administering regulations governing private onsite wastewater treatment systems may not provide soil evaluations relative to the design, installation or maintenance of private onsite wastewater treatment systems within the boundaries of the local governmental unit and adjacent local governmental units.

(7) RENEWAL. (a) 1. A person may renew his or her certification as a soil tester.

2. A soil tester certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified soil tester shall be contingent upon the soil tester obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified soil tester may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1), (5) and (7) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: r. and recr. (7) (b) 1. Register June 2004 No. 582, eff. 8-1-04; CR 08-110: r. and recr. (7) (b) 1. Register September 2009 No. 645, eff. 10-1-09; CR 09-021: am. (6) Register November 2009 No. 647, eff. 12-1-09; correction in (2) (a), (b), (4), (5), (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (b) 1. Register August 2014 No. 704.

SPS 305.34 Welders. (1) GENERAL. No person may perform structural steel welding under chs. SPS 334 and 361 to 366 unless the person holds a registration issued by the department as a registered welder.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(2) APPLICATION FOR REGISTRATION. A person applying for a welder registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. (a) The person applying for a welder registration shall have taken and passed, not more than one year before the date the application is received by the department, one or more welding tests in accordance with the following standards:

1. American Welding Society D 1.1, section 4, part C.
2. American Welding Society D1.2, section 3, part D.
3. American Welding Society D 1.3, section 4, part C.
4. American Welding Society D1.6, section 4, part B.

(b) The test under par. (a) shall have been conducted by a person who is a certified weld test conductor in accordance with s. SPS 305.35 or is under the general supervision of a certified weld test conductor.

(4) RESPONSIBILITIES. A person who does structural steel welding as a registered welder shall do all of the following:

(a) Perform only those structural welding procedures for which the person has qualified by test within the last 4 years.

(b) Carry proof as to which welding procedures the person has qualified by test.

(c) Present upon request to the department or its representative proof of the qualified welding procedures.

(d) Identify the welding on each structurally significant member with a distinguishing mark stamped on the member by the person doing the welding.

(5) RENEWAL. (a) A person may renew his or her registration as a welder.

(b) A welder registration shall be renewed in accordance with s. SPS 305.07.

(c) The renewal of a welder registration shall be contingent upon the welder having taken and passed not more than one year before the date of the renewal application a welding test in accordance with sub. (3).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (3) (a) (intro.), (b), (5) (c), Register, March, 1998, No. 507, eff. 4-1-98; am. (1), (2) (b) and (3) (a) (intro.), Register, April, 2000, No. 532, eff. 5-1-00; CR 01-139: am. (1) and (3) (a) (intro.) Register June 2002 No. 558, eff. 7-1-02; CR 03-075: am. (3) (a) Register June 2004 No. 582, eff. 8-1-04; CR 05-011: am. (4) (intro.), (a) and (b), cr. (4) (d) Register July 2005 No. 595, eff. 8-1-05; CR 06-120: am. (1), Register February 2008 No. 626, eff. 3-1-08; CR 07-089: am. (1) and (4) (intro.) Register June 2008 No. 630, eff. 7-1-08; CR 08-110: r. (5) (d) Register September 2009 No. 645, eff. 10-1-09; CR 11-020: am. (2) (b), renum. (3) (a) 2. to be (3) (a) 3., cr. (3) (a) 2., 4., Register December 2011 No. 672, eff. 1-1-12; correction in (1), (2) (a), (b), (3) (b), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.35 Weld test conductors. (1) GENERAL. No person may conduct welding tests for the purpose of qualifying structural steel welders under s. SPS 305.34 unless the person holds a certification issued by the department as a certified weld test conductor.

(2) APPLICATION FOR EXAMINATION. A person applying to take a weld test conductor certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. The person seeking to obtain a weld test conductor certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for weld test conductor certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who conducts welding tests for qualifying structural steel welders under s. SPS 305.34 as a certified weld test conductor shall do all of the following:

(a) Ensure that the welding tests, the testing facilities and testing equipment conform with the following appropriate standard or standards:

1. American Welding Society D 1.1, section 4, part C.
2. American Welding Society D 1.2, section 3, part D.
3. American Welding Society D 1.3, section 4, part C.
4. American Welding Society D 1.6, section 4, part C.

(b) Provide to each individual who passes a qualifying welding test, documentation in a format specified by the department, indicating the welding procedures for which the individual qualified.

(c) 1. Maintain a record of those individuals who passed a structural welding qualifying test, including the procedures for which the individuals qualified, for at least 5 years after the date of the test.

2. Present upon request to the department or its representative the records under subd. 1.

(6) RENEWAL. (a) A person may renew his or her certification as a weld test conductor.

(b) A weld test conductor certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1), (4) and (5) (a) (intro.), Register, April, 2000, No. 532, eff. 5-1-00; CR 01-139: am. (5) (a) (intro.) Register June 2002 No. 558, eff. 7-1-02; CR 03-075: am. (5) (a) Register June 2004 No. 582, eff. 8-1-04; CR 05-011: am. (5) (intro.), (b) and (c) 1., Register July 2005 No. 595, eff. 8-1-05; CR 07-089: am. (1) and (5) (intro.) Register June 2008 No. 630, eff. 7-1-08; CR 08-110: r. (6) (c) Register September 2009 No. 645, eff. 10-1-09; CR 10-039: am. (1), (2) (intro.), (3) (a), (5) (intro.) and (6) Register November 2010 No. 659, eff. 12-1-10; CR 11-020: am. (2) (b), renum. (5) (a) 2. to be (5) (a) 3., cr. (5) (a) 2., 4., Register December 2011 No. 672, eff. 1-1-12; (3) (a) renumbered to be (3) under s. 13.92 (4) (b) 1., Stats., correction in (1), (2) (a), (b), (3), (4), (5) (intro.), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.36 POWTS maintainers. (1) GENERAL. Pursuant to s. SPS 383.52 (3), a person who holds a registration issued by the department as a registered POWTS maintainer may evaluate, monitor and maintain POWTS components for the purpose of providing the management of a POWTS under subch. V of Ch. SPS 383.

(2) APPLICATION FOR REGISTRATION. A person applying for a POWTS maintainer registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application and registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Information or documentation relating to the qualifications under sub. (3).

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a POWTS maintainer registration shall have completed or obtained at least one of the following:

(a) At least 6 hours in a course or courses approved under s. SPS 305.08 that relate to the theory, operation, maintenance and inspection of POWTS treatment and dispersal components, including instruction in at least all of the following:

1. Sand filters.
2. Effluent pumps and switches.
3. Alarms and floats.
4. Active filtration devices.
5. Valves and solenoids for distributing effluent.

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6. Aerobic treatment units.

(b) At least 60 hours of experience as a licensed master plumber, master plumber-restricted service, journeyman plumber or journeyman plumber-restricted service installing POWTS treatment and dispersal components that involve installation of at least all of the devices delineated under par. (a) 1. to 6.

(4) RENEWAL. (a) 1. A person may renew his or her registration as a POWTS maintainer.

2. A POWTS maintainer registration shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a registration as a registered POWTS maintainer shall be contingent upon the POWTS maintainer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a registration as a POWTS maintainer may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 03-075: r. and recr. (4) (b) 1. Register June 2004 No. 582, eff. 8-1-04; CR 07-100: am. (1) Register September 2008 No. 633, eff. 10-1-08; CR 08-110: r. and recr. (4) (b) 1. Register September 2009 No. 645, eff. 10-1-09; correction in (1), (2) (a), (b), (3) (a) (intro.), (4) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (4) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

Subchapter IV — Electrical

SPS 305.40 Electricians. (1) Except as provided under s. 101.862 (4), Stats., no person as of April 1, 2014, may install, repair, or maintain electrical wiring unless the person holds a license or registration issued by the department or is enrolled by the department as one of the following:

(a) A licensed master electrician.

(b) A licensed residential master electrician.

(bm) A registered master electrician.

(c) A licensed journeyman electrician.

(d) A licensed industrial journeyman electrician.

(e) A licensed residential journeyman electrician.

(f) An enrolled registered electrician.

(g) A registered electrical apprentice.

(h) A registered industrial electrical apprentice.

(i) A registered residential electrical apprentice.

(2) (a) Except as provided in par. (b), the electrical wiring activities that may be undertaken by a person who holds a license or registration as a licensed residential master electrician, a licensed residential journeyman electrician or a registered residential electrical apprentice shall be limited to wiring associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos, and swimming pools.

(b) A person who holds a license or registration as a licensed residential master electrician, a licensed residential journeyman electrician, or a registered residential electrical apprentice may perform electrical wiring not associated with dwellings and dwelling units, provided the person is under the direct supervision of a licensed master electrician, a registered master electrician, or a licensed journeyman electrician.

(3) (a) The electrical wiring activities that may be undertaken by a person who holds a license or registration as a licensed industrial journeyman electrician or a registered industrial electrical apprentice shall be limited to wiring within the facilities or properties of the business establishment where the person is employed.

(b) A person who holds a license or registration as a licensed industrial journeyman electrician or a registered industrial electrical apprentice may perform electrical wiring not associated with the facilities or properties of the business establishment where the person is employed, provided the person is under the direct supervision of a licensed master electrician, a registered master electrician, or a licensed journeyman electrician.

(4) (a) 1. A person who holds a license as a licensed journeyman electrician or a registration as a registered electrical apprentice shall perform electrical wiring activities under the general supervision of a person who holds a license as a licensed master electrician or a registration as a registered master electrician, except as provided in subd. 2.

2. A person who holds a license as a licensed journeyman electrician or a registration as a registered electrical apprentice may perform electrical wiring activities under the general supervision of a person who holds a license as a licensed residential master electrician provided the wiring is associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos, and swimming pools.

(b) A person who holds a license as a licensed industrial journeyman electrician or a registration as a registered industrial electrical apprentice shall perform electrical wiring within the facilities or properties of the business establishment where the person is employed under the general supervision of a person who holds a license as a licensed master electrician or a registration as a registered master electrician.

(c) A person who holds a license as a licensed residential journeyman electrician or a registration as a registered residential electrical apprentice shall perform electrical wiring activities associated with dwellings and dwelling units under the general supervision of a person who holds a license either as a licensed master electrician or a licensed residential master electrician, or holds a registration as a registered master electrician.

(d) 1. Except as provided in subd. 2., a person who is enrolled as a registered electrician shall perform electrical wiring activities under the direct supervision of a person who holds a license either as a licensed master electrician or a licensed journeyman electrician, or holds a registration as a registered master electrician.

2. A person who is enrolled as a registered electrician may perform electrical wiring activities under the direct supervision of a person who holds a license as a licensed residential master electrician or licensed residential journeyman electrician provided the wiring is associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos, and swimming pools.

3. A person who is enrolled as a registered electrician may perform electrical wiring activities under the direct supervision of a person who holds a license as a licensed industrial journeyman electrician provided the wiring is within the facilities or properties of the business establishment where the industrial journeyman electrician is employed.

(5) At any time, for any electrical wiring project, the total number of registered beginning electricians at an installation site may not exceed twice the total number of licensed or registered master electricians and journeyman electricians at the installation site plus two.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. Register, April, 2000, No. 532, eff. 5-1-00; CR 05-011: r. (2) Register July 2005 No. 595, eff. 8-1-05; CR 09-028: r. and recr. Register August 2010 No. 656, eff. 4-1-13; EmR1415:

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emerg. am. (2) (b), (3) (b), (4) (a) 1., (b), (c), (d) 1., (5), eff. 8-6-14; CR 14-049: am. (2) (b), (3) (b), (4) (a) 1., (b), (c), (d) 1., (5) Register July 2015 No. 715, eff. 8-1-15; CR 16-093: am. (1) (intro.), (f), (4) (d) Register June 2018 No. 750, eff. 8-1-18; CR 19-118: am. (1) (intro.) Register May 2020 No. 773, eff. 6-1-20; correction in (1) (intro.) made under s. 35.17, Stats., Register May 2020 No. 773.

SPS 305.405 Terminology. For the purposes of this subchapter, electrical contractor certifications and master and journeyman electrician certifications issued prior to April 1, 2014, shall be considered to be licenses.

Note: 2007 Wisconsin Act 63 changed the nomenclature from electrical certifications to electrical licenses.

History: CR 09-028: cr. Register August 2010 No. 656, eff. 9-1-10; CR 19-118: am. Register May 2020 No. 773; correction made under s. 35.17, Stats., Register May 2020 No. 773.

SPS 305.41 Electrical contractors. (1) GENERAL. (a) Pursuant to s. 101.862, Stats., no person or entity, as of April 1, 2014, may engage in the business or offer to engage in the business of installing, repairing, or maintaining electrical wiring unless the person or entity holds a license or certification issued by the department as a licensed electrical contractor, except as provided under s. 101.862 (4), Stats.

(b) For the purposes of this section, unexpired electrical contractor certifications issued prior to April 1, 2014, shall be considered licenses.

Note: 2007 Wisconsin Act 63 changed the nomenclature from electrical certifications to electrical licenses.

Note: Section 101.862 (4), Stats., exempts the following:

(a) A residential property owner who installs, repairs, or maintains electrical wiring on premises that the property owner owns and occupies as a residence, unless a license or registration issued by the department is required by local ordinance.

(am) A person engaged in installing electrical wiring within an existing industrial facility or existing manufacturing facility owned or leased by the person or by an entity for which the person is an agent or employee.

(b) A person engaged in maintaining or repairing electrical wiring within an existing facility or on premises owned or leased by the person or by an entity for which the person is an agent or employee.

(c) A person engaged in installing, repairing, or maintaining electrical wiring, apparatus, or equipment for elevators and escalators.

(d) A person engaged in installing, repairing, or maintaining equipment or systems that operate at 100 volts or less.

(e) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premises for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.

(f) A person engaged in installing, repairing, or maintaining electrical wiring of transmission facilities that support telecommunications service, as defined in s. 182.017 (1g) (cq), that is provided by a telecommunications provider, as defined in s. 196.01 (8p).

(g) A person engaged in installing, repairing, or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs and luminaires, or any other manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance only involves the modification or installation of conductors beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance that are considered part of the equipment or system under this paragraph. For purposes of this paragraph, any conductor going from the disconnecting point or the nearest junction, pull, or device box to the manufactured equipment or utilization equipment or the manufactured system is considered part of the equipment or system.

(h) A person engaged in installing electrical wiring for components of a manufactured home, as defined in s. 101.91 (2), or a manufactured building, as defined in s. 101.71 (6), while the manufactured home or the manufactured building is at or in the facility at which it is being manufactured.

(i) A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains electrical wiring for equipment that is installed in the normal course of providing utility services by the electricity provider.

(j) A person engaged in installing, repairing, or maintaining electrical wiring that provides lighting or signals for public thoroughfares and for public airports.

(k) A person engaged in installing, repairing, or maintaining electric lines on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

(L) A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains primary voltage electric facilities that are owned by the electricity provider's customers or members and that operate at greater than 600 volts.

(m) A person employed by an electricity provider, or a subcontractor of an electricity provider, who restores service during an emergency.

(n) A person who installs a replacement for an existing switch or outlet if the replacement switch or outlet has a rating of not more than 20 amperes.

(p) A person engaged in installing, repairing, or maintaining a private on-site wastewater treatment system, as defined in s. 145.01 (12), if the activity only involves installing or modifying a conductor going from the system's junction, pull, or device box to the nearest disconnecting point and the conductor is buried with the system.

(q) A person engaged in installing, repairing, or maintaining a pump for a well if the activity only involves installing or modifying a conductor going from the pump's junction, pull, or device box to the nearest disconnecting point and the conductor is buried with the pump.

Note: As of April 1, 2014, the department will no longer issue or renew a certification for electrical contractor-restricted. The department will issue an electrical contractor license to those individuals who hold an electrical contractor-restricted certification prior to April 1, 2014. The issuance of the license will indicate the same expiration date as the current restricted-certification.

(2) APPLICATION FOR LICENSURE. A person applying for an electrical contractor license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(c) A statement certifying compliance with worker's compensation requirements under ch. 102, Stats., and unemployment compensation requirements under ch. 108, Stats.

(3) QUALIFICATIONS FOR LICENSURE. The person applying for an electrical contractor license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of the partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A licensed electrical contractor shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

(b) For any electrical installation that requires a uniform building permit under s. SPS 320.08, a person who holds an electrical contractor license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chapters SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(d) A person or entity that holds a electrical contractor license shall include his or her license number on all construction bids and contracts.

(5) RENEWAL. (a) A person may renew his or her license as an electrical contractor.

(b) An electrical contractor license shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (3), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a) 2., Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: renum. (3) to be (3) (a), cr. (3) (b) Register June 2004 No, 582, eff. 8-1-04; CR 08-110: cr. (3) (c) Register September 2009 No. 645, eff. 10-1-09; CR 09-028: r. and recr. Register August 2010 No. 656, eff. 9-1-10; correction in (2) (a), (b), (4) (b), (c), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 19-118: am. (1) (a), (b), r. (4) (c) Register May 2020 No. 773, eff. 6-1-20; correction in (1) (b) made under s. 35.17, Stats., Register May 2020 No. 773.

SPS 305.43 Master electricians. (1) APPLICATION FOR EXAMINATION. A person applying to take a master electrician license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(2) QUALIFICATIONS FOR EXAMINATION. A person applying for a master electrician license examination shall have at least one of the following qualifications:

(a) A bachelor's degree or master's degree in electrical engineering.

(b) Twelve months of experience in installing, repairing, and maintaining electrical wiring while being licensed as a journeyman electrician.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

(c) Experience in installing, repairing, and maintaining electrical wiring during a period of not less than 60 months, with at least 10,000 hours of experience over that period.

(3) EXAMINATION. A person seeking to obtain a master electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for a master electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. (a) For any electrical installation that requires a uniform building permit under s. SPS 320.08, a person who holds a master electrician license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a licensed master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

(6) EXCHANGES. (a) A person who holds a master electrician license may, upon application to the department, exchange his or her master electrician license for a journeyman electrician license.

(b) A person who has exchanged his or her master electrician license for a journeyman electrician license may, upon application to the department, exchange his or her journeyman electrician license for a master electrician license in accordance with the following provisions:

1. The person holds a valid journeyman electrician license.

2. The person submits with the application a copy of his or her former master electrician license.

3. The license fee for a master electrician specified in s. SPS 305.02, Table 305.02 is submitted.

(7) RENEWAL. (a) 1. A person may renew his or her license as a master electrician.

2. A master electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed master electrician shall be contingent upon the master electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed master electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (2) (b), (5) (b) 1., Register, March, 1998, No. 507, eff. 4-1-98; am. (4) and (5) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: renum. (5) to be (6) and r. and recr. (6) (b) 1., cr. (5) Register June 2004 No. 582, eff. 8-1-04; CR 09-028: am. (1) (intro.), (2) (a), (3) and (4), renum. (5) and (6) to be (5) (a) and (7) and am., cr. (5) (b) and (6) Register August 2010 No. 656, eff. 9-1-10, except (5) (b), eff. 4-1-13; correction in (1) (a), (b), (3), (4), (5) (a), (6) (b) 3., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 16-093: r. and recr. (2) Register June 2018 No. 750, eff. 8-1-18.

SPS 305.435 Residential master electricians. (1) APPLICATION FOR EXAMINATION. A person applying to take a residential master electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(2) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a residential master electrician licensure examination shall have at least 1,000 hours per year of experience for at least 5 years in electrical wiring work.

(b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the required experience.

(3) EXAMINATION. A person seeking to obtain a residential master electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR LICENSURE. Upon notification of the successful passage of the examination for a residential master electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. (a) For any electrical installation that requires a uniform building permit under s. SPS 320.08, a person who holds a residential master electrician license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a licensed residential master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

(6) EXCHANGES. (a) A person who holds a residential master electrician license may, upon application to the department, exchange his or her residential master electrician license for a residential journeyman electrician license.

(b) A person who has exchanged his or her residential master electrician license for a residential journeyman electrician license may, upon application to the department, exchange his or her residential journeyman electrician license for a residential master electrician license in accordance with the following provisions:

1. The person holds a valid residential journeyman electrician license.

2. The person submits with the application a copy of his or her former residential master electrician license.

3. The license fee for a residential master electrician specified in s. SPS 305.02, Table 305.02 is submitted.

(7) RENEWAL. (a) 1. A person may renew his or her license as a residential master electrician.

2. A residential master electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed residential master electrician shall be contingent upon the residential master electrician obtaining at least 18 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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2. A person who holds a license as a licensed residential master electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: CR 09-028: cr. Register August 2010 No. 656, eff. 9-1-10; correction in (1) (a), (b), (3), (4), (5) (a), (6) (b) 3., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.437 Registered master electricians. (1) APPLICATION FOR REGISTRATION. A person applying for registration as a registered master electrician shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Documented verification of meeting the requirements in sub. (2).

(2) QUALIFICATIONS. A person applying for registration as a registered master electrician shall have a birth date of on or before January 1, 1956; and shall have at least 15 years of experience in installing, repairing or maintaining electrical wiring.

(3) RESPONSIBILITIES. (a) For any electrical installation that is required to have a uniform building permit under s. SPS 320.08, a person who holds a master electrician registration may not commence installation of electrical wiring until a permit is issued for the installation.

Note: The Wisconsin Uniform Dwelling Code (UDC), which consists of chapters SPS 320 to 325, applies to one- and two-family dwellings and manufactured dwellings. The Department's uniform building permit is issued either by the municipality in which the dwelling is located, or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a registered master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

History: EmR1415: emerg. cr., eff. 8-6-14; CR 14-049: cr. Register July 2015 No. 715, eff. 8-1-15.

SPS 305.44 Journeyman electricians. (2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman electrician license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a journeyman electrician license examination shall have at least one of the following qualifications:

(a) Completion of a construction electrician apprenticeship program in installing, repairing, and maintaining electrical wiring that has a duration of at least 3 years and that is approved by the U.S. department of labor or by the department of workforce development.

(b) Experience in installing, repairing, and maintaining electrical wiring during a period of not less than 48 months, with at least 8,000 hours of experience over that period. For purposes of meeting this requirement, a degree or diploma from a 2-year program in a school of electrical engineering or from a 2-year program in an accredited technical or vocational school in an electrical-related program shall be accepted by the department as being equivalent to 12 months and 2,000 hours of experience.

(4) EXAMINATION. A person seeking to obtain a journeyman electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for a journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman electrician.

2. A journeyman electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed journeyman electrician shall be contingent upon the journeyman electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed journeyman electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her journeyman electrician license without having successfully passed a journeyman electrician license examination and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the journeyman electrician license examination in order to reacquire the journeyman electrician license.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (b), (3) (b), (5) (b) 2., (6) (b) 3., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (intro.), (5) (a), (b) (intro.) and 1., (6) (b) 1. and 2., Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: r. and recr. (6) (b) 1., am. (6) (b) 3. Register June 2004 No. 582, eff. 8-1-04; CR 09-028: am. (1) (intro.), (2) (intro.), (3) (a), (4), (5) (a), (b) (intro.), 1., and (6) Register August 2010 No. 656, eff. 9-1-10; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 16-093: r. (1), r. and recr. (3), renum. (5) (a) to (5), r. (5) (b), am. (6) (b) 3. Register June 2018 No. 750, eff. 8-1-18; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register June 2018.

SPS 305.443 Industrial journeyman electricians. (1) GENERAL. A person may obtain a license as a licensed industrial journeyman electrician by either one of the following:

(a) Taking and passing the industrial journeyman electrician licensure examination.

(b) Completing an industrial electrical apprenticeship.

(2) APPLICATION FOR EXAMINATION. A person applying to take an industrial journeyman electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a industrial journeyman electrician licensure examination shall have at least 1,000 hours per year of experience for at least 5 years in industrial electrical wiring work.

(b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 2,000 hours and 2 years of experience through education being credited toward the required experience.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain an industrial journeyman electrician license

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shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSURE. (a) Upon notification of the successful passage of the examination for an industrial journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed industrial journeyman electrician by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. Evidence of completing an industrial electrical apprenticeship program and the program has been recognized by the department of workforce development and the federal department of labor.

(6) RENEWAL. (a) 1. A person may renew his or her license as an industrial journeyman electrician.

2. An industrial journeyman electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed industrial journeyman electrician shall be contingent upon the industrial journeyman electrician obtaining at least 18 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed industrial journeyman electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her industrial journeyman electrician license by completing an industrial electrical apprenticeship and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the industrial journeyman electrician licensure examination in order to reacquire the industrial journeyman electrician license.

History: CR 09-028: cr. Register August 2010 No. 656, eff. 9-1-10; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.447 Residential journeyman electricians.

(1) GENERAL. A person may obtain a license as a licensed residential journeyman electrician by either one of the following:

(a) Taking and passing the residential journeyman electrician licensure examination.

(b) Completing a residential electrical wiring apprenticeship.

(2) APPLICATION FOR EXAMINATION. A person applying to take a residential journeyman electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a residential journeyman electrician licensure examination shall have at least 1,000 hours per year of experience for at least 3 years in residential electrical wiring work.

(b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 2,000 hours and 2 years of experience through education being credited toward the required experience.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a residential journeyman electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSURE. (a) Upon notification of the successful passage of the examination for a residential journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed residential journeyman electrician by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. Evidence of completing a residential electrical wiring apprenticeship program and the program has been recognized by the department of workforce development and the federal department of labor.

(6) RENEWAL. (a) 1. A person may renew his or her license as a residential journeyman electrician.

2. A residential journeyman electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed residential journeyman electrician shall be contingent upon the residential journeyman electrician obtaining at least 18 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed residential journeyman electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her residential journeyman electrician license by completing a residential electrical wiring apprenticeship and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the residential journeyman electrician licensure examination in order to reacquire the residential journeyman electrician license.

History: CR 09-028: cr. Register August 2010 No. 656, eff. 9-1-10; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.45 Registered electricians.

(1) APPLICATION FOR ENROLLMENT. A person applying for enrollment as a registered electrician shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(2) RENEWAL. (a) A person may renew his or her enrollment as a registered electrician.

(b) A registered electrician enrollment shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a registered electrician enrollment shall be for a term of one year.

2. The renewal of an enrollment as a registered electrician shall be contingent upon the registered electrician obtaining at least 24 hours of acceptable continuing education prior to the ex-

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piration date of the enrollment as specified in s. SPS 305.08 and Table 305.06. This subdivision does not apply to an individual who, at the time of applying for renewal of an enrollment, is participating in a youth apprenticeship program under s. 106.13, Stats.

3. A person enrolled as a registered electrician may apply to the department for waiver of the continuing education requirements under subd. 2. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

4. A person who initially obtained a registered electrician enrollment and fails to renew the enrollment shall be required to complete at least 24 hours of acceptable continuing education within one year prior to date of application to reacquire the registered electrician enrollment. This subdivision does not apply to an individual who, at the time of applying for reacquisition of an enrollment, is participating in a youth apprenticeship program under s. 106.13, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 09-028: r. and recr. Register August 2010 No. 656, eff. 9-1-10; correction in (1) (a), (b), (2) (b), (c) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (2) (c) 2. Register August 2014 No. 704, eff. 9-1-14; CR 16-093: am. (title), (1) (intro.), (2) Register June 2018 No. 750, eff. 8-1-18; CR 20-035: am. (2) (c) 2., 4. Register April 2021 No. 784, eff. 5-1-21.

SPS 305.46 Electrical apprentices. (1) APPLICATION FOR REGISTRATION. A person applying for registration as a registered electrical apprentice, a registered industrial electrical apprentice, or a registered residential electrical apprentice shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(2) QUALIFICATIONS. A person applying for an electrical apprentice, an industrial electrical apprentice, or a residential electrical apprentice registration shall be entered into an electrical apprentice contract recognized under ch. 106, Stats.

(3) RESPONSIBILITIES. A person who installs, repairs, or maintains electrical wiring as a registered electrical apprentice, registered industrial electrical apprentice, or registered residential electrical apprentice may do so as long as he or she is entered into an electrical apprentice contract recognized under ch. 106, Stats.

(4) RENEWAL. (a) A person may renew his or her registration as an electrical-apprentice, industrial electrical apprentice, or residential electrical apprentice.

(b) 1. An electrical-apprentice, industrial electrical apprentice, or residential electrical apprentice registration shall be renewed in accordance with s. SPS 305.07.

2. The renewal of registration as an electrical apprentice, industrial electrical apprentice, or residential electrical apprentice shall be contingent upon the person submitting evidence that the person is entered into an electrical apprentice contract recognized under ch. 106, Stats.

History: CR 09-028: cr. Register August 2010 No. 656, eff. 9-1-10; CR 11-020: am. (2), (3), (4) (b) 2., Register December 2011 No. 672, eff. 1-1-12; correction in (1) (a), (b), (4) (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.47 Reciprocity. As provided under s. 101.874, Stats., the department may enter into a reciprocal agreement with another state under which credentials issued to electricians, electrical apprentices, electrical contractors, and electrical inspectors by either state are recognized as comparable credentials by the other state.

History: CR 16-093: cr. Register June 2018 No. 750, eff. 8-1-18.

Subchapter V — Fire Sprinkler

SPS 305.50 Fire sprinkler installers. (1) (a) Except as provided in par. (b), pursuant to ss. 145.15 (4), 145.165 and 145.175, Stats., no person may install, maintain or repair automatic fire sprinkler systems unless the person holds a license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, or a registered automatic fire sprinkler fitter-maintenance.

(b) Paragraph (a) does not apply to a person repairing, replacing or maintaining electrical supervisory devices for existing automatic fire sprinkler systems.

(2) No person may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by ch. SPS 314 unless the person holds a license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, a registered automatic fire sprinkler fitter-maintenance, a registered automatic fire sprinkler system tester or a registered sprinkler tester learner.

Note: The rules of this subchapter further restrict or limit the type of automatic fire sprinkler installations and activities that certain license or registration categories may perform or undertake.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a), Register, March, 1998, No. 507, eff. 4-1-98; am. Register, April, 2000, No. 532, eff. 5-1-00; CR 01-139: am. (2) Register June 2002 No. 558, eff. 7-1-02; CR 11-020: am. (2), Register December 2011 No. 672, eff. 1-1-12; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.51 Sprinkler contractors. (1) GENERAL. Except as provided in s. SPS 305.54, a person licensed as an automatic fire sprinkler contractor shall be responsible for each installation of an automatic fire sprinkler system.

(2) APPLICATION FOR EXAMINATION. A person applying to take an automatic fire sprinkler contractor license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler contractor license examination shall have one of the following qualifications relating to the engineering principles and skills associated with the design, installation and maintenance of automatic fire sprinkler systems:

(a) At least 1000 hours of experience per year for at least 3 consecutive years as a licensed journeyman automatic fire sprinkler fitter.

(b) Graduated from an accredited 4-year university or college with a degree in civil engineering, mechanical engineering or other approved engineering curriculum related to automatic fire sprinklers.

(c) At least 1000 hours of experience per year for at least 7 years in automatic fire sprinkler design or installation. Each semester spent full-time in a school of civil or mechanical engineering or other accredited college, university, technical or vocational school in an automatic fire sprinkler-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the 7 years of experience.

(d) A level III certification in fire protection/automatic fire sprinkler system layout from the national institute for certification in engineering technologies.

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(4) EXAMINATION. A person seeking to obtain an automatic fire sprinkler contractor license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for an automatic fire sprinkler system contractor license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. (a) A person who installs, inspects, tests or maintains an automatic fire sprinkler system as a licensed automatic fire sprinkler contractor shall utilize the appropriately licensed or registered persons to install, inspect, test or maintain automatic fire sprinkler systems.

(b) For any construction project that requires a uniform building permit under s. SPS 320.08, a person who holds a sprinkler contractor certification may not commence installation of fire sprinklers until a general construction permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(7) RENEWAL. (a) A person may renew his or her license as an automatic fire sprinkler contractor.

(b) An automatic fire sprinkler contractor license shall be renewed in accordance with s. SPS 305.07.

(c) 1. a. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date on or before June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

b. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date after June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as an automatic fire sprinkler contractor may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; cr. (2m) and (6) (c), am. (4) and (5), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: renum. (5) to be (5) (a), cr. (5) (b) Register June 2004 No. 582, eff. 8-1-04; CR 06-031: renum. (6) (c) 1. to be 1. a. and am., cr. (6) (c) 1. b. Register October 2006 No. 610, eff. 11-1-06; CR 11-020: renum. (2m) to (6) to be (3) to (7), Register December 2011 No. 672, eff. 1-1-12; correction in (1), (2) (a), (b), and in (4), (5), (6) (b), (7) (b), (c) 1. a., b., as renumbered, made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (c) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.52 Journeyman sprinkler fitters. (1) GENERAL. The activities under s. SPS 305.50 that may be undertaken by a person who holds a license as a licensed journeyman automatic fire sprinkler fitter shall be performed under the general supervision of a person who holds a license as a licensed automatic fire sprinkler contractor.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman automatic fire sprinkler fitter license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for journeyman automatic fire sprinkler fitter license examination shall have completed an automatic fire sprinkler system apprenticeship recognized under ch. 106, Stats.

(4) EXAMINATION. A person seeking to obtain a journeyman automatic fire sprinkler fitter license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for a journeyman automatic fire sprinkler system fitter license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RENEWAL. (a) A person may renew his or her license as a journeyman automatic fire sprinkler fitter.

(b) A journeyman automatic fire sprinkler fitter license shall be renewed in accordance with s. SPS 305.07.

(c) 1. a. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date on or before June 30, 2010 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

b. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date after June 30, 2010 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman automatic fire sprinkler fitter may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (5), cr. (6) (c), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-031: renum. (6) (c) 1. to be 1. a. and am., cr. (6) (c) 1. b. Register October 2006 No. 610, eff. 11-1-06; correction in (1), (2) (a), (b), (4), (5), (6) (b), (c) 1. a., b. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (c) 1. a., b. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.53 Sprinkler system apprentices. (1) GENERAL. The activities under s. SPS 305.50 that may be undertaken by a person who holds a registration as a registered automatic fire sprinkler system apprentice shall be performed under the general supervision of a person who is a licensed automatic fire sprinkler contractor.

Note: The Department of Workforce Development, Bureau of Apprenticeship Standards has additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler system apprentice registration to install, test or maintain automatic fire sprinkler systems shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for automatic fire sprinkler apprentice registration to install, test or maintain automatic fire sprinkler systems shall be entered into a sprinkler fitter apprentice contract recognized under ch. 106, Stats.

(4) RENEWAL. (a) 1. A person may renew his or her registration as an automatic fire sprinkler system apprentice.

2. An automatic fire sprinkler system apprentice registration shall be renewed in accordance with s. SPS 305.07.

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(b) The renewal of a registration as an automatic fire sprinkler apprentice is contingent upon the person submitting evidence that the person is entered into a sprinkler fitter apprentice contract recognized under ch. 106, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 11-020: am. (3), (4) (b), Register December 2011 No. 672, eff. 1-1-12; correction in (1), (2) (a), (b), (4) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.54 Sprinkler maintenance contractors. (1) GENERAL. Pursuant to s. 145.175, Stats., the activities under s. SPS 305.50 that may be undertaken by a person who holds a registration as a registered automatic fire sprinkler contractor-maintenance shall be:

(a) Performed only within the facilities or properties of the business establishment where the person is employed; and

(b) Limited to modifying or extending an existing automatic fire sprinkler system by no more than 15 sprinklers per project.

(2) APPLICATION FOR EXAMINATION. A person applying to take an automatic fire sprinkler contractor-maintenance registration examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain an automatic fire sprinkler contractor-maintenance registration shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler contractor-maintenance registration, a person may obtain the registration by submitting an application and the registration fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RENEWAL. (a) A person may renew his or her registration as an automatic fire sprinkler contractor-maintenance.

(b) An automatic fire sprinkler contractor-maintenance registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. a. The renewal of a registration as an automatic fire sprinkler contractor-maintenance which has an expiration date on or before June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor-maintenance obtaining at least 6 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

b. The renewal of a registration as an automatic fire sprinkler contractor-maintenance which has an expiration date after June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor-maintenance obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a registration as an automatic fire sprinkler contractor-maintenance may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (intro.) and (4), cr. (5) (c), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-031: renum. (5) (c) 1. to be 1. a. and am., cr. (5) (c) 1. b. Register October 2006 No. 610, eff. 11-1-06; CR 06-119: am. (5) (c) 1. b. Register July 2007 No. 619, eff. 8-1-07; correction in (1), (2) (a), (b), (3), (4), (5) (b), (c) 1. a., b. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (5) (c) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.55 Sprinkler maintenance fitters. (1) GENERAL. Pursuant to s. 145.165, Stats., the activities under s. SPS 305.50 that may be undertaken by a person registered as an automatic fire sprinkler fitter-maintenance shall be performed:

(a) Only within the facilities or properties of the business establishment where employed; and

(b) Under the general supervision of a person who holds a registration as a registered automatic fire sprinkler contractor-maintenance.

(2) APPLICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler fitter-maintenance registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) RENEWAL. (a) A person may renew his or her registration as an automatic fire sprinkler fitter-maintenance.

(b) An automatic fire sprinkler fitter-maintenance registration shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (2) (b), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (b) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; correction in (1) (intro.), (2) (a), (b), (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.56 Sprinkler testers. (1) GENERAL. A person who holds a registration issued by the department as a registered automatic fire sprinkler system tester may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by ch. SPS 314 and NFPA 25.

(2) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler system tester shall have one of the following qualifications:

(a) A level II certification in the inspection and testing of water-based automatic fire sprinkler systems from the national institute for certification in engineering technologies.

(b) At least 1,500 hour of automatic fire sprinkler system testing as a registered automatic fire sprinkler system tester learner for at least 18 months.

(3) APPLICATION FOR EXAMINATION. A person applying to take an automatic fire sprinkler system tester registration examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(4) EXAMINATION. A person seeking to obtain an automatic fire sprinkler system tester registration shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler system tester registration, a person may obtain the registration by submitting an application and the registration fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RENEWAL. (a) A person may renew his or her registration as an automatic fire sprinkler system tester.

(b) An automatic fire sprinkler system tester registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a registration as an automatic fire sprinkler system tester which has an expiration date after December 31, 2013 shall be contingent upon the automatic fire sprinkler system tester obtaining at least 12 hours of approved continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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2. A person who holds a registration as an automatic fire sprinkler system tester may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (2) (b), (4), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) and (4), Register, April, 2000, No. 532, eff. 5-1-00; CR 01-139: am. (1) Register June 2002 No. 558, eff. 7-1-02; CR 11-020: cr. (6) (c), Register December 2011 No. 672, eff. 1-1-12; CR 11-020: renum. (3) to (5) to be (4) to (6), cr. (2), (6) (c), Register December 2011 No. 672, eff. 1-1-13; renumbering of (6) (c) to be (5) (c) under s. 13.92 (4) (b) 1., correction in (1), (3) (a), (b), (4), (5), (6) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (c) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.57 Sprinkler tester learners. (1) GENERAL. The automatic fire sprinkler system tester activities that may be undertaken by a person who holds a registration as a registered automatic fire sprinkler system tester learner shall be performed under the direct supervision of a person who holds a fire sprinkler contractor license, a journeyman fire sprinkler license, or automatic fire sprinkler tester registration.

(2) APPLICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler system tester learner registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler system tester learner registration shall be at least 16 years old and shall have completed the 12th grade in school or equivalent.

History: CR 11-020: cr., correction in (2) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672, eff. 1-1-12.

Subchapter VI — Inspection

SPS 305.60 Boiler-pressure vessel inspectors. (1) GENERAL. No person may inspect, as required under ch. SPS 341, a boiler or pressure vessel for the purpose of determining compliance with ch. SPS 341 or submit an inspection report to the department documenting compliance or noncompliance with ch. SPS 341 unless the person holds a certification issued by the department as a:

(a) Certified boiler-pressure vessel inspector; or

(b) Certified in-service field inspector working under the general supervision of a certified boiler-pressure vessel inspector who has assumed responsibility for the inspection or the report.

(2) APPLICATION FOR CERTIFICATION. A person applying for a boiler-pressure vessel inspector certification or an in-service field inspector certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR CERTIFICATION. (a) A person applying for a boiler-pressure vessel inspector certification shall have:

1. Passed the competency examination by the national board of boiler and pressure vessel inspectors; and

Note: See ch. SPS 302 for the fee for the competency examination.

2. a. A degree in engineering from an accredited college or university and at least 1,000 hours in one year of experience in the design, construction, operation or inspection of boilers or pressure vessels;

b. An associate degree in mechanical technology from an accredited college or school and at least 1,000 hours per year for at least 2 years of experience in the design, construction, operation or inspection of boilers or pressure vessels; or

c. At least 1,000 hours per year for at least 3 years of experience in the design, construction, operation, or inspection of boilers or pressure vessels.

(b) A person applying for an in-service field inspector certification shall have:

1. Passed the competency examination by the national board of boiler and pressure vessel inspectors; and

2. a. A degree in engineering from an accredited college or university;

b. An associate degree in mechanical technology from an accredited college or school and at least 1,000 hours in one year of experience in the design, construction, operation or inspection of boilers or pressure vessels; or

c. At least 1,000 hours per year for at least 2 years of experience in the design, construction, operation or inspection of boilers or pressure vessels.

(4) RESPONSIBILITIES. A person who inspects boilers and pressure vessels as a certified boiler-pressure vessel inspector or a certified in-service field inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection report to the property owner or his or her agent; and

(c) Make available to the department upon request or as required under ch. SPS 341, his or her inspection records.

(5) RENEWAL. (a) A person may renew his or her certification as a boiler-pressure vessel inspector or an in-service field inspector.

(b) A boiler-pressure vessel inspector certification and an in-service field inspector certification shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a certification as a certified boiler-pressure vessel inspector or certified in-service field inspector shall be contingent upon the boiler-pressure vessel inspector or in-service field inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified boiler-pressure vessel inspector or certified in-service field inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. The department shall consider each application for waiver individually on its merits.

3. A person who initially obtained his or her boiler-pressure vessel inspector certification or in-service field inspector certification by providing evidence of having passed the competency examination by the national board and whose request to renew his or her certification is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the competency examination in order to reacquire the boiler-pressure vessel inspector certification or the in-service field inspector certification.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (3) (a) 2. a., (4) (b), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (intro.) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; corrections in (1) and (4) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-025: cr. (5) (c) Register October 2005 No. 598, eff. 11-1-05; CR 08-110: r. and recr. (5) (c) 1. Register September 2009 No. 645, eff. 10-1-09; correction in (1) (intro.), (2) (a), (b), (4) (c), (5) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (5) (c) 1. Register August 2014 No. 704, eff. 9-1-14.

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SPS 305.61 Commercial building inspectors. (1) GENERAL. A person who holds a certification issued by the department as a certified commercial building inspector may conduct inspections of public buildings and places of employment for the purpose of administering and enforcing chs. SPS 361 to 366 and 375 to 379.

Note: Pursuant to s. 101.14 (2), Stats., deputies of the department may perform fire prevention inspections of public buildings and places of employment without holding the certification as a certified commercial building inspector.

(2) APPLICATION FOR EXAMINATION. A person applying to take a commercial building inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (b), a person seeking to obtain a commercial building inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial building inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a certification as a certified commercial building inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a certificate issued by the International Code Council as one of the following:

a. Commercial combination inspector.

b. Building inspector.

c. Combination plans examiner.

d. Commercial building inspector and commercial mechanical inspector.

e. Building plans examiner and mechanical plans examiner.

2. Evidence that the person holds a registration issued under ch. 443, Stats., as one of the following:

a. Architect.

b. Engineer.

(5) RESPONSIBILITIES. A person who inspects public buildings and places of employment as a certified commercial building inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection report to the owner of the property or his or her agent; and

(c) Make available to the department upon request his or her inspection records.

(6) RENEWAL. (a) 1. A person may renew his or her certification as a commercial building inspector.

2. A commercial building inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified commercial building inspector shall be contingent upon the commercial building inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified commercial building inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her commercial building inspector certification by providing evidence of registration as an architect or engineer and whose request to renew his or her certification is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the commercial building inspector certification examination in order to reacquire the commercial building inspector certification.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (6) (a) 2., (b) 2., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) and (4), r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5-1-00; CR 01-139: am. (1) Register June 2002 No. 558, eff. 7-1-02; CR 03-075: am. (3), renum. (4) to be (4) (a), cr. (4) (b) and (6) (b) 3., r. and recr. (6) (b) 1. Register June 2004 No. 582, eff. 8-1-04; CR 05-113: am. (1) Register December 2006 No. 612, eff. 4-1-07; CR 06-120: am. (1) Register February 2008 No. 626, eff. 3-1-08; CR 08-110: r. and recr. (6) (b) 1. Register September 2009 No. 645, eff. 10-1-09; CR 10-103: am. (1) Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2) (a), (b), (3), (4) (a), (b) (intro.), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.62 Commercial electrical inspectors. (1) GENERAL. Pursuant to s. 101.875 (1), Stats., no person may conduct the inspection of electrical wiring in public buildings and places of employment for the purpose of administering and enforcing ch. SPS 316 unless the person holds a certification issued by the department as a certified commercial electrical inspector.

Note: Those persons who hold a valid certification as a certified restricted commercial electrical inspector will be issued a certification as a certified commercial electrical inspector upon application for renewal.

(2) APPLICATION FOR EXAMINATION. A person applying to take a commercial electrical inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying to take a commercial electrical inspector certification examination shall have:

(a) 1. At least 1,000 hours per year for at least 6 years of experience in electrical work, except as provided in subd. 2.

2. Relative to the experience required under subd. 1., each full-time semester spent in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the required experience;

(b) At least 1,000 hours per year for at least 3 years of experience in electrical work and has a degree in electrical engineering from an accredited college or university; or

(c) At least 1,000 hours per year for at least 3 years of experience in electrical work and holds a registration or certification under ch. 443, Stats., as a registered professional engineer, a registered architect or a certified designer of electrical systems.

(4) EXAMINATION. Except as provided in sub. (5) (b), a person seeking to obtain a commercial electrical inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial electrical inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a certification as a certified commercial electrical inspector by submitting an application, an ap-

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plication fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a certification as a master electrician issued under s. SPS 305.43.

2. Evidence that the person holds a certification issued by the International Code Council as either an electrical inspector or a commercial electrical inspector.

3. Evidence that the person holds a certification issued under the International Association of Electrical Inspectors/National Fire Protection Association certification program as a certified electrical inspector-master.

(6) RESPONSIBILITIES. A person who inspects electrical construction work as a certified commercial electrical inspector shall do all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.

(c) Provide a copy of the inspection report to the property owner or his or her agent.

(d) Make inspection records available to the department upon request.

(e) Contact and indicate to the electrical utility, cooperative, or other entity furnishing electric current when an electrical service installation complies with ch. SPS 316 within 2 business days of the determination of compliance.

(7) RENEWAL. (a) 1. A person may renew his or her certification as a commercial electrical inspector.

2. A commercial electrical inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified commercial electrical inspector shall be contingent upon the commercial electrical inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified commercial electrical inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1), (3), (4) and (7) (b) 2., Register, March, 1998, No. 507, eff. 4-1-98; am. (1), (3) (c) and (5), r. (7) (b), renum. (7) (c) to be (7) (b) and am., Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: am. (1), r. and recr. (5) (b) and (7) (b) 1. Register June 2004 No. 582, eff. 8-1-04; CR 08-110: r. and recr. (7) (b) 1. Register September 2009 No. 645, eff. 10-1-09; correction in (1), (2) (a), (b), (4), (5) (a), (b) (intro.), 1., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9-1-14; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register August 2014 No. 704; CR 16-093: r. and recr. (6) Register June 2018 No. 750, eff. 8-1-18.

SPS 305.625 Commercial plumbing inspectors. (1) GENERAL. (a) Pursuant to s. 145.05 (1), Stats., a city of the first, second or third class shall supervise the installation, alteration and repair of plumbing within its jurisdiction in accordance with one of the following approaches:

1. The city shall utilize at least one supervisor to oversee all plumbing inspections and all plumbing plan reviews who shall hold a certification as a commercial plumbing inspector issued under this section and who shall hold a license as a master plumber issued under s. SPS 305.91 or a license as a journeyman plumber issued under s. SPS 305.93.

2. The city shall utilize at least one individual to conduct all plumbing inspections and all plumbing plan reviews who shall hold a certification as a commercial plumbing inspector issued under this section and who shall hold a license as a master plumber issued under s. SPS 305.91 or a license as a journeyman plumber issued under s. SPS 305.93.

Note: Utilizing the approach under subd. 2. does not prevent the employment of individuals to organizationally supervise the plumbing inspectors and plumbing plan reviewers. In such cases, where the individuals are providing administrative supervision, the supervisors are not required to be certified as commercial plumbing inspectors or to be licensed plumbers.

Note: The requirements for review of plumbing plans by agent municipalities are contained in s. SPS 382.20 (2).

(b) 1. Under par. (a) 1., individuals who, under a supervisor, conduct plumbing inspections and plumbing plan reviews shall hold a certification as a commercial plumbing inspector, except as provided in subd. 2.

2. Individuals who, under a supervisor, conduct plumbing inspections and plumbing plan reviews for the purpose of administering and enforcing ch. SPS 325 shall hold a certification as a commercial plumbing inspector issued under this section or as a UDC-plumbing inspector issued under s. SPS 305.63.

(2) APPLICATION FOR EXAMINATION. A person applying to take a commercial plumbing inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (b), a person seeking to obtain a commercial plumbing inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial plumbing inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for certification as a certified commercial plumbing inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a license as a master plumber issued under s. SPS 305.91.

2. Evidence that the person holds a license as a journeyman plumber issued under s. SPS 305.93.

(5) RESPONSIBILITIES. A person who inspects plumbing as a certified commercial plumbing inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection report to the property owner or his or her agent; and

(c) Make his or her inspection records available to the department upon request.

(6) RENEWAL. (a) A person may renew his or her certification as a commercial plumbing inspector. A commercial plumbing inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified commercial plumbing inspector shall be contingent upon the commercial plumbing inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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2. A person who holds a certification as a certified commercial plumbing inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. The department shall consider each application for waiver individually on its merits.

History: CR 03-075: cr. Register June 2004 No. 582, eff. 8-1-04, except (1) is eff. 2-1-05; CR 06-031: r. (4) (c) Register October 2006 No. 610, eff. 11-1-06; correction in (3) made under s. 13.93 (2m) (b) 7., Register October 2006 No. 610; correction in (1) (a) 1., 2., (b) 2., (2) (a), (b), (3), (4) (a), (b) (intro.), 1., 2., (6) (a), (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.627 Fire detection, prevention, and suppression inspectors. (1) GENERAL. No person may perform inspections of fire detection, prevention, and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment for the purpose of administering and enforcing chs. SPS 361 to 366 and 375 to 379 unless the person holds a certification issued by the department as a certified fire detection, prevention, and suppression inspector or holds a certification as a commercial building inspector.

(2) APPLICATION FOR CERTIFICATION. A person applying for a fire detection, prevention, and suppression inspector certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(c) Evidence that the person holds one of the following certifications to perform fire detection, prevention, and suppression inspections:

1. A valid certification from the national fire protection association qualifying him or her as a certified fire inspector I.

2. A valid equivalent certification as determined by the department.

(3) CERTIFICATION MAINTENANCE. A person holding a certification listed in sub. (2) (c) shall maintain that certification at all times during which he or she is certified as a fire detection, prevention, and suppression inspector under this section.

(4) RESPONSIBILITIES. A person who inspects fire detection, prevention, and suppression devices as a fire detection, prevention, and suppression inspector shall do all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Provide a copy of the inspection report to the property owner or his or her agent.

(c) Make their inspection records available to the department upon request.

(5) RENEWAL. Provisions for renewal of certification include all of the following:

(a) A person may renew his or her certification as a fire detection, prevention, and suppression inspector.

(b) If a fire detection, prevention, and suppression inspector certification is renewed, it shall be renewed in accordance with s. SPS 305.07.

(c) The renewal of a certification as a fire detection, prevention, and suppression inspector is contingent upon the person submitting evidence as required by the department that the person holds a valid certification listed under sub. (2) (c). The department may audit compliance with this section.

History: EmR1524: cr., eff. 11-21-15; CR 15-086: cr. Register June 2016, No. 726, eff. 7-1-16; **CR 23-007: am. (1) Register August 2025 No. 836, eff. 9-1-25.**

SPS 305.629 Inspection agency. (1) GENERAL. No person or municipality may engage in or offer to engage in providing plan review, permit issuance, or inspections regarding electrical wiring under the scope of ch. SPS 316 unless the person or municipality holds a registration from the department as a registered inspection agency.

(2) APPLICATION FOR REGISTRATION. A person applying for an inspection agency registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for an inspection agency registration shall be one of the following:

(a) If a municipality, the department head of the agency administering the electrical program.

(b) If not a municipality, the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of a corporation.

(4) RESPONSIBILITIES. A person or municipality who is responsible for facilitating plan review, permit issuance, or inspection regarding electrical wiring under ch. SPS 316 as a registered inspection agency shall be responsible for all of the following:

(a) Utilizing persons appropriately certified under s. SPS 305.62 to conduct the inspections.

(b) Maintaining a record of the electrical permits issued under s. SPS 316.012.

(c) Making the records relative to permit issuance and inspections available to the department upon request.

(d) Providing inspection services for all inspections required under s. SPS 316.013.

(e) Cooperating with the department in any program monitoring, enforcement activities, and investigations related to electrical wiring under the scope of ch. SPS 316.

(f) Following all procedures established by the department for enforcement.

(5) RENEWAL. (a) A person may renew his or her registration as an inspection agency.

(b) An inspection agency registration shall be renewed in accordance with s. SPS 305.07.

History: CR 16-093: cr. Register June 2018 No. 750, eff. 8-1-18, except sub. (1), eff. 3-1-19.

SPS 305.63 Dwelling inspectors. (1) GENERAL. (a) Pursuant to ss. 101.66 (2) and 101.96 (1), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing chs. SPS 320 to 325, unless the person holds one or more of the following certifications issued by the department:

1. Certified UDC-construction inspector.
2. Certified UDC-electrical inspector.
3. Certified UDC-HVAC inspector.
4. Certified UDC-plumbing inspector.
5. Certified soil erosion inspector.
6. Certified commercial electrical inspector.
7. Certified commercial plumbing inspector.

Note: Pursuant to s. 101.14 (1) (bm), Stats., deputies of the department may perform inspections for smoke detector installation and maintenance without holding a certification issued by the department.

(b) A person who holds a certification as a:

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1. Certified UDC-construction inspector may inspect one- and 2-family dwellings for the purpose of administering and enforcing chs. SPS 320 to 322.

2. Certified UDC-electrical inspector or certified commercial electrical inspector may inspect one- and 2-family dwellings for the purpose of administering and enforcing chs. SPS 316 and 324.

3. Certified UDC-HVAC inspector may inspect one- and 2-family dwellings for the purpose of administering and enforcing ch. SPS 323.

4. Certified UDC-plumbing inspector or certified commercial plumbing inspector may inspect one- and 2-family dwellings for the purpose of administering and enforcing chs. SPS 325, 382 and 384.

5. Certified soil erosion inspector may inspect one- and 2-family dwellings for the purpose of administering and enforcing s. SPS 321.125.

(2) APPLICATION FOR EXAMINATION. A person applying to take a UDC-construction inspector certification examination, UDC-electrical inspector certification examination, UDC-HVAC inspector certification examination, or UDC-plumbing inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (a) 2., (b) 2. and (c) 2., a person seeking to obtain a UDC-construction inspector certification, UDC-electrical inspector certification, UDC-HVAC inspector certification, or UDC-plumbing inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATIONS. (a) *UDC-construction.* 1. Upon notification of the successful passage of the examination for a UDC-construction inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

2. A person may apply for certification as a certified UDC-construction inspector by submitting all of the following:

a. An application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02.

b. Evidence that the person holds a certification as a commercial building inspector issued under s. SPS 305.61.

(b) *UDC-electrical.* 1. Upon notification of the successful passage of the examination for a UDC-electrical inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

2. A person may apply for certification as a certified UDC-electrical inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

a. Evidence that the person holds a certification as a journeyman electrician issued under s. SPS 305.44.

b. Evidence that the person holds a certification issued under the International Association of Electrical Inspectors/National Fire Protection Association certification program as a certified electrical inspector-residential.

c. Evidence that the person holds a license as a residential master electrician issued under s. SPS 305.435.

(c) *UDC-HVAC.* 1. Upon notification of the successful passage of the examination for a UDC-HVAC inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

2. A person may apply for certification as a certified UDC-HVAC inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

a. Evidence that the person holds a certification as an HVAC qualifier issued under s. SPS 305.71.

b. Evidence that the person holds a certification as a commercial building inspector issued under s. SPS 305.61.

(d) *UDC-plumbing.* Upon notification of the successful passage of the examination for a UDC-plumbing inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(e) *Soil erosion.* A person may apply for certification as a certified soil erosion inspector by submitting all of the following:

1. An application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02.

2. Evidence that the person has completed an approved training course on soil erosion control standards.

(5) RESPONSIBILITIES. (a) A person who inspects one- and 2-family dwellings as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, certified UDC-plumbing inspector, or certified soil erosion inspector shall do all of the following:

1. Maintain a record of the inspections made including the dates and the findings of the inspections.

2. Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.

3. Provide a copy of the inspection report to the property owner or his or her agent.

4. Make inspection records available to the department upon request.

(b) A person who inspects one- and 2- family dwellings as a certified UDC-electrical inspector shall contact and indicate to the electrical utility, cooperative, or other entity furnishing electric current when an electrical service installation complies with ch. SPS 316 within 2 business days of the determination of compliance.

(6) LIMITATIONS. A person who inspects the installation of manufactured homes as a certified UDC-construction inspector may not perform the inspection of a particular manufactured home if the person is, is employed by, or is an independent contractor of any of the following:

(a) A manufactured home manufacturer who was directly involved in the sale of the particular manufactured home.

(b) A manufactured home salesperson who was directly involved in the sale of the particular manufactured home.

(c) An installer who was directly involved in the sale of the particular manufactured home.

(7) RENEWAL. (a) 1. A person may renew his or her certification as a UDC-construction inspector, UDC-electrical inspector, UDC-HVAC inspector, UDC-plumbing inspector or soil erosion inspector.

2. An inspector certification under this section shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector or certified UDC-plumbing inspector shall be contingent upon the inspector obtaining at least 24 hours

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of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, or certified UDC-plumbing inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her UDC-construction inspector certification or UDC-HVAC inspector certification by providing evidence of certification as a commercial building inspector and whose request to renew his or her certification is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the UDC-construction inspector certification examination or UDC-HVAC inspector certification examination in order to reacquire the respective UDC inspector certification.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a) (intro.), (5) (a), (6) (b), 2., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a) (intro.), (b) (intro.), (4) (a) and (b) 1., r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5-1-00; corrections in (1) (a) and (b) 1. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 03-075: am. (1) (a), (b) 2., 4. and (3), r. and recr. (4) and (6) (b) 1., cr. (6) (b) 3. Register June 2004 No. 582, eff. 8-1-04; CR 06-071: am. (1) (a) (intro.), cr. (5m) Register November 2006 No. 611, eff. 12-1-06; CR 05-113: am. (1) (b) 5. Register December 2006 No. 612, eff. 4-1-07; CR 08-110: r. and recr. (6) (b) 1. Register September 2009 No. 645, eff. 10-1-09; CR 09-028: cr. (4) (b) 2. c. Register August 2010 No. 656, eff. 9-1-10; CR 10-103: am. (1) (b) 5. Register August 2011 No. 668, eff. 9-1-11; CR 11-020: renum. (5m), (6) to be (6), (7), Register December 2011 No. 672, eff. 1-1-12; correction in (1) (a) (intro.), (b) 1. to 5., (2) (a), (b), (3), (4) (a) 1., 2. a., b., (b) 1., 2. (intro.), a., c., (c) 1., 2. (intro.), a., b., (d), (e) 1., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (b) 1. Register August 2014 No. 704; CR 16-093: r. and recr. (5) Register June 2018 No. 750, eff. 8-1-18.

SPS 305.635 UDC inspection agency. (1) GENERAL. No person may engage in or offer to engage in the activities of facilitating plan review, issuance of Wisconsin uniform building permits, or inspection of one- and 2-family dwellings in a municipality where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats., unless the person obtains a registration from the department as a registered UDC inspection agency.

Note: Section 990.01 (26), Stats., states that the term "person" includes all partnerships, associations and bodies politic or corporate.

(2) APPLICATION FOR REGISTRATION. A person applying for a UDC inspection agency registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a UDC inspection agency registration shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. A person who is responsible for facilitating plan review, issuance of Wisconsin uniform building permits and the inspections for one- and 2-family dwellings as a registered UDC inspection agency shall be responsible for all of the following:

(a) Utilizing persons appropriately certified under s. SPS 305.63 to review the plans, issue the permits and conduct the inspections.

(b) Making the records relative to the plan review, issuance of permits and inspections available to the department upon request.

(c) Providing inspection services for all inspections required under s. SPS 320.10.

(d) Cooperating with the department in any program monitoring, enforcement activities, and investigations.

(e) Following all procedures established by the department for UDC enforcement by inspection agencies.

(f) Reporting to the department in writing when the agency has been dismissed by the owner or builder.

(g) Making any records associated with their permit, plan review and inspection activities available to the permit holder upon request.

(5) RENEWAL. (a) A person may renew his or her registration as a UDC inspection agency.

(b) A UDC inspection agency registration shall be renewed in accordance with s. SPS 305.07.

History: CR 00-159: cr. Register September 2001 No. 549 eff. 10-1-01; correction in (2) (a), (b), (4) (a), (c), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.64 Elevator inspectors. (1) GENERAL. No person, as an authorized representative of the department, may provide inspections required under ch. SPS 318 unless the person holds a license issued by the department as a licensed elevator inspector.

(2) APPLICATION FOR LICENSE. A person may apply for a license as a licensed elevator inspector by submitting all of the following:

(a) An application, an application fee and the license fee in accordance with ss. SPS 305.01 and 305.02.

(b) Evidence that the person holds a certification in accordance with the procedures established under the standard for the Qualification of Elevator Inspector (QEI-1) from an independent organization acceptable to the department.

Note: As of October 1, 2013 acceptable independent organizations include the Elevator Industry Work Preservation Fund, the National Association of Elevator Safety Authorities International (NAESA International), and QEI Services, Inc.

(3) RESPONSIBILITIES. A person who inspects conveyances as a licensed elevator inspector shall be responsible for all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Provide a copy of the inspection record to the conveyance owner or his or her agent.

(c) Make available to the department upon request his or her inspection records.

(d) Maintain his or her QEI certification.

(4) RENEWAL. (a) A person may renew his or her license as an elevator inspector.

(b) An elevator inspector license shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a license as a licensed elevator inspector shall be contingent upon the elevator inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed elevator inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(d) The renewal of a license as an elevator inspector is contingent upon the person submitting evidence that the person holds a certification as an QEI elevator inspector.

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(e) The renewal of a license as an elevator inspector shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; r. and recr. (1), renum. (2) and (3) to be (3) and (2) and r. and recr. (2) and (4), cr. (6) (c), Register, January, 1998, No. 505, eff. 2-1-98; am. (5) (c), Register, March, 1998, No. 507, eff. 4-1-98; am. (1), (2) (intro.), (4) and (6) (c) 2., Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: r. and recr. (6) (c) 1. Register June 2004 No. 582, eff. 8-1-04; CR 07-089: r. and recr. Register June 2008 No. 630, eff. 7-1-08; correction in (1), (2) (a), (4) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (2) (b), (3) (d), (4) (c) 1., (d) Register August 2014 No. 704, eff. 9-1-14.

SPS 305.66 POWTS inspectors. (1) GENERAL. A person who holds a certification issued by the department as a certified POWTS inspector or a commercial plumbing inspector may inspect privately owned wastewater treatment systems, POWTS, for the purpose of administering and enforcing the provisions of chs. SPS 381 to 387, as an authorized representative of the department or a local governmental unit.

(2) APPLICATION FOR EXAMINATION. A person applying to take a POWTS inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (b), a person seeking to obtain a POWTS inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a POWTS inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a certification as a certified POWTS inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a license as a master plumber issued under s. SPS 305.91.

2. Evidence that the person holds a license as a master plumber-restricted service issued under s. SPS 305.92.

3. Evidence that the person holds a license as a journeyman plumber issued under s. SPS 305.93.

4. Evidence that the person holds a license as a journeyman plumber-restricted service issued under s. SPS 305.94.

(5) RESPONSIBILITIES. A person who inspects privately owned wastewater treatment systems as a certified POWTS inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection record to the privately owned wastewater treatment system owner or his or her agent; and

(c) Make available to the department upon request his or her inspection records.

(6) RENEWAL. (a) 1. A person may renew his or her certification as a POWTS inspector.

2. A POWTS inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified POWTS inspector shall be contingent upon the inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified POWTS inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (5) (c), (6) (a) 2., (b) 2., March, 1998, No. 507, eff. 4-1-98; am. (1) and (4), r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: am. (1) and (3), renum. (4) to be (4) (a), cr. (4) (b), r. and recr. (6) (b) 1. Register June 2004 No. 582, eff. 8-1-04; CR 08-110: r. and recr. (6) (b) 1. Register September 2009 No. 645, eff. 10-1-09; correction in (1), (2) (a), (b), (3), (4) (a), (b) (intro.), 1. to 4., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.68 Tank system inspectors. (1) GENERAL. No person may inspect a tank system that is regulated under ch. ATCP 93, to administer and enforce ch. ATCP 93, unless the person holds a certification issued by the department of agriculture, trade and consumer protection or the department of safety and professional services as a certified tank system inspector.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank system inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying to take a tank system inspector certification examination shall have completed an approved educational course or training program that included at least 3 days of field exercises, within the 2 years immediately preceding the application.

(4) EXAMINATION. A person seeking to obtain a tank system inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank system inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. A person who inspects tank systems as a certified tank system inspector shall:

(a) Perform regulatory enforcement of related code requirements in chs. ATCP 93 and SPS 305.

(b) Issue non-compliance or violation-correction orders and conduct follow-up inspections as necessary to verify correction.

Note: Inspectors with authority granted by the local municipality may utilize the respective enforcement procedures as granted by the respective authority.

(c) Pursue failure to comply with correction orders through local or department enforcement referral procedures.

(d) Maintain a record of the inspections made including the dates and the findings of the inspections.

(e) Provide a copy of the inspection report to the owner of the tank system or his or her agent.

(f) Make available to the department upon request his or her tank system inspection records.

Note: Section 19.32 (2), Stats., considers a record to be material containing written or electromagnetic information. The department will consider computer records to be equivalent to written reports.

(7) RENEWAL. (a) 1. A person may renew his or her certification as a tank system inspector.

2. A tank system inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified tank system inspector shall be contingent upon the inspector obtaining at least 12 hours of acceptable continuing education prior to the expira-

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tion date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified tank system inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

Note: Authority over s. SPS 305.68 was transferred to the Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (2) (b), r. and recr. (4) and (7) (a), Register, March, 1998, eff, 4-1-98; am. (1), (5) and (7) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: am. (1), (3) and (7) (b) 1., Register September 2007 No. 621, eff. 10-1-07; CR 11-020: renum. (6) (a) to (c) to be (d) to (f), cr. (6) (a) to (c), Register December 2011 No. 672, eff. 1-1-12; correction in (1), (2) (a), (b), (4), (5), (6) (a), (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1), (6) (a) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; CR 14-010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

Subchapter VII — Mechanical

SPS 305.70 HVAC contractors. (1) GENERAL. (a) Except as provided in par. (b), pursuant to s. 101.178 (2), Stats., no person, entity, or business may engage or offer to engage in installing or servicing heating, ventilating, or air conditioning equipment, unless the person, entity, or business holds a registration issued by the department as a registered HVAC contractor.

(b) 1. A person, entity, or business is not required to hold a registration as a registered HVAC contractor to service existing heating, ventilating, air conditioning, or refrigeration equipment within facilities or properties owned by the person, entity, or business.

2. A person, entity, or business is not required to hold a registration as a registered HVAC contractor to install or service heating, ventilating, air conditioning, or refrigeration equipment within a dwelling owned by the person, entity, or business and in which the person, entity, or business resides or will reside.

3. A person, entity, or business is not required to hold a registration as a registered HVAC contractor for electrical or plumbing work associated with the installation or servicing of the HVAC equipment or systems.

Note: Pursuant to federal regulations individuals who install or service HVAC equipment involving ozone-depleting refrigerants are required to hold a Type I, II, III, or Universal technician certification issued in accordance with section 608 of the federal Clean Air Act and title 40 CFR part 82, subpart F.

(2) APPLICATION FOR REGISTRATION. A person applying for an HVAC contractor registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for an HVAC contractor registration shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. For any HVAC equipment installation that requires a uniform building permit under s. SPS 320.08, a person, entity or business which holds an HVAC contractor registration may not commence installation of HVAC equipment until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an HVAC contractor.

2. An HVAC contractor registration shall be renewed in accordance with s. SPS 305.07.

(b) A person, entity or business upon expiration of their registration to handle ozone-depleting refrigerants may renew the registration as an HVAC contractor in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (b) 3., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a), (b) 1., 2. and (2) (b), r. (1) (b) 3. and 4., Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: renum. (4) to be (5), cr. (4) Register June 2004 No. 582, eff. 8-1-04; CR 06-031: r. and recr. (1) Register October 2006 No. 610, eff. 11-1-06; CR 08-110: renum. (4) to be (4) (a), cr. (4) (b) Register September 2009 No. 645, eff. 10-1-09; correction in (2) (a), (b), (4) (a), (b), (5) (a) 2., (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13-014: r. and recr. (1) Register September 2013 No. 693, eff. 10-1-13; CR 19-118: renum. (4) (a) to (4), r. (4) (b) Register May 2020 No. 773, eff. 6-1-20.

SPS 305.71 HVAC qualifiers. (1) GENERAL. (a) Pursuant to s. 101.178 (3), Stats., an individual may obtain in accordance with this section an HVAC qualifier certification from the department relative to the business of installing or servicing heating, ventilating or air conditioning equipment.

(b) A person or entity who utilizes a person who holds an HVAC qualifier certification under this section shall be deemed to be a certified HVAC business and pursuant to s. 101.178 (3) (c), Stats., may not be required to obtain a local certification, license or other approval in order to engage in the business of installing or servicing heating, ventilating or air conditioning equipment.

(2) APPLICATION FOR EXAMINATION. A person applying to take HVAC qualifier certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an HVAC qualifier certification examination shall have completed:

(a) At least 1000 hours per year for at least 4 years of experience in supervising or performing the design, installation, servicing or maintenance of HVAC systems or equipment;

(b) At least 4 years of attendance in a school of mechanical engineering or in an accredited college, university, or technical, vocational or apprenticeship school in an HVAC-related program; or

(c) Any combination of 4 years of experience recognized under par. (a) and education recognized under par. (b).

(4) EXAMINATION. A person seeking to obtain an HVAC qualifier certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for HVAC qualifier certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. For any HVAC equipment installation that requires a uniform building permit under s. SPS 320.08, a person who holds an HVAC qualifier certification may not commence installation of HVAC equipment until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the

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municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(7) RENEWAL. (a) A person may renew his or her HVAC qualifier certification.

(b) An HVAC qualifier certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (5), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: renum. (6) to be (7), cr. (6) Register June 2004 No. 582, eff. 8-1-04; correction in (2) (a), (b), (4), (5), (6), (7) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.73 Liquefied gas suppliers. (1) GENERAL. (a) Pursuant to s. 101.16 (3g), Stats., as of August 1, 2009, no person may engage in the business of filling containers with liquefied petroleum gas that is intended to be used directly from the containers as fuel, unless the person holds a license issued by the department as a licensed liquefied gas supplier or liquefied gas supplier — restricted, except as provided under either of the following conditions:

1. The business is engaged in only filling containers that have a water capacity of less than 4 pounds.

2. The filling of the containers with liquefied petroleum gas is for the person's or the entity's own use.

(b) A person who holds a license as a licensed liquefied gas supplier — restricted shall be limited to filling only department of transportation cylinders with liquefied petroleum gas.

Note: Under s. 101.16 (1) (c), Stats., a "department of transportation cylinder" means a container that holds liquefied petroleum gas and that meets the specifications established by the federal department of transportation.

(2) APPLICATION FOR LICENSE. A person applying for a liquefied gas supplier or a liquefied gas supplier — restricted license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for either a liquefied gas supplier or a liquefied gas supplier — restricted license shall, as required under s. 101.16 (3r) (c), Stats., obtain commercial general liability insurance as an endorsement to an existing policy or as a separate policy from an insurer, or a risk retention group, that is licensed to transact the business of insurance in this state or that is eligible to provide insurance as a surplus lines insurer in one or more states.

(b) The person applying for either a liquefied gas supplier or a liquefied gas supplier — restricted license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A person who holds either a liquefied gas supplier or liquefied gas supplier — restricted license shall maintain commercial general liability insurance in accordance with s. 101.16 (3r) (a) or (b), Stats.

Note: Except as provided in s. 101.16 (3r) (b), Stats., s. 101.16 (3r) (a), Stats., requires a licensed liquefied gas supplier or liquefied gas supplier — restricted to maintain commercial general liability insurance in the amount of $1,000,000 per occurrence with an annual aggregate of $2,000,000 for compensating 3rd parties for bodily injury and property damages for incidents associated with the release of liquefied petroleum gas.

Section 101.16 (3r) (b), Stats., requires a licensed liquefied gas supplier or liquefied gas supplier — restricted who only fills department of transportation cylinders or who only fills containers for engine and recreational vehicle fueling systems to maintain commercial general liability insurance in the amount of $500,000 per occurrence with an annual aggregate of $1,000,000 for compensating 3rd parties for bodily injury and property damages for incidents associated with the release of liquefied petroleum gas.

(b) Pursuant to s. 101.16 (3r) (g), Stats., a person who holds either a liquefied gas supplier or liquefied gas supplier — restricted license shall notify the department at least 60 days before cancelling or failing to renew commercial general liability insurance.

Note: Section 101.16 (3r) (f), Stats., requires a 3rd party that issues commercial general liability insurance to a licensed liquefied gas supplier or liquefied gas supplier — restricted to provide written notice to the licensee and to the department at least 60 days before canceling, revoking, suspending, or failing to renew the insurance.

(c) Pursuant to s. 101.16 (4) (c), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier — restricted license and fills a container that is part of a propane gas system shall provide written information notices to customers in accordance with s. 101.16 (4) (c), Stats.

Note: Section 101.16 (4) (c), Stats., requires a licensed liquefied gas supplier or liquefied gas supplier — restricted filling a container that is part of a propane gas system to provide written notice to the customer of the customer's duty to timely notify the licensee of any interruption in the operation of the propane gas system due to the replacement, modification, repair, or servicing of the propane gas system by any person other than the licensee. The notice is required to be provided to the customer before the first delivery of propane gas to the customer and subsequently on an annual basis. The notice is required to include all of the following information concerning the customer's duty to notify:

1. The name, address, and telephone number of the licensee.
2. The purpose of giving the notification to the licensee.
3. A description of the type of propane gas system that is subject to the notification requirement.
4. A description of the types of activities that constitute a replacement, modification, repair, or servicing of a propane system.
5. A copy of the provisions under s. 101.16 (4) (b), Stats.

Note: Section 101.16 (4) (a), Stats., The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) A person may renew his or her liquefied gas supplier or liquefied gas supplier — restricted license.

(b) A liquefied gas supplier or a liquefied gas supplier — restricted license shall be renewed in accordance with s. SPS 305.07.

History: CR 08-092: cr. Register May 2009 No. 641, eff. 6-1-09; correction in (2) (a), (b), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-092: am. (3) (a), (4) (a), (b) Register August 2017 No. 740, eff. 9-1-17; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register June 2018 No. 750.

Subchapter VIII — Storage Tanks

SPS 305.80 PECFA consulting firms. (1) GENERAL. (a) A corporation, partnership, sole proprietor or independent contractor that performs or provides professional level engineering or hydrogeological services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, shall hold a registration issued by the department of natural resources or department of safety and professional services as a registered PECFA consulting firm.

Note: See chs. 443 and 470, Stats., for additional requirements relating to the practice of professional engineering; and the practices of professional geology, professional hydrology, and professional soil science, respectively.

(b) The services referred to in par. (a) include but are not limited to:

1. Conducting site investigations;

2. Preparing remedial action plans and alternatives;

3. Designing and supervising the installation of remedial systems; and

4. Planning for passive bio-remediation with long term monitoring.

5. Preparing and submitting bids in the competitive public bidding process prescribed in ch. NR 747.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(2) APPLICATION FOR REGISTRATION. An entity applying for a PECFA consulting firm registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of employing at least one Wisconsin-registered PECFA consultant.

(d) Proof of being registered by the department of safety and professional services to engage in the practice of professional engineering, geology, hydrology, or soil science.

(e) Proof of the liability coverage specified in sub. (4) (a) 3. or (b), and (c).

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a PECFA consulting firm registration shall be the owner of the consulting business, a partner in the consulting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the consulting corporation.

(4) RESPONSIBILITIES. (a) An entity that performs or provides professional level engineering, geological, hydrological, or soil science services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, as a registered PECFA consulting firm shall do all of the following:

1. Ensure that only Wisconsin-registered professional engineers, professional geologists, professional hydrologists, or professional soil scientists perform professional-level engineering, geological, hydrological, or soil science services related to the PECFA program, unless those services are under the supervision of those professionals.

2. Ensure that only PECFA consultants who are so registered under this chapter perform the services referenced in s. SPS 305.81.

3. Hold errors and omissions professional liability coverage, including pollution impairment liability, of no less than $1,000,000 per claim, $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim, except as provided in par. (b).

(b) A consulting firm may request the department of natural resources' approval of an alternate mechanism for meeting the requirement of the maximum deductible in par. (a) 3. The department of natural resources shall review the request and determine whether it meets the requirement of the rule.

(c) The insurance coverage required under this subsection shall be obtained from a firm that has an A.M. Best rating of at least "A-."

(5) RENEWAL. (a) An entity may renew their registration as a PECFA consulting firm.

(b) A PECFA consulting firm registration shall be renewed in accordance with s. SPS 305.07.

(c) The renewal of a registration as a PECFA consulting firm shall be contingent upon all of the following:

1. Employing at least one Wisconsin-registered PECFA consultant.

2. Being registered by the department of safety and professional services to engage in the practice of professional engineering, geology, hydrology, or soil science.

3. Holding the liability coverage specified in sub. (4) (a) 3. or (b), and (c).

Note: Authority over ss. SPS 305.80 and 305.81 was transferred to Department of Natural Resources under 2013 Wis. Act 20, s. 9138 (7) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 04-058: cr. (1) (b) 5., (2) (c) and (d), (4) (a) 2., (b), (c), and (5) (c), r. (5) (b), renum. and am. (4) (intro.), (a) and (b) and (5) (a) 1. and 2. to be (4) (a) (intro.), 1. and 3. and (5) (a) and (b) Register February 2006 No. 602, eff. 5-1-06; CR 06-127: cr. (2) (e) and (5) (c) 3., Register September 2007 No. 621, eff. 10-1-07; correction in (1) (a), (b) 5., (2) (a), (b), (d) (4) (a) (intro.), 2., (5) (b), (c) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (b) 5., (2) (d), (4) (a) (intro.), (b), (5) (c) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.81 PECFA consultants. (1) GENERAL. (a) A person who performs or provides professional level investigation, interpretation, design or technical project management services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, shall hold a registration issued by the department of natural resources or department of safety and professional services as a registered PECFA consultant.

Note: See chs. 443 and 470, Stats., for additional requirements relating to the practice of professional engineering; and the practices of professional geology, professional hydrology, and professional soil science, respectively.

(b) The services referred to in par. (a) include but are not limited to:

1. Conducting site investigations;

2. Preparing remedial action plans and alternatives; or

3. Interpretation of data for passive or active bio-remediation systems.

(2) APPLICATION FOR REGISTRATION. A person applying for a PECFA consultant registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of being registered by the department of safety and professional services as a professional engineer, professional geologist, professional hydrologist, or professional soil scientist, or proof of being supervised by a person who is so registered.

(d) Proof of the liability coverage specified in sub. (3).

(3) RESPONSIBILITIES. A person who performs or provides professional level investigation, interpretation, design or technical project management services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, as a registered PECFA consultant shall either hold or be covered by errors and omissions professional liability coverage, including pollution impairment liability, of no less than $1,000,000 per claim, $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim.

(4) RENEWAL. (a) A person may renew his or her registration as a PECFA consultant.

(b) A PECFA consultant registration shall be renewed in accordance with s. SPS 305.07.

(c) The renewal of a registration as a PECFA consultant shall be contingent upon both of the following:

1. Being registered by the department of safety and professional services as a professional engineer, professional geologist, professional hydrologist, or professional soil scientist, or proof of being supervised by a person who is so registered.

2. Holding or being covered by the liability coverage specified in sub. (3).

Note: Authority over ss. SPS 305.80 and 305.81 was transferred to Department of Natural Resources under 2013 Wis. Act 20, s. 9138 (7) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 04-058: cr. (2) (c) and (4) (c), r. (4) (b), renum. (4) (a) 1. and 2. to be (4) (a) and (b) Register February 2006 No. 602, eff. 5-1-06; CR 06-127: cr. (2) (d), r. and recr. (4) (c), Register September 2007 No. 621, eff. 10-1-07; correction in (1) (a), (2) (a), (b), (c), (3), (4) (b), (c) 1. made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (2) (c), (3), (4) (c) 1. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.82 Tank specialty firms. (1) GENERAL. A corporation, partnership, sole proprietor, independent contractor, or person that provides or offers to provide installation, removal,

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testing, lining, cleaning or assessments for a tank system which is regulated under ch. ATCP 93 shall hold both of the following:

(a) A registration issued by the department of agriculture, trade and consumer protection or the department of safety and professional services as a registered tank specialty firm.

(b) Contractor liability coverage, including pollution impairment liability, of no less than $1,000,000 per claim and $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim.

(2) APPLICATION FOR REGISTRATION. An entity applying for a tank specialty firm registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of the liability coverage specified in sub. (1) (b).

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a tank specialty firm registration shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. An entity that provides storage tank system installation, removal, testing, lining, cleaning or site assessments as a registered tank specialty firm shall utilize the appropriate credentialed persons to install, remove, test, line, or clean storage tanks; to design or install a cathodic protection system for a tank system; or to provide tank-system site assessments.

(5) RENEWAL. (a) A person may renew his or her registration as a tank specialty firm.

(b) A tank specialty firm registration shall be renewed in accordance with s. SPS 305.07.

(c) An application for a renewal under this section shall include proof of the liability coverage specified in sub. (1) (b).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (5) (a) 2., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: r. and recr. (1), cr. (2) (c) and (5) (c), am. (4), renum. (5) (a) 1. and 2. to be (5) (a) and (b), r. (5) (b), Register September 2007 No. 621, eff. 10-1-07; CR 11-020: am. (1) (intro.), (a), (2) (intro.), (3), (4), (5) (a), (b), Register December 2011 No. 672, eff. 1-1-12; correction in (1) (intro.), (2) (a), (b), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

SPS 305.83 Tank-system site assessors.

(1) GENERAL. (a) No person may conduct a tank-system site assessment required under ch. ATCP 93 unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank-system site assessor.

(b) Each tank-system site assessment shall be performed by a person who has no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank-system site assessor certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain a tank-system site assessor certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank-system site assessor certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RENEWAL. (a) A person may renew his or her certification as a tank-system site assessor.

(b) A tank-system site assessor certification shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (4), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: am. (title), (1), (2) (intro.), (3), and (4), renum. (5) (a) 1. and 2. to be (5) (a) and (b) and am., r. (5) (b), Register September 2007 No. 621, eff. 10-1-07; correction in (1) (a), (2) (a), (b), (3), (4), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.84 Aboveground tank system installers.

(1) GENERAL. Except as provided in sub. (7), no person may install an aboveground tank system that is regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified aboveground tank system installer.

(b) The person holds a registration as a professional engineer and is competent in the engineering methods and requirements in Wisconsin for designing and installing storage tank systems for flammable, combustible or hazardous liquids.

(c) The person is under the direct supervision of another person who holds a certification or registration under par. (a) or (b) and who is responsible for the installation.

(2) APPLICATION FOR EXAMINATION. A person applying to take an aboveground tank system installer certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain an aboveground tank system installer certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for an aboveground tank system installer certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who installs or supervises the installation of tank systems as a certified aboveground tank system installer shall be present at the job site for at least all of the following activities:

(a) Preinstallation tank system testing.

(b) Inspection and repair of coatings.

(c) Placement of tanks.

(d) Installation and testing of all connections and tank-related piping including vapor recovery, vents and supply pipes.

(e) Installation of monitoring or leak detection devices.

(f) Installation of pumps.

(g) Installation of any underground piping.

(6) RENEWAL. (a) 1. A person may renew his or her certification as an aboveground tank system installer.

2. An aboveground tank system installer certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as an aboveground tank system installer shall be contingent upon the installer obtaining at least 12 hours of acceptable continuing education prior to the ex-

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piration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as an aboveground tank system installer may apply to the department of agriculture, trade and consumer protection for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department of agriculture, trade and consumer protection.

(7) EXCLUSION. This section does not apply to field-constructed aboveground tanks.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: am. (1) (intro.) and (5) (e) and (f), cr. (5) (g) and (7), Register September 2007 No. 621, eff. 10-1-07; CR 11-020: r. and recr. (1), am. (6) (b) 1., Register December 2011 No. 672, eff. 1-1-12; correction of numbering (5) (a), as renumbered, under s. 13.92 (4) (b) 1., correction in (1) (intro.), (2) (a), (b), (3), (4), (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (6) (b) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.85 Underground tank system installers.

(1) GENERAL. No person may install an underground tank system that is regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified underground tank system installer.

(b) The person holds a registration as a professional engineer and is competent in the engineering methods and requirements in Wisconsin for designing and installing storage tank systems for flammable, combustible or hazardous liquids.

(c) The person is under the direct supervision of another person who holds a certification or registration under par. (a) or (b) and who is responsible for the installation.

(2) APPLICATION FOR EXAMINATION. A person applying to take an underground tank system installer certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain an underground tank system installer certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for an underground tank system installer certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who installs or supervises the installation of tanks as a certified underground tank system installer shall be present at the job site for at least all of the following activities:

(a) Preinstallation tank system testing.

(b) Inspection and repair of coatings.

(c) Placing of bedding material and the setting and bedding of tanks.

(d) Backfilling operations and compacting of backfill around tanks and piping.

(e) Installation or activation of department of agriculture, trade and consumer protection-accepted, factory-supplied cathodic protection systems.

Note: The Department of Agriculture, Trade and Consumer Protection has accepted factory-supplied cathodic protection systems that comply with the sti-P3® specifications from the Steel Tank Institute, and may accept other systems of this type without a rule change.

(f) Installation and testing of all connections and tank-related piping including vapor recovery, vents and supply pipes.

(g) Installation of leak detection devices and any monitoring wells.

(h) Testing of tanks and piping both prior to and after backfilling.

(i) Installation of pumps.

(6) RENEWAL. (a) 1. A person may renew his or her certification as an underground tank system installer.

2. An underground tank system installer certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as an underground tank system installer shall be contingent upon the installer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as an underground tank system installer may apply to the department of agriculture, trade and consumer protection for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department of agriculture, trade and consumer protection.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: am. (1) (intro.), (5) (e) and (i), Register September 2007 No. 621, eff. 10-1-07; CR 11-020: r. and recr. (1), am. (6) (b) 1., Register December 2011 No. 672, eff. 1-1-12; correction in (1) (intro.), (2) (a), (b), (3), (4), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (5) (e), (6) (b) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.86 Underground tank system liners.

(1) GENERAL. No person may line or reline an underground tank system that has held or will hold flammable or combustible liquids which are regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system liner.

(b) The person is under the direct supervision of another person who holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system liner.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank system liner certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain a tank system liner certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank system liner certification, a person may obtain the certification by submitting an

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application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who lines or supervises the lining of underground tanks as a certified tank system liner shall be present at the job site for at least all of the following activities:

(a) Removal of product from the tanks and making the atmosphere of the tanks inert or vapor-free.

Note: Chapter ATCP 93 requires plan submittal and approval prior to lining a tank.

(b) Cutting of openings in tanks.

(c) Removal and handling of sludge and other wastes from tanks.

(d) Sand blasting of the tank interior.

(e) Inspection for holes and wall thickness.

(f) Notifying the owner if an internal tank assessment determines that a tank system assessment under ch. ATCP 93 is required.

(g) Repair of holes.

(h) Notifying and arranging for a certified tank system inspector to visit the site and authorize the lining, prior to applying the lining to the tank.

(i) Coating of tanks.

(j) Testing for holidays.

(k) Testing for coating hardness.

(L) Resealing of tanks.

(m) Completing an API 1631 inspection form B, as required by ch. ATCP 93, and submitting it to the owner, inspector and department of agriculture, trade and consumer protection.

(6) RENEWAL. (a) A person may renew his or her certification as a tank system liner.

(b) A tank system liner certification shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: am. (1) (intro.), and (5) (intro.), renum. (5) (f) and (g) to (j) to be (5) (g) and (i) to (L), cr. (5) (f), (h) and (m), renum. (6) (a) 1. and 2. to be (6) (a) and (b), r. (6) (b), Register September 2007 No. 621, eff. 10-1-07; CR 11-020: r. and recr. (1), Register December 2011 No. 672, eff. 1-1-12; correction in (1) (intro.), (2) (a), (b), (3), (4), (5) (f), (m), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (b), (5) (f), (m) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.87 Tank system removers and cleaners. **(1)** GENERAL. Except as provided in sub. (7), no person may remove or clean a tank system that is regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system remover-cleaner.

(b) The person is under the direct supervision of another person who holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system remover-cleaner.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank system remover-cleaner certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of the liability coverage specified in s. SPS 305.82 (1) (b).

(3) EXAMINATION. A person seeking to obtain a tank system remover-cleaner certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank system remover-cleaner certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who removes or cleans or supervises the removing or cleaning of tanks as a certified tank system remover-cleaner shall be present at the job site for at least all of the following activities:

(a) Disconnecting and draining of piping.

(b) Capping of piping.

(c) Vapor freeing or inerting of tanks.

(d) Cleaning of tanks and handling of sludge and other wastes.

(e) Removal of tank systems from the ground and loading them for transport or filling the tank systems with an inert material.

(f) Visual inspection of the soils around the excavation or tank system location.

(6) RENEWAL. (a) A person may renew his or her certification as a tank system remover-cleaner.

(b) A tank system remover-cleaner certification shall be renewed in accordance with s. SPS 305.07.

(c) An application for a renewal under this section shall include proof of the liability coverage specified in s. SPS 305.82 (1) (b).

(7) EXCLUSIONS. This section does not apply to any of the following:

(a) Field-constructed aboveground tanks.

(b) Heating fuel tanks located aboveground or in basements of 1- or 2-family dwellings.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (b), (6) (a) 2., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: r. and recr. (1) (intro.), renum. (1) (a) and (b) to be (1) (b) and (c) and am. (b), cr. (1) (d), (2) (c), (6) (c) and (7), renum. (6) (a) 1. and 2. to be (6) (a) and (b), r. (6) (b), Register September 2007 No. 621, eff. 10-1-07; CR 11-020: renum. (1) (a) to (c) to be (1) (intro.), (a), (b) and am., r. (1) (d), Register December 2011 No. 672, eff. 1-1-12; correction in (1) (intro.), (2) (a), (b), (c), (3), (4), (6) (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (b) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.88 Tank system tightness testers. **(1)** GENERAL. (a) No person may conduct the tightness testing specified in ch. ATCP 93 for a tank system unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system tightness tester.

(b) Tank system tightness testing shall be performed by a person with no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility.

(2) APPLICATION FOR CERTIFICATION. A person applying for a tank system tightness tester certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR CERTIFICATION. (a) A person applying for a tank system tightness tester certification shall have completed training in one or more tightness test methods that

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have been approved under ch. ATCP 93, within the 2 years immediately preceding the application.

(b) The test methodology training qualifying for certification shall have been provided by the person or entity that obtained the approval under ch. ATCP 93 for the methodology.

(4) RESPONSIBILITIES. A person who conducts tightness tests for tank systems as a certified tank system tightness tester shall do all of the following:

(a) Conduct tightness tests in accordance with the material approval under ch. ATCP 93 and any additional manufacturer's instructions.

(b) Employ only those test methodologies for which training has been obtained.

(5) RENEWAL. (a) A person may renew his or her certification as a tank system tightness tester.

(b) A tank system tightness tester certification shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (5) (b), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-127: renum. (1) to be (1) (a) and am., cr. (1) (b), am. (3) and (4) (a), Register September 2007 No. 621, eff. 10-1-07; CR 11-020: am. (3) (a), (4) (intro.), correction in (1) (a), (2) (a), (b), (3) (a), (b), (4) (a), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (3) (a), (b), (4) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.89 Cathodic protection specialties. (1) GENERAL. (a) *Cathodic protection tester.* No person may conduct cathodic protection testing of a tank system that is regulated under ch. ATCP 93 unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified cathodic protection tester.

(b) *Corrosion expert.* 1. No person may design or install a cathodic protection system for a tank system that is regulated under ch. ATCP 93 unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified corrosion expert.

2. This paragraph does not apply to department of agriculture, trade and consumer protection-accepted, factory-supplied cathodic protection systems.

Note: The Department of Agriculture, Trade and Consumer Protection has accepted factory-supplied cathodic protection systems that comply with the sti-P3® specifications from the Steel Tank Institute, and may accept other systems of this type without a rule change.

(c) *Independence.* Cathodic protection activities covered under this section shall be performed by a person with no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility.

(2) APPLICATION FOR CERTIFICATION. A person applying for certification as a cathodic protection tester or a corrosion expert shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and certification fee in accordance with s. SPS 305.02, Table 305.02.

(c) Documentation showing formal education relating to soil resistivity, stray current, structure-to-soil potential, component electrical isolation measurements of buried metal piping and tank systems, and corrosion control.

(d) Documentation from a cathodic protection certification entity recognized by the department of agriculture, trade and consumer protection, showing the applicant has successfully completed a certification examination that corresponds to the cathodic protection specialty addressed in the application.

Note: The Department of Agriculture, Trade and Consumer Protection will accept the following certifications as demonstrating compliance with pars. (c) and (d), for a cathodic protection tester:

NACE certification as a CP1, CP2 or CP3 cathodic protection technician.
NACE certification as a senior corrosion technologist.
NACE certification as a corrosion technologist.
NACE certification as a corrosion technician.
STI certification in UST system cathodic protection monitoring.

Note: The department of agriculture, trade and consumer protection will accept the following certifications as demonstrating compliance with pars. (c) and (d), for a corrosion expert:

NACE certification as a corrosion specialist.
NACE certification as a CP4 cathodic protection specialist.

Note: NACE, formerly known as the National Association of Corrosion Engineers, can be contacted at NACE International, P.O. Box 218340, Houston, TX 77218. STI can be contacted at Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047.

(3) RESPONSIBILITIES. A person who conducts cathodic protection tests or who designs or installs cathodic protection systems shall do all of the following:

(a) Conduct all cathodic protection tests in accordance with ch. ATCP 93 and any manufacturer's instructions.

(b) Employ only those methodologies for which training has been obtained and documented.

Note: Although several different levels of expertise may qualify for the same certification, this section is intended to prohibit performing cathodic protection activities unless the specific expertise for that activity has been attained and documented.

(4) RENEWAL. (a) A person may renew his or her certification as a cathodic protection tester or corrosion expert.

(b) A certification for a cathodic protection tester or corrosion expert shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: CR 06-127: cr. Register September 2007 No. 621, eff. 10-1-07; CR 11-020: am. (title), cr. (1) (c) (title), Register December 2011 No. 672, eff. 1-1-12; correction in (1) (a), (b) 1., (2) (a), (b), (3) (a), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (b) 1., 2., (2) (d), (3) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

Subchapter IX — Plumbing

SPS 305.90 Plumbing. (1) (a) Except as provided under s. 145.06 (4), Stats., and pursuant to s. 145.06, Stats., no person may install plumbing unless the person holds a license or registration issued by the department as a master plumber, master plumber-restricted, journeyman plumber, journeyman plumber-restricted, plumbing apprentice, plumbing learner-restricted, utility contractor, or pipelayer.

(b) 1. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a license or registration as a master plumber-restricted service, journeyman plumber-restricted service, or a plumbing learner-restricted service shall be limited to the installation or modification of the following:

a. Privately owned wastewater treatment systems and components as defined in ch. SPS 381.

b. Building sewers, sanitary; building sewers, storm; and private interceptor main sewers, as defined in ch. SPS 381, from the street main to the immediate inside or proposed inside foundation wall of a building.

c. Water services, private water mains, manufactured home community water supply systems, and campground or recreational vehicle park water supply systems as defined in ch. SPS 381.

d. That portion of the drain system or water supply system that connects a building sewer or water service to the connection provided by the manufactured/mobile home manufacturer.

e. Manufactured home community drain systems, sanitary; manufactured home community drain systems, storm; campground or recreational vehicle park drain systems, sanitary; and campground or recreational vehicle park drain systems, storm, as defined in ch. SPS 381.

f. Wastewater treatment devices, as defined in ch. SPS 381, not located within a building's foundation perimeter.

g. Stormwater use systems, not located within a building's foundation perimeter.

h. Reclaimed water systems, not located within a building's foundation perimeter.

2. a. The plumbing activities that may be undertaken by a person who holds a license as a master plumber-restricted service type 2 or journeyman plumber-restricted service type 2 shall be limited to the installation or modification of underground drain and vent piping and plumbing delineated under subd. 1.

b. The plumbing activities that may be undertaken by a person who holds a license as a master plumber-restricted service type 3 or journeyman plumber-restricted service type 3 shall be limited to the modification of existing water distribution systems and plumbing delineated under subd. 1.

c. The plumbing activities that may be undertaken by a person who holds a license as a master plumber-restricted service type 4 or journeyman plumber-restricted service type 4 shall be limited to the installation or modification of drain and vent piping to existing drain stacks and vent stacks for the conversion from a private sewage system to municipal sewers and plumbing delineated under subd. 1.

Note: Prior to November 1, 1996, plumber-restricted service licenses were referred to as plumber-restricted sewer licenses and those licenses formerly referred to as plumber-restricted sewer type 1 are now titled plumber-restricted service. Restricted service plumbing licenses types 2 to 4 are no longer available to new applicants. Individuals who currently hold these types of licenses are permitted to renew the licenses and continue to perform the activities under subd. 2. Individuals who hold a journeyman plumber-restricted service type 2 to 4 may seek to obtain the appropriate type of master plumber-restricted service license in accordance with s. SPS 305.92.

3. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a license or registration as a master plumber-restricted appliance, journeyman plumber-restricted appliance, or plumbing learner-restricted appliance shall be limited to connections with an existing water distribution system which do not require a direct connection to the drain system for the installation and modification of the following:

a. Items requiring connection with a water distribution system.

b. Stormwater use or reclaimed water supply systems.

c. The minimum required piping to connect allowed installations to the system.

4. The plumbing activities that may be undertaken by a person who holds a license or registration as a utility contractor or pipelayer shall be limited to the installation or modification of the following:

a. Water services and private water mains, as defined in ch. SPS 381, from the street main to the immediate inside building perimeter.

b. Building sanitary sewers, building storm sewers, and private interceptor main sewers, as defined in ch. SPS 381, from the street main to the immediate inside building perimeter.

(2) Pursuant to s. 145.06 (3m), Stats., no person may perform the required testing of cross connection control assemblies unless the person holds a registration issued by the department as a cross-connection control assembly tester.

(3) A business engaged in the installation of plumbing that utilizes plumbing learners shall maintain a ratio of at least one journeyman plumber or journeyman plumber-restricted for each plumbing learner. For this purpose, a master plumber or master plumber-restricted may act as a journeyman plumber or journeyman plumber-restricted, respectively.

(4) Pursuant to s. 145.09, Stats., a person may be accepted for examination for the appropriate classification of license upon submittal of any of the following:

(a) An application in accordance with s. SPS 305.01, together with the application fee, and examination fee in accordance with s. SPS 305.02, Table 305.02.

(b) A petition for variance documenting evidence of equivalency as provided in s. 145.09 (1m) (a) or (b), Stats., and a petition for variance fee in accordance with s. SPS 305.02 (4).

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (2), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: am. (1) (b) 1. a. to c., cr. (1) (b) 1. d. and (4) Register June 2004 No. 582, eff. 8-1-04; CR 11-020: am. (1) (b) 4., Register December 2011 No. 672, eff. 1-1-12; correction in (1) (b) 1. a., b., c., (4) (a), (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (4) (intro.), consol. (4) (a) and (b) and renum. to (a) and am., renum. (4) (c) to (b) and am., r. (4) (d) Register August 2014 No. 704, eff. 9-1-14; correction in (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register June 2018; CR 23-006: am. (1) (a), (b) 1. (intro.), b., c., cr. (1) (b) 1. e. to h., am. (1) (b) 2., renum. (1) (b) 3. to (1) (b) 3. (intro.) and am., cr. (1) (b) 3. a. to c., renum. (1) (b) 4. to (1) (b) 4. (intro.) and a. and am., cr. (1) (b) 4. b., am. (2) Register September 2023 No. 813, eff. 10-1-23; correction in (1) (b) 4. a. made under s. 35.17, Stats., Register September 2023 No. 813.

SPS 305.91 Master plumbers. (1) GENERAL. A person may obtain a license as a master plumber by taking and passing the master plumber license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a master plumber license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a master plumber license examination shall have one of the following qualifications:

(a) At least 1,000 hours of plumbing-related work experience per year for at least 3 years as a licensed journeyman plumber.

(b) Graduated from an accredited engineering university or college with a degree in civil engineering, mechanical engineering or other approved engineering curriculum related to plumbing.

(4) EXAMINATION. A person seeking to obtain a master plumber license shall take and pass an examination in accordance with s. SPS 305.09.

Note: After December 31, 2001, the examination for a master plumber license will include questions relative to the design and installation of multipurpose piping systems.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed master plumber by submitting an application, application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

(6) RESPONSIBILITIES. (a) A person who as a licensed master plumber is responsible for the installation or modification of plumbing shall utilize the appropriately licensed or registered persons to install or modify plumbing.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(b) 1. A person who has obtained his or her master plumber license prior to January 1, 2002 and who is responsible for the installation or modification of a multipurpose piping system shall have completed an approved course in the engineering principles and skills associated with the design, installation and maintenance of multipurpose piping systems prior to installing such a system.

2. A course to fulfill the obligation under subd. 1. shall be approved and conducted in accordance with s. SPS 305.08.

(c) For any plumbing installation that requires a uniform building permit under s. SPS 320.08, a person who holds a master plumber license may not commence installation of plumbing until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(d) For any construction that involves installation or modification of a private onsite wastewater treatment system, a person who holds a master plumber license may not commence installation of plumbing until a sanitary permit is issued for the installation in accordance with s. SPS 383.21.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(7) EXCHANGES. (a) A person who holds a master plumber license may, upon application to the department, exchange his or her master plumber license for a journeyman plumber license.

(b) A person who has exchanged his or her master plumber license for a journeyman plumber license may, upon application to the department, exchange his or her journeyman plumber license for a master plumber license provided:

1. The person holds a valid journeyman plumber license;

2. The person submits with the application a copy of his or her former master plumber license; and

3. The license fee for a master plumber specified in s. SPS 305.02, Table 305.02 is submitted.

(8) RENEWAL. (a) 1. A person may renew his or her license as a master plumber.

2. A master plumber license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a master plumber shall be contingent upon the master plumber obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a master plumber may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (intro.), (5), (7) (b) 3. and (8) (b), renum. (6) to be (6) (a) and am., cr. (6) (b), Register, April, 2000, No. 532, eff. 5-1-00, except (6) (b) 1. eff. 8-1-00; CR 03-075: am. (3) (a), cr. (6) (c) and (d) Register June 2004 No. 582, eff. 8-1-04; CR 06-031: renum. (8) (b) 1. to be 1. a. and am., cr. (8) (b) 1. b. Register October 2006 No. 610, eff. 11-1-06; CR 11-020: r. (8) (b) 1. a., renum. (8) (b) 1. b. to be (8) (b) 1. and amend, Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (b) 2., (c), (d), (7) (b) 3., (8) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13-014: am. (3) (a) Register September 2013 No. 693, eff. 10-1-13; CR 14-010: renum. (1) (intro.) to (1) and am., r. (1) (a), (b), renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., am. (8) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 19-118: am. (4) Register May 2020 No. 773, eff. 6-1-20; CR 23-006: am. (1) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.92 Master plumbers-restricted. (1) GENERAL. A person may obtain a license as a master plumber-restricted by taking and passing the master plumber-restricted license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a master plumber-restricted service license examination or master plumber-restricted appliance license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) A person applying for a master plumber-restricted service license examination shall have at least 1,000 hours of plumbing-related work experience per year for at least 2 years as a licensed journeyman plumber or a licensed journeyman plumber-restricted service.

(b) A person applying for a master plumber-restricted appliance license examination shall have at least 1,000 hours of plumbing-related work experience per year for at least 2 years as a licensed journeyman plumber or a licensed journeyman plumber-restricted appliance.

(4) EXAMINATION. A person seeking to obtain a master plumber-restricted service or a master plumber-restricted appliance license shall take and pass an examination in accordance with s. SPS 305.09.

Note: After December 31, 2001, the examination for a master plumber-restricted appliance license will include questions relative to the design and installation of multipurpose piping systems.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber-restricted service or master plumber-restricted appliance license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a master plumber-restricted service or a master plumber-restricted appliance by submitting an application, application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02 and Table 305.02.

(6) RESPONSIBILITIES. (a) A person who, as a licensed master plumber-restricted service or licensed master plumber-restricted appliance, is responsible for an installation or modification of plumbing shall utilize the appropriately licensed or registered persons to install or modify plumbing.

(c) For any plumbing installation that requires a uniform building permit under s. SPS 320.08, a person who holds a master plumber-restricted appliance license or a master plumber-restricted service license may not commence installation of plumbing until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one- and 2-family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(d) For any construction that involves installation or modification of a private onsite wastewater treatment system, a person who holds a master plumber-restricted service license may not commence installation of plumbing until a sanitary permit is issued for the installation in accordance with s. SPS 383.21.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(7) EXCHANGES. (a) A person who holds a master plumber-restricted service license or master plumber-restricted appliance license may, upon application to the department, exchange his or

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her master plumber license for the appropriate journeyman plumber-restricted license.

(b) A person who has exchanged his or her master plumber-restricted license for a journeyman plumber-restricted license may, upon application to the department, exchange his or her journeyman plumber-restricted license for the appropriate master plumber-restricted license provided:

1. The person holds a valid journeyman plumber-restricted license;

2. The person submits with the application a copy of his or her former master plumber-restricted license; and

3. The license fee for a master plumber-restricted license specified in s. SPS 305.02, Table 305.02 is submitted.

(8) RENEWAL. (a) 1. A person may renew his or her license as a master plumber-restricted service or master plumber-restricted appliance.

2. A master plumber-restricted service license and a master plumber-restricted appliance license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a master plumber-restricted service or master plumber-restricted appliance shall be contingent upon the master plumber obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a master plumber-restricted service or master plumber-restricted appliance may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (7) (b) (intro.), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (intro.), (5), (6), (7) (b) 3. and (8) (b), Register, April, 2000, No. 532, eff. 5-1-00; am. (3), Register, May, 2001, No. 545, eff. 6-1-01; CR 03-075: am. (3), renum. (6) to be (6) (a), cr. (6) (b) and (c) Register June 2004 No. 582, eff. 8-1-04; CR 05-011: renum. (6) (b) and (c) to be (6) (c) and (d), cr. (6) (b) Register July 2005 No. 595, eff. 8-1-05; CR 06-031: renum. (8) (b) 1. to be 1. a. and am., cr. (8) (b) 1. b. Register October 2006 No. 610, eff. 11-1-06; CR 11-020: r. (8) (b) 1. a., renum. (8) (b) 1. b. to be (8) (b) 1. and amend, Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (b) 2., (c), (d), (7) (b) 3., (8) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13-014: am. (3) Register September 2013 No. 693, eff. 10-1-13; CR 14-010: renum. (1) (intro.) to (1) and am., r. (1) (a), (b), renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., r. (6) (b), am. (8) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 19-118: am. (4) Register May 2020 No. 773, eff. 6-1-20; CR 23-006: am. (1), (5) (b) Register September 2023 No. 813, eff. 10-1-23; correction in (5) (b) made under s. 35.17, Stats., Register September 2023 No. 813.

SPS 305.93 Journeyman plumbers.

(1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a license as a journeyman plumber shall be performed under the general supervision of a person who holds a master plumber license, master plumber-restricted license, or utility contractor license.

Note: A journeyman plumber who is working under the general supervision of a licensed master plumber-restricted or licensed utility contractor is limited to the type of plumbing installations associated with the specific license of the person providing the supervision.

(b) A person may obtain a license as a journeyman plumber by taking and passing the journeyman plumber license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman plumber license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a journeyman plumber license examination shall have completed a plumbing apprenticeship program recognized under ch. 106, Stats.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a journeyman plumber license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a journeyman plumber by submitting an application, application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02 and Table 305.02.

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman plumber.

2. A journeyman plumber license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a journeyman plumber shall be contingent upon the journeyman plumber obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman plumber may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (6) (a) 2., Register, March, 1998, No. 507, eff. 4-1-98; am. (1) (a), (b) (intro.) and (5), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-031: renum. (6) (b) 1. to be 1. a. and am., cr. (6) (b) 1. b. Register October 2006 No. 610, eff. 11-1-06; CR 11-020: r. (6) (b) 1. a., renum. (6) (b) 1. b. to be (6) (b) 1. and amend, Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR14-010: renum. (1) (b) (intro.) to (1) and am., r. (1) (b) 1., 2., renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 23-006: am. (1), (5) (b) Register September 2023 No. 813, eff. 10-1-23; correction in (5) (b) made under s. 35.17, Stats., Register September 2023 No. 813.

SPS 305.94 Journeyman plumbers-restricted service.

(1) GENERAL. (a) The plumbing activities as delineated under s. SPS 305.90 (1) (b) that may be undertaken by a person who holds a license as a journeyman plumber-restricted service shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber-restricted service.

(b) A person may obtain a license as a journeyman plumber-restricted service by taking and passing the journeyman plumber-restricted license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman plumber-restricted service license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a journeyman plumber-restricted service license examination shall have met all of the following:

(a) Completed one continuous year of plumbing-related work experience consisting of not less than 1,000 hours.

(b) Received shop training and instruction in at least the following:

1. Forty hours of plumbing code, chs. SPS 381 to 387.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

2. Twenty hours of blueprint or blueline reading.

3. Ten hours of transit or builder's level.

4. Twenty hours of plumbing-related mathematics.

5. Ten hours of first aid and safety.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a journeyman plumber-restricted service license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber-restricted license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a journeyman plumber-restricted service by submitting an application, an application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02.

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman plumber-restricted service.

2. A journeyman plumber-restricted service license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a journeyman plumber-restricted service shall be contingent upon the journeyman plumber obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman plumber-restricted service may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a), (b) (intro.) and (5), Register, April, 2000, No. 532, eff. 5-1-00; corrections in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 03-075: r. and recr. (3) Register June 2004 No. 582, eff. 8-1-04; CR 06-031: renum. (6) (b) 1. to be 1. a. and am., cr. (6) (b) 1. b. Register October 2006 No. 610, eff. 11-1-06; CR 11-020: r. (6) (b) 1. a., renum. (6) (b) 1. b. to be (6) (b) 1. and amend, Register December 2011 No. 672, eff. 1-1-12; correction in (1) (a) 1., 2., (2) (a), (b), (3) (a) 2. a., (b) 2. a., (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (title), renum. (1) (a) 1. to (1) (a), r. (1) (a) 2., renum. (1) (b) (intro.) to (1) (b) and am., r. (1) (b) 1., 2., am. (2) (intro.), renum. (3) (a) to (3) (intro.), r. (3) (b), renum. (3) (a) 1., 2. to (3) (a), (b) and am. (a), am. (4), renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., am. (6) Register August 2014 No. 704, eff. 9-1-14; CR 23-006: am. (1), (3) (a), (5) (b) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.945 Journeyman plumbers-restricted appliance. (1) GENERAL. The plumbing activities as delineated under s. SPS 305.90 (1) (b) 3. that may be undertaken by a person who holds a license as a journeyman plumber-restricted appliance shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber-restricted appliance.

(2) QUALIFICATIONS FOR LICENSURE. A person applying for a journeyman plumber-restricted appliance license shall complete all of the following:

(a) At least 1,000 hours of plumbing-related work experience as a registered learner-restricted appliance.

(b) Shop training and instruction in at least all of the following:

1. Plumbing code, chs. SPS 381 to 387.

2. Blueprint or blueline reading.

3. Appliance and equipment servicing.

(c) Successful passage of an examination administered by the department or an examination approved by the department in accordance with subs. (3) and (4).

(3) EXAMINATION. A person seeking to obtain a journeyman plumber-restricted appliance license shall take and pass an examination administered by the department, as provided in s. SPS 305.09, or an examination approved by the department and deemed to be equivalent to the department administered examination. Examination providers shall receive written approval from the department prior to administering a journeyman plumber-restricted appliance license examination.

(4) EXAMINATION APPROVAL. (a) Examination providers seeking department approval of a journeyman plumber-restricted appliance license examination shall submit to the department all of the following:

1. All exam items in the exam item bank.

2. An example of an exam score report.

3. An example test form or forms.

4. An exam content outline clearly indicating exam topic areas.

(b) A journeyman plumber-restricted appliance license examination approved by the department shall be determined by the department to have examination content equivalent to the examination content of the journeyman plumbers-restricted appliance exam administered by the department. The department may conduct an examination site inspection during an exam administration to ensure compliance with general test industry standards. The department may revoke the approval status of any examination.

(c) A score determined by the department to represent minimum competence to practice is required to pass each examination.

(d) Providers of approved journeyman plumber restricted-appliance license examinations shall provide exam applicants with the results of the examination in writing within 21 days of the examination date.

(e) 1. Providers of approved journeyman plumber restricted-appliance license examinations shall maintain examination records of those individuals who completed the examination for at least 5 years from the date of the examination and must make the records available to the department and to individual exam candidates upon request.

2. The attendance record for each exam candidate shall include all of the following:

a. The date the examination was held.

b. The name of the exam candidate.

c. The exam score and results indicating the pass or fail status of the exam candidate.

d. The name and address of the exam provider.

(f) Providers of approved journeyman plumber restricted-appliance license examinations shall notify the department of changes to the examination content outline, newly developed items in the exam item bank, and any other changes that bring the examination out of compliance with this section.

Note: Additional information regarding exam equivalency is available from the Department of Safety and Professional Services at P.O. Box 8366, Madison, WI 53708-8366 or at the Department Web site: http://dsps.wi.gov/Home.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of a department administered examination for a journeyman plumber-restricted appliance license a person may apply for a license as a journeyman plumber-restricted appliance by submitting all of the following:

1. An application in accordance with ss. SPS 305.01 and SPS 305.09 (7) (c).

2. An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

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3. Proof of satisfactory completion of the qualifications for licensure under sub. (2).

(b) Upon notification of the successful passage of an examination approved by the department for a journeyman plumber-restricted appliance license a person may apply for a license as a journeyman plumber-restricted appliance within 3 months after the date that notice of exam results is released by the exam provider to the candidate. Failure to apply for a journeyman plumber-restricted appliance license within 3 months, shall necessitate the applicant to apply, retake, and pass another license examination in order to obtain the journeyman plumber restricted appliance license. A person may apply for a journeyman plumber-restricted appliance license by submitting all of the following:

1. An application in accordance with s. SPS 305.01.

2. An application fee in accordance with s. SPS 305.02, Table 305.02.

3. Proof of satisfactory completion of the qualifications for licensure under sub. (2).

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman plumber-restricted appliance.

2. A journeyman plumber-restricted appliance license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a journeyman plumber-restricted appliance shall be contingent upon the journeyman plumber obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman plumber-restricted appliance may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: CR 14-010: cr. Register August 2014 No. 704, eff. 9-1-14; correction in (4) (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2014; CR 23-006: am. (1), (5) (a) (intro.), (b) (intro.) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.95 Plumbing apprentices. (1) GENERAL. A person who holds a registration as a plumbing apprentice may install or modify plumbing under the general supervision of a person who is a licensed master plumber.

Note: The Department of workforce development, bureau of apprenticeship standards has additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for a plumbing apprentice registration to install plumbing shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for plumbing apprentice registration to install plumbing shall be entered into a plumbing apprentice contract recognized under ch. 106, Stats.

(4) RESPONSIBILITIES. A person who installs or modifies plumbing as a registered plumbing apprentice may do so if he or she is entered into a plumbing apprentice contract recognized under ch. 106, Stats.

(5) RENEWAL. (a) 1. A person may renew his or her registration as a plumbing apprentice.

2. A plumbing apprentice registration to install plumbing shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as a plumbing apprentice is contingent upon the person submitting evidence that the person is entered into a plumbing apprentice contract recognized under ch. 106, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (5) (b), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 11-020: am, (3), (4), (5) (b), Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 23-006: am. (1) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.96 Plumbing learners. (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a registration as a learner-restricted service shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber-restricted service license, a journeyman plumber license or a journeyman plumber-restricted service license.

(b) The plumbing activities that may be undertaken by a person who holds a registration as a learner-restricted appliance shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber-restricted appliance license, a journeyman plumber license or a journeyman plumber-restricted appliance license.

(2) APPLICATION FOR REGISTRATION. A person applying for a plumbing learner-restricted service registration or plumbing learner-restricted appliance registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a plumbing learner-restricted service registration or plumbing learner-restricted appliance registration to install or modify plumbing shall be at least 16 years old and shall have completed the 12th grade in school or its equivalent.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; correction in (2) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 23-006: am. (1) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.97 Utility contractors. (1) GENERAL. A person may obtain a license as a utility contractor by taking and passing the utility contractor license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take an utility contractor license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. The person applying for an utility contractor license examination shall be at least 18 years old.

(4) EXAMINATION. A person seeking to obtain an utility contractor license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for a utility contractor license, a person may obtain the license by submitting an application and a license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. A person who, as a licensed utility contractor, installs or modifies water services; private water mains; building sewers, sanitary; building sewers, storm; or private interceptor main sewers, as defined in ch. SPS 381, from the street main to the immediate inside or proposed inside foundation wall of the building shall utilize the appropriately licensed or registered persons to install or modify the plumbing.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(7) RENEWAL. (a) A person may renew his or her license as a utility contractor.

(b) An utility contractor license shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a license as a utility contractor shall be contingent upon the utility contractor obtaining at least 6 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a utility contractor may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (1), (5) and (6), Register, April, 2000, No. 532, eff. 5-1-00; CR 06-031: cr. (7) (c) Register October 2006 No. 610, eff. 11-1-06; CR 11-020: r. and recr. (1), am, (7) (c) 1., Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (4), (5), (7) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (7) (c) 1. Register August 2014 No. 704, eff. 9-1-14; CR 23-006: am. (1), (6) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.98 Pipelayers. (1) GENERAL. Pursuant to s. 145.07 (11), Stats., a person who holds a registration as a pipelayer may install or modify water services; private water mains; building sewers, sanitary; building sewers, storm; or private interceptor main sewers, as defined in ch. SPS 381, from the street main to the immediate inside or proposed inside foundation wall of the building under the general supervision of a licensed utility contractor, licensed master plumber, or a licensed master plumber-restricted service.

(2) APPLICATION FOR REGISTRATION. A person applying for a pipelayer registration to install plumbing shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a pipelayer registration to install plumbing shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as a pipelayer.

(b) A pipelayer registration shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (2) (a) and (b), Register, March, 1998, No. 507, eff. 4-1-98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; correction in (2) (a), (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 23-006: am. (1) Register September 2023 No. 813, eff. 10-1-23.

SPS 305.99 Cross connection control assembly testers. (1) GENERAL. Pursuant to s. 145.06 (3m), Stats., no person may conduct a performance test of a cross connection control assembly as required by s. SPS 382.22 (8) unless the person holds a registration issued by the department as a cross connection control assembly tester.

(2) APPLICATION FOR REGISTRATION. A person applying for a cross connection control assembly tester registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a cross connection control assembly tester registration shall have completed, at a minimum, one of the following:

(am) At least 40 hours in a department approved course or courses in the theory of cross connection control, the operation, testing and maintenance of cross connection control assemblies, and the national standards for these cross connection control assemblies.

(bm) An ASSE approved course meeting standard ASSE 5150.

(4) RESPONSIBILITIES. A person who, as a registered cross connection control assembly tester, conducts performance tests of cross connection control assemblies shall be responsible for ~~all of~~ the following

(a) Maintaining a record of each cross connection control assembly performance test conducted, including the date and the result of the test, for at least 2 years.

(b) Making available to the department upon request his or her performance test records.

(c) Following all procedures established by the department for conducting performance tests and filing the results.

(5) RENEWAL. (a) A person may renew his or her registration as a cross connection control assembly tester.

(b) A cross connection control assembly tester registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a certification as a cross connection control assembly tester shall be contingent upon the cross connection control assembly tester obtaining at least 6 hours of approved continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a cross connection control assembly tester may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. The department shall consider each application for waiver individually on its merits.

History: Cr. Register, October, 1996, No. 490, eff. 11-1-96; am. (3) (b) to (e), cr. (3) (f), Register, February, 1997, No. 494, eff. 3-1-97; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5-1-00; CR 03-075: am. (3) (intro.) Register June 2004 No. 582, eff. 8-1-04; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register May 2009 No. 641; CR 09-050: am. (1) and (3), renum. (4) to be (5), cr. (4) Register December 2009 No. 648, eff. 1-1-10; CR 10-064: cr. (5) (c) Register December 2010 No. 660, eff. 1-1-11; correction in (1), (2) (a), (b), (5) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (5) (c) 1. Register August 2014 No. 704, eff. 9-1-14; CR 23-006: am. (title), (1), (2) (intro.), (3) (intro.), r. (3) (a) to (f), cr. (3) (am), (bm), am. (4) (intro.), (5) Register September 2023 No. 813, eff. 10-1-23.

Subchapter X — Conveyances

SPS 305.9905 Elevator contractor. (1) GENERAL. (a) Pursuant to s. 101.984 (1), Stats., no person or entity, as of June 1, 2008, may engage in the business or offer to engage in the business of constructing, installing, altering, servicing, replacing or maintaining conveyances unless the person or entity holds a license issued by the department as a licensed elevator contractor, except as provided under par. (b).

(b) A person, entity or business is not required to hold a license as a licensed elevator contractor to service or maintain existing conveyances within facilities or properties owned by the person, entity or business.

(2) APPLICATION FOR LICENSE. A person applying for an elevator contractor license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for an elevator contractor license shall provide all of the following:

1. A statement certifying that the person complies with the worker's compensation requirements under ch. 102, Stats.

2. Evidence of compliance with the liability insurance requirements as specified under s. 101.985 (1), Stats.

(b) The person applying for an elevator contractor license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A licensed elevator contractor shall be responsible for the contractor's work on conveyances with respect to compliance to ch. SPS 318.

(b) A licensed elevator contractor shall utilize the appropriately licensed or registered individuals to construct, install, alter, service, replace or maintain conveyances.

(c) For any construction, installation, alteration, repair or replacement of a conveyance or conveyance component that requires a permit under s. SPS 318.1007, a licensed elevator contractor may not commence the work until a permit is issued for the project.

(d) A licensed elevator contractor shall maintain their liability insurance as specified under s. 101.985 (1), Stats.

(5) RENEWAL. (a) 1. A person may renew his or her elevator contractor license.

2. An elevator contractor license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a license as an elevator contractor shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08, except (1) eff. 1-1-09; renumber from Comm 5.990 made under s. 13.92 (4) (b) 1., Stats., Register June 2008 No. 630; correction in (4) (c) made under s. 13.92 (4) (b) 7., Stats., Register June 2008 No. 630; CR 08-110: cr. (4) (e) Register September 2009 No. 645, eff. 10-1-09; correction in (2) (a), (b), (4) (a), (c), (e), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 19-118: r. (3) (e) Register May 2020 No. 773, eff. 6-1-20.

SPS 305.991 Elevator installers. (1) GENERAL. (a) Except as specified in sub. (2), no person may erect, construct, alter, replace, maintain, repair, test, remove, or dismantle conveyances unless the person holds a license or registration issued by the department as one of the following:

1. A licensed elevator mechanic.
2. A licensed elevator mechanic-restricted.
3. A registered elevator apprentice.
4. A registered elevator apprentice-restricted.
5. A registered elevator helper.
6. A licensed lift mechanic.
7. A registered lift apprentice.
8. A registered lift helper.

(b) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed elevator mechanic-restricted or a registered elevator apprentice-restricted shall be limited to the repair and maintenance of conveyances and the replacement of conveyance components and subsystems except the replacement of hoist ropes and governor ropes.

(c) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed lift mechanic, a registered lift apprentice, or a registered lift helper shall be limited to the erection, construction, alteration, replacement, maintenance, repair, testing, removal, or dismantling of conveyances covered under ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8.

(2) EXCEPTIONS. (a) *Removal or dismantling of conveyances.* The requirements under sub. (1) do not apply to the removal or dismantling of conveyances as addressed under s. 101.984 (2) (c) 1., Stats.

(b) *Maintenance or repair of conveyances.* The requirements under sub. (1) do not apply to maintenance or repair activities that do not affect the operation of the conveyance including any of the following:

1. Changes to the interior finishes of a conveyance that do not significantly affect the dead load of the conveyance.

2. Changing lamps for conveyance illumination.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 1-1-09; CR 08-030: am. (1) (c) Register December 2008 No. 636, eff. 1-1-09; CR 19-118: am. (1) (a) (intro.), (c) Register May 2020 No. 773, eff. 6-1-20.

SPS 305.992 Elevator mechanic. (1) GENERAL. A person may obtain a license as a licensed elevator mechanic by one of the following methods:

(a) Taking and passing the elevator mechanic license examination.

(b) Completing an elevator apprenticeship program lasting at least 4 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) Completing a 4-year training program established by the national elevator industry educational program or department approved equivalent and having one of the following employment experiences:

1. Having been employed for at least 1,000 hours per year for 5 years immediately preceding the date of license application and the employment in each of the years involves any of the following:

a. Management activities for a company that engages in the sale, installation, repair, or maintenance of conveyances.

b. Supervision of elevator mechanic activities.

c. Conveyance labor relations.

2. Having been employed for at least 1,000 hours per year for 5 years preceding the date of license application and the employment includes elevator mechanic level work experience in each year of the 5 years.

(2) APPLICATION FOR EXAMINATION. A person applying to take an elevator mechanic license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an elevator mechanic license examination shall have been employed for at least 1,000 hours per year for 5 consecutive years immediately preceding the date of application and the employment includes elevator mechanic level work experience in each year of the 5 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for an elevator mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed elevator mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person, who as a licensed elevator mechanic provides supervision of a registered elevator apprentice, a registered elevator apprentice-restricted, a registered eleva-

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tor helper, a registered lift apprentice or a registered lift helper, shall be responsible for the work of the apprentice or helper with respect to compliance to ch. SPS 318.

(6) RENEWAL. (a) 1. A person may renew his or her license as an elevator mechanic.

2. An elevator mechanic license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as an elevator mechanic shall be contingent upon the elevator mechanic obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as an elevator mechanic may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person, who initially obtained his or her elevator mechanic license by completing an elevator apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the elevator mechanic examination in order to reacquire the elevator mechanic license.

(c) The renewal of a license as an elevator mechanic shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; correction in (2) (a), (b), (4) (a), (b) 1., (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13-014: r. and recr. (1) (c) Register September 2013 No. 693, eff. 10-1-13; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.993 Elevator mechanic-restricted. (1) GENERAL. A person may obtain a license as a licensed elevator mechanic-restricted by one of the following methods:

(a) Taking and passing the elevator mechanic-restricted license examination.

(b) Completing an elevator maintenance apprenticeship program lasting at least 2 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(2) APPLICATION FOR EXAMINATION. A person applying to take an elevator-restricted mechanic license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an elevator mechanic-restricted license examination shall have been employed for at least 1,000 hours per year for 3 consecutive years immediately preceding the date of application and the employment includes elevator mechanic-restricted level work experience in each year of the 3 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for an elevator mechanic-restricted license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed elevator mechanic-restricted by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b).

(5) RESPONSIBILITIES. A person, who as a licensed elevator mechanic-restricted provides supervision of a registered elevator apprentice, a registered elevator apprentice-restricted, a registered elevator helper, a registered lift apprentice or a registered lift helper, shall be responsible for the work of the apprentice or helper with to respect to compliance to ch. SPS 318.

(6) RENEWAL. (a) 1. A person may renew his or her license as an elevator mechanic-restricted.

2. An elevator mechanic-restricted license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as an elevator mechanic-restricted shall be contingent upon the elevator mechanic obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as an elevator mechanic-restricted may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person, who initially obtained his or her elevator mechanic-restricted license by completing a elevator maintenance apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the elevator mechanic-restricted examination in order to reacquire the elevator mechanic-restricted license.

(c) The renewal of a license as an elevator mechanic-restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; correction in (2) (a), (b), (4) (a), (b) 1., (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13-014: r. (1) (c) Register September 2013 No. 693, eff. 10-1-13; correction in (4) (b) 2. made under s. 13.92 (4) (b) 7., Stats., Register September 2013 No. 693; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14.

SPS 305.994 Elevator apprentice. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances, shall be performed under the general supervision of a person who is a licensed elevator mechanic, except as provided in par. (b).

(b) 1. The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to maintain and repair conveyances and to replace conveyance components and subsystems, except the replacement of hoist ropes and governor ropes, shall be performed under the general supervision of a person who is a licensed elevator mechanic or a licensed elevator mechanic-restricted.

2. The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic or lift mechanic.

Note: The Department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered elevator apprentice may do so if he or she is entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an elevator apprentice.

2. An elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as an elevator apprentice is contingent upon the person submitting evidence that the person is entered into an elevator apprentice contract program recognized under ch. 106, Stats., or by the U.S. department of labor.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; CR 11-020: am. (3), (4), (5) (b), Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.995 Elevator apprentice-restricted. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice-restricted to maintain and repair conveyances and replace conveyance components and subsystems, except the replacement of hoist ropes and governor ropes, shall be performed under the general supervision of a person who is a licensed elevator mechanic or licensed elevator mechanic-restricted, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice-restricted to maintain and repair conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic, a licensed elevator mechanic-restricted, or a licensed lift mechanic.

Note: The Department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for an elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who maintains or repairs conveyances or replaces conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, as a registered elevator apprentice-restricted may do so if he or she is entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an elevator apprentice-restricted.

2. An elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as an elevator apprentice-restricted is contingent upon the person submitting evidence that the person is entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; CR 11-020: am. (3), (4), (5) (b), Register December 2011 No. 672, eff. 1-1-12; correction in (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.996 Elevator helpers. (1) GENERAL. (a) Pursuant to s. 101.984 (2), Stats., the activities of an individual, who holds a registration as a registered elevator helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances, shall be performed under the direct supervision of a licensed elevator mechanic, except as provided in par. (b).

(b) 1. The activities of an individual, who holds a registration as a registered elevator helper to maintain and repair conveyances and to replace conveyance components and subsystems, shall be performed under the general supervision of a person who is a licensed elevator mechanic or a licensed elevator mechanic-restricted.

2. The activities of an individual, who holds a registration issued by the department as a registered elevator helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic or lift mechanic.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for an elevator helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as an elevator helper.

(b) An elevator helper registration shall be renewed in accordance with s. SPS 305.07.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; correction in (2) (a), (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.997 Lift mechanic. (1) GENERAL. A person may obtain a license as a licensed lift mechanic by one of the following methods:

(a) Taking and passing the lift mechanic license examination.

(b) Completing a lift apprenticeship program lasting at least 2 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) 1. Having been employed for at least 1,000 hours per year for 3 years preceding the date of application and employment includes lift mechanic level work experience in each year of the 3 years.

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2. This paragraph does not apply 2 years after July 1, 2008.

(2) APPLICATION FOR EXAMINATION. A person applying to take a lift mechanic license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a lift mechanic license examination shall have been employed for at least 1,000 hours per year for 3 consecutive years immediately preceding the date of application and the employment includes lift mechanic level work experience in each year of the 3 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a lift mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed lift mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person who as a licensed lift mechanic provides supervision of a registered lift apprentice or a registered lift helper shall be responsible for the work of the apprentice or helper with to respect to compliance to ch. SPS 318.

(6) RENEWAL. (a) 1. A person may renew his or her license as a lift mechanic.

2. A lift mechanic license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a lift mechanic shall be contingent upon the lift mechanic obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a lift mechanic may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person, who initially obtained his or her lift mechanic license by completing a lift apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the lift mechanic examination in order to reacquire the lift mechanic license.

(c) The renewal of a license as a lift mechanic-restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; correction in (2) (a), (b), (4) (a), (b) 1., (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9-1-14; CR 19-118: am. (6) (c) Register May 2020 No. 773, eff. 6-1-20.

SPS 305.998 Lift apprentice. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances as described under s. SPS 305.991, shall be performed under the general supervision of a person who is a licensed lift mechanic or a licensed elevator mechanic, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to maintain and repair conveyances under the scope of ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic or a licensed elevator mechanic-restricted.

Note: The department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered lift apprentice may do so if he or she is entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as a lift apprentice.

2. A lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as a lift apprentice is contingent upon the person submitting evidence that the person is entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; CR 08-030: am. (1) (b) Register December 2008 No. 636, eff. 1-1-09; CR 11-020: am. (3), (4), (5) (b), Register December 2011 No. 672, eff. 1-1-12; correction in (1) (a), (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.999 Lift helpers. (1) GENERAL. (a) Pursuant to s. 101.984 (2), Stats., the activities of an individual, who holds a registration as a registered lift helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances as described under s. SPS 305.991, shall be performed under the general supervision of a person who is a licensed lift mechanic or a licensed elevator mechanic, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered lift helper to maintain and repair conveyances under the scope of ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3, and 7.8, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic or a licensed elevator mechanic-restricted.

(2) APPLICATION FOR REGISTRATION. A person applying for a lift helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a lift helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be at least 18 years old.

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(4) RENEWAL. (a) A person may renew his or her registration as a lift helper.

(b) A lift helper registration shall be renewed in accordance with s. SPS 305.07.

History: CR 07-089: cr. Register June 2008 No. 630, eff. 7-1-08; CR 08-030: am. (1) (b) Register December 2008 No. 636, eff. 1-1-09; correction in (1) (a), (2) (a), (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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Chapter SPS 321

CONSTRUCTION STANDARDS

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Note: Chapter Ind 21 was renumbered to be chapter ILHR 21, Register, February, 1985, No. 350, eff. 3-1-85. Chapter ILHR 21 was renumbered chapter Comm 21 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1999, No. 517. Chapter Comm 21 was reprinted to correct the Table of Contents, Register October 2009 No. 646. Chapter Comm 21 was renumbered chapter SPS 321 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Scope

SPS 321.01 Scope. The provisions of this chapter shall apply to the design and construction of all one- and 2-family dwellings.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.

Subchapter II — Design Criteria

SPS 321.02 Loads and materials. Every dwelling shall be designed and constructed in accordance with the requirements of this section.

(1) DESIGN LOAD. Every dwelling shall be designed and constructed to support the actual dead load, live loads and wind loads acting upon it without exceeding the allowable stresses of the material. The construction of buildings and structures shall result in a system that provides a complete load path capable of transferring all loads from point of origin through the load-resisting elements to the foundation.

(a) *Dead loads.* Every dwelling shall be designed and constructed to support the actual weight of all components and materials. Earth-sheltered dwellings shall be designed and constructed to support the actual weight of all soil loads.

(b) *Live loads.* 1. 'Floors and ceilings.' Floors and ceilings shall be designed and constructed to support the minimum live loads listed in Table 321.02. The design load shall be applied uniformly over the component area.

Table 321.02-1

Component	Live Load (pounds per sq. ft.)
Floors	40
Garage floors	50
Exterior balconies, decks, porches	40
Ceilings (with storage)	20
Ceilings (without storage)	5

2. 'Snow loads.' Roofs shall be designed and constructed to support the minimum snow loads listed on the zone map. The loads shall be assumed to act vertically over the roof area projected upon a horizontal plane.

(c) *Wind loads.* Dwellings shall be designed and constructed to withstand either a horizontal and uplift pressure of 20 pounds per square foot acting over the surface area or the wind loads determined in accordance with ASCE 7–05, *Minimum Design Loads for Buildings and Other Structures*.

Note: ASCE 7–05 allows for substantial reduction from 20 psf as applied to the surface area.

(2) METHODS OF DESIGN. All dwellings shall be designed by the method of structural analysis or the method of accepted practice specified in each part of this code.

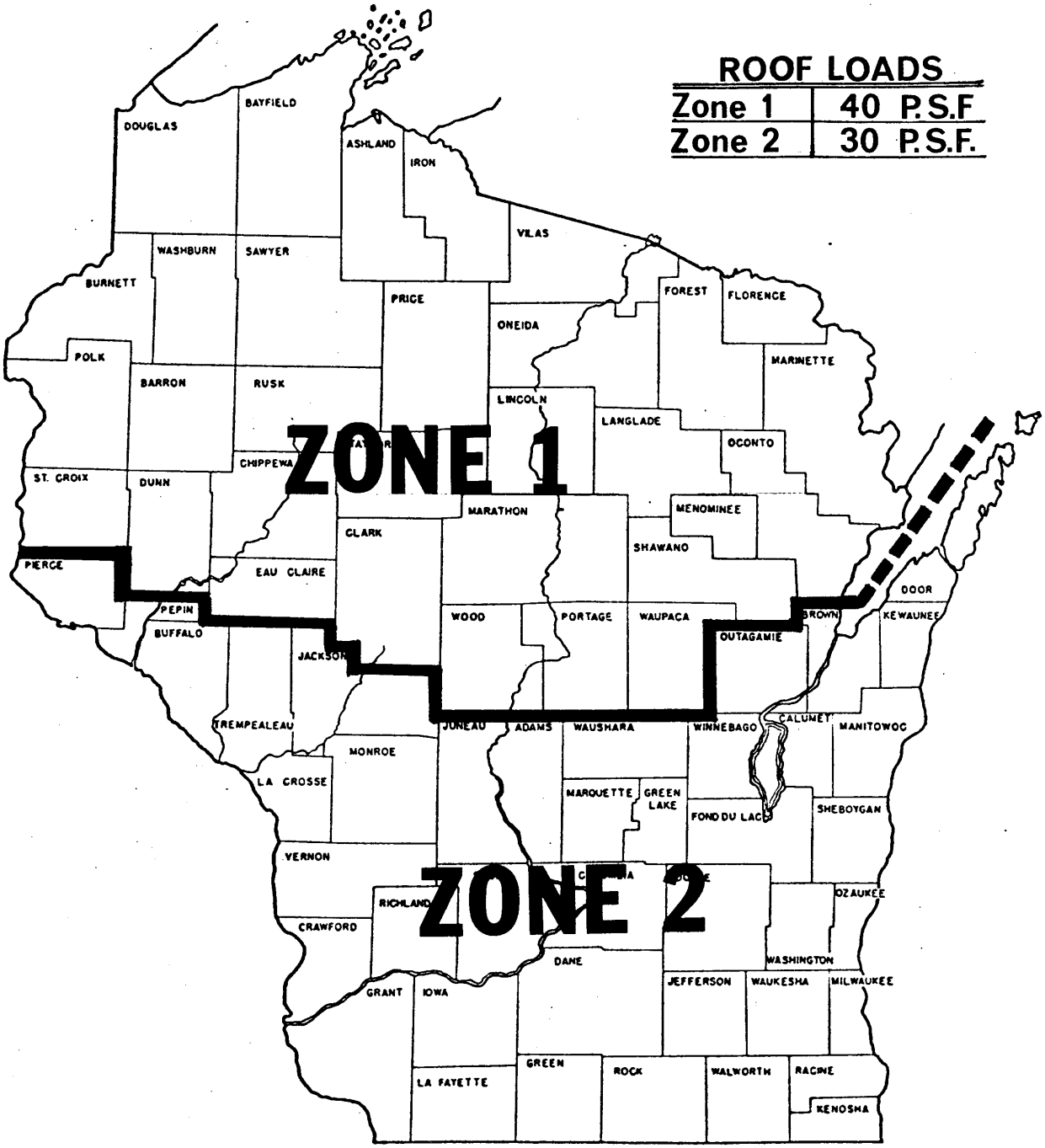
Note: See ch. NR 116, rules of the department of natural resources, for special requirements relating to buildings located in flood plain zones. Information regarding the elevation of the regional flood may be obtained from the local zoning official.

(3) STRUCTURAL STANDARDS. (a) *General.* Design, construction, installation, practice and structural analysis shall conform to the following nationally recognized standards.

(b) *Wood.* 1. Except as provided in subd. 1. a. and b., structural lumber, glue-laminated timber, timber pilings and fastenings shall be designed in accordance with the "National Design

Specification for Wood Construction" and the "Design Values for Wood Construction," a supplement to the National Design Specification for Wood Construction.

Figure 321.02
ZONE MAP FOR ROOF LOADS



Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

a. Section 2.2.5.3. The cumulative effects of short-time loads, such as snow, shall be considered in determining duration of load. For snow load, no greater duration of load factor than 1.15 shall be used.

b. Section 4.1.7. The provisions of this section shall also apply to reused lumber. Reused lumber shall be considered to have a duration of load factor of 0.90.

2. Span tables for joists and rafters printed in ch. SPS 325 Appendix A or approved by the department may be used in lieu of designing by structural analysis.

3. Sawn lumber that is not graded in accordance with the standards under subd. 1., shall use the NDS published allowable design stresses for the lumber species using grade number 3 when used for studs, stringers, rafters or joists and may use grade number 1 when used for beams, posts or timbers.

(c) *Structural steel.* The design, fabrication, and erection of structural steel for buildings shall conform to Specification for Structural Steel Buildings and the provisions of the accompanying commentary as adopted under Table 320.24-3.

(d) *Concrete.* Plain, reinforced or prestressed concrete construction shall conform to the following standards:

1. ACI Standard 318, Building Code Requirements for Structural Concrete.

2. ACI Standard 332, Residential Code Requirements for Structural Concrete.

Note: Concrete construction in one- and two-family dwellings should meet the standards established in ACI 332. Construction means, materials, or methods not addressed in ACI 332 should meet the standards established in ACI 318.

(e) *Masonry.* The design and construction of masonry shall conform to the following standards:

1. ACI 530, Building Code Requirements for Masonry Structures.

2. ACI 530.1, Specification for Masonry Structures.

(f) *Engineered structural components.* Engineered structural components shall be used in accordance with structural analysis or with load tables supplied by the manufacturer, provided those load tables were developed using structural analysis or load testing.

(g) *Whole logs.* Dwellings constructed of whole logs shall conform to ICC 400, Standard on the Design and Construction of Log Structures.

Note: This standard requires the minimum log diameter to be 8 inches.

(h) *Fasteners.* 1. All building components shall be fastened to withstand the dead load, live load, snow load, and wind load.

2. Fasteners shall comply with the schedule listed in Table 321.02-2.

Note: Other fastening methods may be allowed if engineered under s. SPS 321.02 (3).

Table 321.02-2
MINIMUM FASTENER SCHEDULE TABLE

Other interior and exterior panel products and finishes installed per manufacturer requirements.
For engineered connectors, use manufacturer's specified fasteners.

Description of Building Materials/Connection	Number and Type of Fastener[1 2 3]
Floor Framing	
Joist to joist, face nailed over support	3-8d
Joist to sill or girder, toe nail	3-8d
Band or rim joist to joist, end nail	3-16d
Band or rim joist to sill or top plate	2-16d at 16″ o.c.
Bridging to joist, toe nail each end	2-8d
Built-up girder and beams, top loaded	10d at 32" o.c. at top and bottom and staggered and two at ends and at each splice
Built-up girder and beams, side-loaded	16d at 16" o.c. at top and bottom and staggered and two at ends and at each splice
Ledger strip to beam, face nail	3-16d each joist
Joist on ledger to beam, toe nail	3-8d
Wall Framing	
Sole plate to joist or blocking, face nail	2-16d at 16″ o.c.
Top or sole plate to stud, end nail	2-16d
Stud to sole plate, toe nail	3-8d or 2–16d
Doubled studs, face nail	10d at 24″ o.c.
Doubled top plates, face nail	10d at 24″ o.c.
Doubled top plates, minimum 24-inch offset of end joints, face nail in lapped area	8–16d
Top plates, laps and intersections, face nail	2–10d
Continuous header, two pieces	16d at 16″ o.c. along each edge
Continuous header to stud, toe nail	4-8d
1″ corner brace to each stud and plate, face nail	2-8d or 2 staples, 1¾″
Built-up corner studs	10d at 24″ o.c.
Roof/Ceiling Framing	
Ceiling joists to plate, toe nail	3-8d
Ceiling joist, laps over partitions, face nail	3–10d
Ceiling joist to parallel rafters, face nail	3-16d
Rafter to plate, toe nail (maximum 6 rafter span, engineered connector for longer)	2-16d

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Table 321.02-2
MINIMUM FASTENER SCHEDULE TABLE (Continued)

Roof rafters to ridge, valley or hip rafters, toe nail	4-16d
Roof rafters to ridge, valley or hip rafters, face nail	3-16d
Collar ties to rafters, face nail	3-8d
Boards and planks	
1″ x 6″ subfloor or less to each joist, face nail	2-8d or 2 staples, 1¾″
Wider than 1″ x 6″ subfloor toe to each joist, face nail	3-8d or 4 staples 1¾″
2″ subfloor to joist or girder, blind and face nail	2-16d
1″ x 6″ roof or wall sheathing to each bearing, face nail	2-8d or 2 staples, 1¾″
1″ x 8″ roof or wall sheathing to each bearing, face nail	2-8d or 3 staples, 1¾″
Wider than 1″ x 8″ roof sheathing to each bearing, face nail	3-8d or 4 staples, 1¾″
2″planks	2-16d at each bearing

Panel Sheathing

Material	Fastener	Spacing of Fastener	
		Edges	Intermediate Supports
Engineered wood panel for subfloor and roof sheathing and wall corner wind bracing to framing			
5/16″ to ½″	6d common or deformed nail or staple, 1½″	6″	12″ [4]
5/8″ to ¾″	8d smooth or common, 6d deformed nail, or staple, 14 ga. 1¾″	6″	12″ [4]
7/8″ to 1″	8d common or deformed nail	6″	12″
1 1/8″ to 1¼″	10d smooth or common, or 8d deformed nail	6″	12″
Combination subfloor/ underlayment to framing			
¾″ or less	6d deformed or 8d smooth or common nail	6″	12″
7/8″ to 1″	8d smooth, common or deformed nail	6″	12″
1 1/8″ to 1 ¼″	10d smooth or common or 8d deformed nail	6″	12″
Wood panel siding to framing			
½″ or less	6d corrosion-resistant siding and casing nails	6″	12″
5/8″	8d corrosion-resistant siding and casing nails	6″	12″
½″ structural cellulosic fiberboard sheathing	1½″ galvanized roofing nail; 8d common nail; staple 16 ga., 1½″ long	3″	6″
25/32″ structural cellulosic fiberboard sheathing	1¾″ galvanized roofing nail; 8d common nail; staple 16 ga., 1¾″ long	3″	6″
½″ gypsum sheathing[5]	1½″ galvanized roofing nail; 6d common nail; staple galvanized 1½″ long; 1¼″ screws, Type W or S	4″	8″
5/8″ gypsum sheathing[5]	1¾″ galvanized roofing nail; 8d common nail; staple galvanized 1 5/8″ long; 1 5/8″ screws, Type W or S	7″	7″

[1] All nails are smooth-common, box or deformed shank except where otherwise stated.
[2] Nail is a general description and may be T-head, modified round head or round head.
[3] Staples are 16-gauge wire, unless otherwise noted, and have a minimum 7/16″ o.d. crown width.
[4] Staples shall be spaced at not more than 10″ o.c. at intermediate supports for floors.
[5] Apply vertically 4′ x 8′ or 4′ x 9′ panels.

(4) ALTERNATE MATERIALS AND STANDARDS. No part of this code is intended to prohibit or discourage use of alternate, equivalent materials or standards; or the construction of innovative dwellings such as a dwelling built below ground, a geodesic dome, a concrete house, a fiberglass house, or any other nonconventional structure.

Note: Examples of materials addressed by this subsection include structural insulated panels that are used in accordance with the manufacturer's instructions or structural analysis, and cold-formed steel framing complying with AISI S230 *Standard for Cold-Formed Steel Framing — Prescriptive Method for One and Two Family Dwellings*.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. (3) (a), am. (3) (c) and Table 21.02, cr. (3) (c) 2., Register, February, 1985, No. 350, eff. 3-1-85; cr. (3) (a) 3., am. (3) (b), renum. (3) (e) to be (3) (d), and am., Register, November, 1995, No. 479, eff. 12-1-95; renum. and am. (1) (c) to be (1) (c) 1., cr. (1) (c) 2. and 3., am. (3) (d), Register, January, 1999, No. 517, eff. 2-1-99; r. (3) (a) 3. and cr. (3) (e), Register, March, 2001, No. 543, eff. 4-1-01; correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 02-077: am. (1) (intro.) and (d) Register May 2003 No. 569, eff. 8-1-03; corrections in (3) (b) and (d) made under s. 13.93 (2m) (b) 7., Stats., Register May 2003 No. 569; CR 08-043: r. (1) (c) 2. and 3., renum. (1) (c) 1., (3) (a) to (e) and (intro.) to be (1) (c), (3) (b) to (f) and (3) (a) and am. (3) (a) and (e), am. (3) (title), cr. (3) (b) 3., (e) 1., 2. and (g), am. (3) (e) Register March 2009 No. 639, eff. 4-1-09; correction in (1) (b) 1., (3) (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; EmR1403: emerg. am. (1) (c), eff. 4-1-14; CR 14-015: am. (1) (c) Register August 2014 No. 704, eff. 9-1-14; CR 15-041: renum. Table 321.02 to Table 321.02-1 and (1) (d) to (3) (h) 1. and am., am. (3) (c), (d) 1., 2., consol. (3) (g) (intro.) and 2. and renum. to (3) (g) and am., r. (3) (g) 1., cr. (3) (h) 2., Table 321.02-2 renum. from SPS 320 to 325 Appendix and am., (4) renum. from SPS 320.02 (5) and am. Register December 2015 No. 720, eff. 1-1-16; correction in (3) (b) 2. under s. 13.92 (4) (b) 7., Stats., Register December 2015 No. 720.

SPS 321.03 Exits. Exits, doors and hallways shall be constructed as specified in this section.

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(1) EXITS FROM THE FIRST FLOOR. (a) Except as allowed under par. (h), every dwelling unit shall be provided with at least 2 exit doors accessible from the first floor.

(b) At least one of the exits shall discharge to grade and may not go through a garage. This exit may include interior or exterior stairs.

Note: Under this paragraph, only one of the two exit doors that are addressed in par. (a) is required to exit directly to grade.

(c) Any exit that does not comply with par. (b) may discharge to an outside balcony that complies with sub. (8).

(d) Any exit that does not comply with par. (b) may discharge into an attached garage provided the garage has an exit door that discharges to grade. An overhead garage door may not be used as an exit door.

(e) Except as allowed under pars. (f) and (h), the 2 required exit doors shall be separated by at least the greater of the following distances:

1. One-third the length of the longest diagonal of the floor in plan view, exclusive of an attached garage.

2. 20 feet.

Note: See ch. SPS 325 Appendix A for examples of exit separation design.

(f) 1. First floor levels that do not meet the separation requirements under par. (e), shall have at least one egress window complying with sub. (6) on that floor level.

2. An egress window to comply with subd. 1. shall be separated from at least one door on the first floor by one of the distances under par. (e).

3. If first floor levels that do not meet the separation requirements under par. (e) contain one or more sleeping rooms, each sleeping room shall have at least one egress window complying with sub. (6).

(g) 1. The exit separation distance required under par. (e) shall be calculated or measured as a straight line from the midpoint of one doorway to the midpoint of the other doorway.

2. For exiting through an attached garage, the separation distance shall be measured using the door connecting the garage and the dwelling. Distance within the garage shall be ignored.

(h) 1. Dwellings consisting of no more than a first floor with a maximum floor area of 400 square feet and a loft area not exceeding half of the first floor area, shall be provided with at least one exit door leading directly to the exterior and at least one egress window that complies with sub. (6).

2. a. Dwellings that meet the size restrictions under subd. 1., are not required to meet the exit separation requirements under par. (e) or (f).

b. If a dwelling that meets the size restrictions under subd. 1., has more than one room on the first floor, the door and the egress window shall be located in different rooms.

3. One of the exit doors required in par. (a) may be omitted for a dwelling unit that has one or more egress windows on the first floor. If there are bedrooms, each must have a window that complies with sub. (6).

(2) EXITS FROM THE SECOND FLOOR. (a) At least 2 exits shall be provided from the second floor. At least one of the exits shall be a stairway or ramp and lead to the first floor or discharge to grade. The second exit may be via a stairway or ramp that discharges to grade, or to a balcony which complies with sub. (8), or to a deck that complies with s. SPS 321.225 and that is no more than 15 feet above the grade below.

(b) Windows that comply with sub. (6) may be provided in each second floor bedroom — or in another location on the second floor if there are no bedrooms on that floor — in lieu of the second exit from that floor.

(c) Where the second floor of a building is the lowest floor level in a dwelling unit, as in an up-and-down duplex, no exit from the unit may go through another dwelling unit or other party's occupancy on the first floor.

(3) EXITS ABOVE THE SECOND FLOOR. (a) Except as provided under pars. (b) and (c), each habitable floor above the second floor shall be provided with at least 2 exits that meet all of the following requirements:

1. The exits shall be stairways or ramps that lead to the second floor or discharge to grade.

2. The exits shall be located such that an exit is accessible to the second floor if another exit is blocked.

(b) A second stairway or ramp exit is not required for habitable areas on a third floor that meet all of the following requirements:

1. The habitable area consists of a single room.

Note: Non-habitable areas, such as closets and bathrooms may be partitioned off.

2. The room is not used for sleeping.

3. The habitable area has a floor area of 400 square feet or less.

4. There is at least one egress window meeting the requirements of sub. (6) in the habitable area.

(c) A second stairway or ramp exit is not required for habitable areas on a third floor that meet all of the following requirements:

1. The dwelling is fully sprinklered in accordance with NFPA 13R or NFPA 13D.

2. If a required exit includes an attached garage, the garage shall be sprinklered.

(4) EXITS FROM LOFTS. (a) At least one stairway exit shall be provided, to the floor below, for a loft exceeding 400 square feet in area.

(b) At least one stairway or ladder exit shall be provided to the floor below for a loft, 400 square feet or less, in area.

(5) EXITS FROM BASEMENTS AND GROUND FLOORS. (a) *General.* Except as provided in par. (b), all basements and ground floors shall be provided with at least one exit of the following types:

1. A door to the exterior of the dwelling.

2. A stairway or ramp that leads to the floor above.

(b) *Basements and ground floors used for sleeping.* 1. Basements and ground floors used for sleeping shall be provided with at least 2 exits.

2. The exits shall be located as far apart as practical.

3. The exits may not be accessed from the same ramp or stairway.

4. In addition to the exit type required under par. (a), the second exit from a basement or ground floor used for sleeping shall be one of the following types:

a. A door to the exterior of the dwelling.

b. A stairway or ramp that leads to the floor above.

c. A stairway that leads to a garage provided the garage has an exit door other than the overhead door.

d. An egress window that complies with sub. (6), located in each bedroom.

(6) WINDOWS USED FOR EXITING. Windows which are installed for exit purposes shall comply with the requirements of this subsection.

(a) The window shall be openable from the inside without the use of tools or the removal of a sash. If equipped with a storm or screen, it shall be openable from the inside.

(b) 1. The nominal size of the net clear window opening shall be at least 20 inches by 24 inches irrespective of height or width. Nominal dimensions shall be determined by rounding up fractions of inches if they are ½-inch or greater or rounding down fractions of inches if they are less than ½-inch.

2. No portion of the window, including stops, stools, meeting rails and operator arms, shall infringe on the required opening.

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(c) The area and dimension requirements of par. (b) may be infringed on by a storm window.

(d) 1. For any window used for exiting, the lowest point of clear opening shall be no more than 60 inches above the floor.

2. If the lowest point of clear opening is more than 46 inches above the floor, a permanent platform or fixture shall be installed such that a flat surface at least 20 inches wide and 9 inches deep is located no more than 46 inches directly below the clear opening.

3. The topmost surface of the platform or fixture shall be no more than 24 inches above the floor.

4. The topmost surface of the platform or fixture shall support a live load of at least 200 pounds.

5. A stair used for the sole purpose of reaching the top of the platform or fixture is exempt from the requirements of s. SPS 321.04.

(e) 1. An egress window with any point of clear opening below adjacent grade shall be provided with an areaway in accordance with this section.

2. The width of the areaway shall be at least equal to the width of the window.

3. The areaway shall be a minimum of 36 inches measured perpendicular from the outer surface of the below-grade wall.

4. If the bottom of the areaway is more than 46 inches below adjacent grade or the top of the areaway enclosure, the areaway shall be provided with a ladder or stair to aid egress. Stairs used to comply with this section are exempt from the requirements of s. SPS 321.04.

5. a. Ladders or other stairs used to comply with subd. 4. may infringe on the required area of the areaway by a maximum of 6 inches.

b. Ladder rungs shall have a minimum inside width of at least 12 inches and shall project at least 3 inches from the wall behind the ladder.

c. Ladder rungs shall be able to support a concentrated load of 200 pounds.

d. Ladder rungs shall have a maximum rise of 12 inches between rungs and shall extend to within 12 inches of exterior grade.

6. The areaway shall be constructed such that water entering the areaway does not enter the dwelling.

(f) An egress window under a deck or porch shall discharge through a clear path of at least 36 inches in height and 36 inches in width, and no more than 15 feet in length, to a yard or open space.

Note: Under this paragraph, there is no maximum height above grade for an egress window. Similarly, egress windows are not prohibited from discharging to a roof, regardless of the slope of the roof.

(7) DOORS USED FOR EXITING. (a) Doors used for exiting from a dwelling shall meet the following dimensions:

1. At least one exit door shall be a swing-type door at least 80 inches high by 36 inches wide.

2. Except as allowed under subds. 3. and 4., other required exit doors shall be at least 76 inches high by 32 inches wide.

3. Where double doors are used as a required exit, each door leaf shall provide a clear opening at least 30 inches wide and be at least 76 inches high.

4. Where sliding doors are used as a required exit, the clear opening shall be at least 29 inches wide and be at least 76 inches high.

(b) All exit doors shall be openable from the interior without the use of a key.

(8) BALCONIES. (a) Balconies shall be made of concrete, metal or wood which is treated, protected or naturally decay-resistive in accordance with s. SPS 321.10.

(b) Balconies shall be provided with guards in accordance with s. SPS 321.04 (3).

(c) Balconies which are required for exit purposes shall also comply with all of the following requirements:

1. The balcony guard shall terminate no more than 46 inches above the floor level of the balcony.

2. The floor level of the balcony shall be no more than 15 feet above the grade below.

3. The floor of the balcony shall have minimum dimensions of 3 feet by 3 feet. The guard and its supports may infringe on the dimensions of the required area no more than 4.5 inches.

(9) SPLIT LEVEL DWELLINGS. In determining the exit requirement in a split level dwelling, all levels that are to be considered a single story shall be within 5 feet of each other.

(10) TWO-FAMILY DWELLINGS. In a 2-family dwelling, each dwelling unit shall be provided with exits in compliance with this section.

(11) EXITS TO COURTYARDS. No exit may discharge to a courtyard having a perimeter that is entirely enclosed by exterior building walls or other obstructions that prevent pedestrian passage.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; emerg. am. (1) (b), (2) and (5) (b) 2., eff. 5-7-85; r. (1) (b), renum. (1) (a) to be (1), am. (2), (7) and (8), r. and recr. (5) to (6), cr. (6m) and (10) to (12), Register, January, 1989, No. 397, eff. 2-1-89; am. (3) and (7), r. and recr. (10) and (11), Register, March, 1992, No. 435, eff. 4-1-92; am. (8), r. and recr. (10) (a), Register, November, 1995, No. 479, eff. 12-1-95; am. (6m) (b) 1. and 2., r. (6m) (b) 3., Register, January, 1999, No. 517, eff. 2-1-99; r. and recr. (1), (5), (7) and (8), am. (2) (b), r. (6), renum. (6m) to be (6) and r. and recr. (6) (d) and (e) as renum., Register, March, 2001, No. 543, eff. 4-1-01; reprinted to correct printing error in (6) (e) 2., Register September 2001 No. 549; CR 02-077: am. (1) (a), (5) (a) (intro.) and (10) (b), r. and recr. (1) (e), cr. (1) (f) to (h), Register May 2003 No. 569, eff. 8-1-03; CR 03-097: am. (1) (h) 1., Register November 2004 No. 587, eff. 1-1-05; CR 08-043: am. (title) and (1) (b), r. and recr. (3) and (7), renum. (6) (e) 5. and (10) to (12) to be (6) (e) 5. a. and (8) to (10), cr. (6) (e) 5. b. to d., r. (8) and (9) Register March 2009 No. 639, eff. 4-1-09; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639; CR 09-104: am. (1) (c) Register December 2010 No. 660, eff. 1-1-11; correction in (6) (d) 5., (e) 4., (8) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: am. (1) (c), (d), cr. (1) (h) 3., am. (2) (a) to (c), (6) (d) 5., (e) 4., 5. a., cr. (6) (f), am. (7) (a) 4., (8) (b), (c) 1., 3., cr. (11) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.035 Interior circulation. (1) DOORS AND OPENINGS. All doors and openings to the following areas shall be at least 80 inches high and provide either a net clear opening width of 30 inches or be a 32-inch door:

(a) Except as provided under pars. (b) and (c), all entrances into common use areas.

(b) At least 50% of the bedrooms.

(c) 1. At least one full bathroom, including doors or openings to a sink, toilet and tub or shower. If this bathroom is accessible only through a bedroom, the bedroom door shall meet the minimum width requirements of this section.

2. If one or more full bathrooms are provided on the first floor, the bathroom meeting the requirements under this section shall be on the first floor.

Note: This section does not require a full bathroom on the first floor.

(2) HALLWAYS. (a) Except as allowed under par. (b), the clear width of hallways shall be at least 36 inches.

(b) The following are allowed to infringe on the required clear width of a hallway:

1. Door hardware and finish trim.

2. Handrails may infringe into the minimum width of a hallway up to 4½ inches on each side.

3. Heating registers may infringe into the minimum width of a hallway up to 4½ inches and no part of the register may be more than 38 inches above the floor.

4. Ducts, pipes, light fixtures, structural features, and corner treatments that are within 84 inches of the floor may infringe into the minimum width of a hallway by a maximum of 4½ inches on each side.

5. Unlimited infringements are allowed in a hallway more than 84 inches above the floor.

(3) KITCHENS. (a) There shall be at least 30 inches of clear-

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ance between a wall, a permanently-installed kitchen island, permanently-installed kitchen cabinets and the following kitchen appliances, if provided:

1. A range, cook top or oven.

2. A sink, refrigerator or freezer.

(b) Measurements shall be taken from the face of the wall, island, cabinet or appliance, ignoring knobs and handles.

Note: See ICC/ANSI A117.1 chapter 10 for more guidelines relating to doors and accessible routes. Under that standard, doors must be at least 80-inches in height and provide a minimum net clear opening of 31¾-inches in width in order to provide accessibility for people with disabilities.

History: CR 08-043: cr. Register March 2009 No. 639, eff. 4-1-09.

SPS 321.04 Stairways and elevated areas. (1) SCOPE. (a) *General.* Except as provided under par. (b), the following stairways shall conform to the requirements of this section.

1. Every interior and exterior stairway attached to, or supported by any part of the structure covered under this code.

2. Tub access stairs, unless they are an integral part of an approved plumbing product.

(b) *Exceptions.* The following stairways are not required to comply with the requirements of this section:

1. Stairways leading to non-habitable attics or crawl spaces.

2. Non-required stairways connecting the basement directly to the exterior of the structure without communicating with any other part of the structure.

(2) DETAILS. (a) *Width.* 1. Except for spiral staircases under subd. 2., stairways shall measure at least 36 inches in width. Handrails and associated trim may project a maximum of 4.5 inches into the required width at each side of the stairway. The minimum clear width at and below the handrail, including at treads and landings, may not be less than 31.5 inches where a handrail is installed on one side, and 27 inches where handrails are provided on both sides.

2. Spiral staircases shall be at least 26 inches wide measured from the outer edge of the supporting column to the inner edge of the handrail.

(b) *Riser height.* 1. a. Except for spiral staircases under subd. 2., risers may not exceed 8 inches in height measured vertically from tread to tread.

b. At the top and bottom of a flight, measurement shall be taken from the top of the nosing to the finished floor surface unless the finished surface is carpeting, in which case measurement shall be made to the hard surface below the carpeting.

2. Risers in spiral staircases may not exceed 9.5 inches in height measured vertically from tread to tread.

(c) *Tread depth.* 1. 'Rectangular treads.' Rectangular treads shall have minimum tread depth of 9 inches measured horizontally from nosing to nosing.

2. 'Spiral staircase treads.' Spiral staircase treads shall have a minimum tread depth of 7 inches from nosing to nosing measured at a point 12 inches from the outer edge of the center column.

3. 'Winder treads in series.' Two or more winder treads may be placed immediately adjacent to each other anywhere in a stairway provided both of the following conditions are met:

a. The winder treads shall have a minimum tread depth of 7 inches measured at a point 12 inches from the narrow end of the tread.

b. The depth of the immediately adjoining winder treads shall be equal at a point 12 inches from the narrow end of the tread or inside face of spindles or balusters.

c. Winder treads may not be used on a straight stairway.

4. 'Individual winder treads.' a. An individual winder tread may be placed between rectangular treads or at the end of a flight of rectangular treads provided the tread depth is at least 9 inches, when measured at a distance of 12 inches from the narrow end of the tread or from the inside face of the wall.

b. There may be more than one individual winder tread in a stairway.

c. Winder treads may not be used on a straight stairway.

(d) *Headroom.* 1. Stairways shall be provided with a minimum headroom clearance of 76 inches measured vertically from a line parallel to the nosing of the treads to the ceiling, soffit or any overhead obstruction directly above that line.

2. The headroom clearance shall be maintained over an intermediate landing.

3. The headroom clearance shall be maintained over a landing that is at the top or bottom of a stairway for a minimum distance of 36 inches in the direction of travel of the stairway.

(e) *Uniformity.* 1. Within a stairway flight, the greatest tread depth may not exceed the smallest tread depth by more than $^{3}/_{8}$ inch and the greatest riser height may not exceed the smallest riser height by more than $^{3}/_{8}$ inch.

2. The allowed variation in uniformity under subd. 1. may not be used to exceed the maximum riser height under par. (b) or to decrease the minimum tread depth under par. (c).

(f) *Open risers.* Stairways with open risers shall be constructed to prevent the through-passage of a sphere with a diameter of 4 inches or larger between any 2 adjacent treads.

(g) *Walking surface.* The walking surface of stair treads and landings shall be a planar surface that is free of lips or protrusions that could present a tripping hazard.

(3) HANDRAILS AND GUARDS. (a) *General.* 1. A flight of stairs with more than 3 risers shall be provided with at least one handrail for the full length of the flight.

2. Guards shall be provided on all open sides of stairs consisting of more than 3 risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade.

Note: A handrail provided at 30 to 38 inches above the tread nosing meets the height requirement for a guard on a stairway.

3. a. Except as provided in subd. 3. b., guards shall be constructed to prevent the through-passage of a sphere with a diameter of 4 3/8 inches, when applying a force of 4 pounds.

b. The triangular area formed by the tread, riser and bottom rail shall have an opening size that prevents the through-passage of a sphere with a diameter of 6 inches, when applying a force of 4 pounds.

c. Rope, cable, or similar materials used in guard infill shall be strung with maximum openings of 3 1/2 inches with vertical supports a maximum of 4 feet apart.

Note: In some cases, the vertical supports could be simple cable stays that offer vertical support to the rope or cable span. Structural posts must be supplied to provide the rail with the minimum 200 pound load resistance, as well as to resist the tensile loads exerted by the tightened rope or cable.

4. a. Handrails and guards shall be designed and constructed to withstand a 200 pound load applied in any direction.

b. Handrail or guard infill components, balusters and panel fillers shall withstand a horizontally applied perpendicular load of 50 pounds on any one-foot-square area.

c. Glazing used in handrail or guard assemblies shall be safety glazing.

5. Exterior handrails and guards shall be constructed of metal, decay resistant or pressure-treated wood, or shall be protected from the weather.

(b) *Handrails.* 1. 'Height.' a. Handrails shall be located at least 30 inches, but no more than 38 inches above the nosing of the treads, except as provided in subds. 1. b. to d. Measurement shall be taken from the hard structural surface beneath any finish material to the top of the rail. Variations in uniformity are allowed only when a rail contacts a wall or newel post or where a turnout or volute is provided at the bottom tread.

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b. A volute, turnout, or starting easing that does not comply with subd. 1. a. may extend over the lowest tread.

c. Transition fittings on handrails may extend above the 38-inch height limit.

d. Where handrail fittings or bendings are used to provide a continuous transition between flights, or at winder treads, or from a handrail to a guard, or at the start of a flight, the height at the fittings or bendings may exceed 38 inches.

2. 'Clearance.' The clearance between a handrail and the wall surface shall be at least 1 1/2 inches.

3. 'Winders.' a. Except as provided under subd. 3. b., the required handrail on winder stairs shall be placed on the side where the treads are wider.

b. Where all winder treads in a flight have a depth of at least 9 inches from nosing to nosing measured at a point 12 inches from the narrow end of the tread, the required handrail may be located on either side of the stairway.

4. 'Projection.' Handrails and associated trim may project into the required width of stairs and landings a maximum of 4 1/2 inches on each side.

5. 'Size and configuration.' Handrails shall be symmetrical about the vertical centerline to allow for equal wraparound of the thumb and fingers.

a. Handrails with a round or truncated round cross sectional gripping surface shall have a maximum whole diameter of 2 inches.

b. Handrails with a rectangular cross sectional gripping surface shall have a maximum perimeter of 6 1/4 inches with a maximum cross sectional dimension of 2 7/8 inches.

c. Handrails with other cross sections shall have a maximum cross sectional dimension of the gripping surface of 2 7/8 inches with a maximum linear gripping surface measurement of 6 1/4 inches and a minimum linear gripping surface of 4 inches.

Note: See ch. SPS 325 Appendix A for further information on handrail measurement.

6. 'Continuity.' Handrails shall be continuous for the entire length of the stairs except in any one of the following cases:

a. A handrail may be discontinuous at an intermediate landing.

b. A handrail may have newel posts.

c. A handrail may terminate at an intermediate wall provided the lower end of the upper rail is returned to the wall or provided with a flared end, the horizontal offset between the 2 rails is no more than 12 inches measured from the center of the rails, and both the upper and lower rails can be reached from the same tread without taking a step.

(c) *Guards.* 1. 'Application.' a. All openings between floors, and open sides of landings, platforms, balconies or porches that are more than 24 inches above grade or a floor shall be protected with guards.

b. The requirements under subd. 1. a. apply where insect screens are the only means of enclosure or protection for a surface that is more than 24 inches above grade or a floor.

c. For exterior applications, the 24 inch vertical measurement shall be taken from the lowest point within 3 feet horizontally from the edge of the deck, landing, porch or similar structure.

d. This paragraph does not apply to window wells, egress wells, and retaining walls.

2. 'Height.' Guards shall extend to at least 36 inches above the floor or to the underside of a stair handrail complying with s. SPS 321.04 (3) (b). Measurement shall be taken from the hard structural surface beneath any finish material to the top of the guard.

3. 'Opening size.' Guards shall be constructed to prevent the through-passage of a sphere with a diameter of 4 3/8 inches, when applying a force of 4 pounds.

(4) LANDINGS. (a) *Intermediate landings.* 1. A level intermediate landing shall be provided in any stairway with a height of 12 feet or more.

2. Intermediate landings that connect 2 or more straight flights of stairs, or 2 flights of stairs at a right angle, shall be at least as wide as the treads and shall measure at least 36 inches in the direction of travel.

3. Curved or irregular landing shall have a radius of at least 36 inches.

4. Curved or irregular landings shall have a minimum straight line measurement of 26 inches between the nosing of the 2 connecting treads measured at a point 18 inches from the narrow end of the landing measured along the nosing of the 2 treads.

(b) *Landings at the top and base of stairs.* A level landing shall be provided at the top and base of every stairs except as provided in par. (d). The landing shall be at least as wide as the treads and shall measure at least 3 feet in the direction of travel.

(c) *Doors at landings.* Except as provided in subds. 1. to 3. and par. (d), level landings shall be provided on each side of any door located at the top or base of a stair, regardless of the direction of swing. In the following exceptions, a stairway between a dwelling and an attached garage, carport or porch is considered to be an interior stair:

1. A landing is not required between the door and the top of interior stairs if the door does not swing over the stairs.

2. A landing is not required between the door and the top of an interior stairs of 1 or 2 risers regardless of the direction of swing.

3. A landing is not required between a sliding glass door or an in-swinging glass door and the top of an exterior stairway of 3 or fewer risers.

(d) *Exterior landings.* 1. The exterior landing, platform, or sidewalk at an exterior doorway shall be located a maximum of 8 inches below the interior floor elevation, be sloped away from the doorway at a minimal rate that ensures drainage, and have a length of at least 36 inches in the direction of travel out of the dwelling.

2. The landing at the base of an exterior stair shall be sloped away from the stair at a minimal rate that ensures drainage.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; am. (intro.), r. and recr. (1) (c), renum. (3) (f) to Comm 21.042, Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. (intro.) and (3) (c), am. (1) (a), (2) (a) and (c) 2. and (3) (a), cr. (2) (c) 6., March, 1992, No. 435, eff. 4-1-92; r. and recr., Register, November, 1995, No. 479, eff. 12-1-95; am. (1) (c) 1. and (d), renum. (2) (intro.) to (b) to be (2) (a) to (c) and am. (a), r. (2) (b) (intro.), Register, February, 1997, No. 494, eff. 3-1-97; reprinted to restore dropped copy, Register, March, 1997, No. 495; r. (1), renum. (intro.) to be (1) and am., renum. (2) and (3) to be (3) and (4), cr. (2) and r. and recr. (4) (a), Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (2) (b) 1., (e) 1. and (3) (a), cr. (2) (f) and (3) (c) 3., r. and recr. (3) (b) 3., renum. (4) (c) to be (4) (c) 1. (intro.), a. to c. and 2. and am. (4) (c) 1. (intro.) and 2. Register May 2003, No. 569, eff. 8-1-03; CR 03-097: am. (2) (f), (3) (a) 3., and (c) 3. Register November 2004 No. 587, eff. 1-1-05; CR 08-043: r. and recr. (1), am. (2) (c) 2., 3. b. and (e) 1., cr. (2) (c) 3. c., 4. c., (g), (3) (a) 3. c., 4. b., c., (c) 1. b. and c., renum. (3) (a) 4. and (c) 1. to be (3) (a) 4. a. and (c) 1. a. Register March 2009 No. 639, eff. 4-1-09; CR 15-041: am. (1) (a) 2., (2) (a) 1., (c) 4. a., b., (3) (title), (a) 1. to 5., renum. (3) (b) 1. to (3) (b) 1. a. and am., cr. (3) (b) 1. b. to d., am. (3) (b) 3. a., b., (c) (title), 1. a., cr. (3) (c) 1. d., am. (3) (c) 2., 3., (4) (a) 2., (b), renum. (4) (c) 1. to (c) and am. (intro.) and 3., renum. (4) (c) 2. to (4) (d) 1. and am., cr. (4) (d) (title), 2. Register December 2015 No. 720, eff. 1-1-16; CR 15-041: am. (4) (c) 3. (omitted Register December 2015 No. 720) Register January 2016 No. 721.

SPS 321.042 Ladders. Ladders which are used as part of a required exit shall conform to this section.

(1) DESIGN LOAD. Ladders shall be designed to withstand loads of at least 200 pounds.

(2) TREAD OR RUNGS. (a) Minimum tread requirements shall be specified in Table 321.042. Treads less than 9 inches in width shall have open risers. All treads shall be uniform in dimension.

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Table 321.042

Pitch of Ladder Angle to Horizontal (degrees)	Maximum rise (inches)	Minimum Tread (inches)
41.6 to 48.4	8	9
greater than 48.4 to 55.0	9	8
greater than 55.0 to 61.4	10	7
greater than 61.4 to 67.4	11	6
greater than 67.4 to 71.6	12	5
greater than 71.6 to 75.9	12	4
greater than 75.9 to 80.5	12	3
greater than 80.5 to 90	12	2

(b) Rungs may only be used for ladders with a pitch range of 75° to 90°. Rungs shall be at least 1 inch in diameter for metal ladders and 1 1/2 inch for wood ladders. All rungs shall be uniform in dimension.

(3) RISERS. Risers shall be uniform in height and shall conform with Table 321.042.

(4) WIDTH. The width of the ladder shall be a minimum of 20 inches wide and a maximum of 30 inches wide.

(5) HANDRAILS. (a) Handrails shall be required for ladders with pitches less than 65°.

(b) Handrails shall be located so the top of the handrail is at least 30 inches, but not more than 38 inches, above the nosing of the treads.

(c) Open handrails shall be provided with intermediate rails or an ornamental pattern such that a sphere with a diameter of 6 inches or larger cannot pass through.

(d) The clearance between the handrail and the wall surface shall be at least 1½ inches.

(e) Handrails shall be designed and constructed to withstand a 200 pound load applied in any direction.

(6) CLEARANCES. (a) The ladder shall have a minimum clearance of at least 15 inches on either side of the center of the tread.

(b) The edge of the tread nearest to the wall behind the ladder shall be separated from the wall by at least 7 inches.

(c) A passage way clearance of at least 30 inches parallel to the slope of a 90° ladder shall be provided. A passage way clearance of at least 36 inches parallel to the slope of a 75° ladder shall be provided. Clearances for intermediate pitches shall vary between these 2 limits in proportion to the slope.

(d) For ladders with less than a 75° pitch the vertical clearance above any tread or rung to an overhead obstruction shall be at least 6 feet 4 inches measured from the leading edge of the tread or rung.

History: Renum. from Comm 21.04 (3) (f), cr. (intro.), Register, January, 1989, No. 397, eff. 2-1-89; am. (6) (b), Register, November, 1995, No. 479, eff. 12-1-95; am. (5) (b) and (c), Register, January, 1999, No. 517, eff. 2-1-99; correction in (2) (a), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.045 Ramps. (1) GENERAL. Every exterior or interior ramp which leads to or from an exit shall comply with the requirements of this section.

Note: See ICC/ANSI A117.1 chapter 5 for more guidelines relating to the design and construction of an accessible ramp. Under that standard, ramps along an accessible route for people with disabilities should have a slope of not more than 1-foot of rise in 12-feet of run and should have handrails on both sides of the ramp.

(2) SLOPE. Ramps shall not have a gradient greater than 1 in 8 or one foot of rise in 8 feet of run. Walkways with gradients less than 1 in 20 or one foot of rise in 20 feet of run are not considered to be ramps.

(3) SURFACE AND WIDTH. Ramps shall have a slip resistant surface and shall have a minimum width of 36 inches measured between handrails.

(4) HANDRAILS. Handrails shall be provided on all open sides of ramps. Every ramp that overcomes a change in elevation of more than 8 inches shall be provided with at least one handrail.

(a) Ramps which have a gradient greater than 8.33% or 1:12 or one foot rise in 12 feet of run and which overcome a change in elevation of more than 24 inches, shall be provided with handrails on both sides.

(b) Handrails shall be located so the top of the handrail is at least 30 inches, but not more than 38 inches above the ramp surface.

(c) 1. Open-sided ramps shall have the area below the handrail protected by intermediate rails or an ornamental pattern to prevent the passage of a sphere with a diameter of 4 3/8 inches when applying a force of 4 pounds, except as provided in subd. 2.

2. This paragraph does not apply to ramps having a walking surface that is less than 24 inches above adjacent grade, if a toe-kick or side rail is provided to 4 inches above the walking surface, and a mid-rail is provided between the toe-kick or side rail and the handrail.

(d) The clear space between the handrail and any adjoining wall shall be at least 1½ inches.

(5) LANDINGS. A level landing shall be provided at the top, at the foot and at any change in direction of the ramp. The landing shall be at least as wide as the ramp and shall measure at least 3 feet in the direction of travel.

History: Cr. Register, January, 1989, No. 397, eff. 2-1-89; am. (3) (intro.), Register, March, 1992, No. 435, eff. 4-1-92; am. (3) (c), Register, November, 1995, No. 479, eff. 12-1-95; am. (3) (b), Register, January, 1999, No. 517, eff. 2-1-99; CR 03-097: am. (3) (c) Register November 2004 No. 587, eff. 1-1-05; CR 08-043: renum. (intro.) and (1) to (4) to be (1) to (5) and am. (1) Register March 2009 No. 639, eff. 4-1-09; CR 15-041: renum. (4) (c) to (4) (c) 1. and am., cr. (4) (c) 2. Register December 2015 No. 720, eff. 1-1-16.

SPS 321.05 Natural light and natural ventilation. (1) NATURAL LIGHT. Each habitable room shall be provided with natural light by means of glazed openings. The area of the glazed openings shall be at least 8% of the net floor area, except under the following circumstances:

(a) *Exception.* Habitable rooms, other than bedrooms, located in basements, ground floors or above garages do not require natural light.

(b) *Exception.* Natural light may be obtained from adjoining areas through glazed openings, louvers or other approved methods. Door openings into adjoining areas may not be used to satisfy this requirement.

(1m) NET FLOOR AREA. For the purposes of subs. (1) and (2), "net floor area" does not include any area with a ceiling height of less than 5 feet.

(2) VENTILATION. (a) *Natural ventilation.* 1. Natural ventilation shall be provided to each habitable room by means of openable doors, skylights or windows. The net area of the openable doors, skylights or windows shall be at least 3.5% of the net floor area of the room, except as provided in subd. 2. Balanced mechanical ventilation may be provided in lieu of openable exterior doors, skylights or windows provided the system is capable of providing at least one air change per hour of fresh outside air while the room is occupied. Infiltration may not be considered as make-up air for balancing purposes.

2. Any area with a ceiling height of less than 5 feet may be excluded from the net floor area.

(b) *Exhaust ventilation.* All exhaust ventilation shall terminate outside the building.

(3) SAFETY GLASS. (am) Except as provided in par. (bm), glazing shall consist of safety glass meeting the requirements of either 16 CFR Part 1201 or ANSI Z97.1 when installed in any of the following locations:

1. In any sidelight or glazing adjacent to a door, that meets all of the following:

a. The nearest point of the glazing is within 2 feet of the door when the door is in the closed position.

b. The nearest point of the glazing is within 5 feet of the floor.

c. The plane of the glazing is within 30 degrees of the plane of the door when the door is in the closed position.

2. In any wall where the glazing is within 5 feet vertically of the lowest drain inlet and within 3 feet horizontally of the nearest part of the inner rim of a bathtub, hot tub, shower, spa or whirlpool appliance.

3. Within 4 feet vertically of a tread or landing in a stairway and within one foot horizontally of the near edge of the tread or landing.

4. Within 4 feet vertically of the floor and 3 feet horizontally of the nosing of the top or bottom tread of a stair.

5. In guard assemblies.

(bm) Safety glass is not required where glazing meets any of the following:

1. The size of an individual pane of glass is 8 inches or less in the least dimension.

2. The safety glass is required by sub. (3) (am) 1. and the only door within 2 feet of the glazing is the fixed panel of a patio door.

3. The safety glass is required by sub. (3) (am) 1. and there is an intervening wall or other permanent barrier between the door and the glazing.

Note: The U.S. Consumer Product Safety Commission requires safety glass for glazing in internal and external doors, including storm doors and patio doors, as well as for the tub or shower enclosures themselves. These federal rules, contained in 16 CFR, subchapter B, part 1201, apply in addition to any state rules or statutes.

Note: Glass blocks are considered to be masonry products and are regulated under the ACI 530 standard adopted under s. SPS 320.24. They are not required to be safety glazing.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. (1) and (2), Register, February, 1985, No. 350, eff. 3-1-85; r. and recr. (3) and (4), Register, July, 1986, No. 367, eff. 1-1-87; am. (4), Register, January, 1989, No. 397, eff. 2-1-89; am. (2) (a), (4) and (5), Register, March, 1992, No. 435, eff. 4-1-92; am. (2) (a), Register, November, 1995, No. 479, eff. 12-1-95; am. (3), r. and recr. (4) and (5), Register, January, 1999, No. 517, eff. 2-1-99; CR 02-077: am. (1) (a) and (5) (b) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (title), r. (3) and (4), renum. (5) to be (3) and am. (3) (intro.), r. and recr. (3) (a) and (b) Register March 2009 No. 639, eff. 4-1-09; CR 15-041: am. (1) (intro.), cr. (1m), renum. (2) (a) to (2) (a) 1. and am., cr. (2) (a) 2., renum. (3) (intro.) and (a) to (d) to (3) (am) (intro.) and 1. to 4. and am. (am) (intro.), 1. (intro.), a., cr. (3) (am) 5., renum. (3) (e) to (3) (bm) (intro.) and am., cr. (3) (bm) 1. to 3. Register December 2015 No. 720, eff. 1-1-16; CR 15-089: am. (1) (a) Register May 2016 No. 725, eff. 6-1-16.

SPS 321.06 Ceiling height. All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least 7 feet, except as follows:

(1) (a) Rooms may have ceiling heights of less than 7 feet provided at least 50% of the room's floor area has a ceiling height of at least 7 feet. Any area with a ceiling height of less than 5 feet may be ignored in this calculation.

(b) The 50% limit in par. (a) does not apply to subs. (3) to (6).

(2) Beams and girders or other projections may project to no more than 8 inches below the required ceiling height.

(3) The ceiling height extending back from the front edge of a water closet may slope to below 7 feet, but may not go below 5 feet until beyond the back of the water closet.

(4) The ceiling height extending back from the front edge of a lavatory may be less than 7 feet, but may not go below 5 feet until beyond the back of the lavatory.

(5) A ceiling height of less than 7 feet may be provided between the rear rim of a bathtub and a wall of the room abutting that rim, or between the side rim and a room wall abutting that rim.

(6) A ceiling height of less than 7 feet may be provided between the rear wall of a shower stall and a wall of the room abutting that rear wall, or between the side wall of a shower and a room wall abutting that side wall.

Note: Section SPS 384.20 (5) (o) 4. establishes minimum horizontal clearances for water closets, and reads as follows: "A water closet may not be located closer than 15 inches from its center to any side wall, partition, vanity, or other obstruction, nor closer than 30 inches center to center, between water closets. There shall be at least 24 inches clearance in front of a water closet to any wall, fixture or door."

Note: See ch. SPS 384 Appendix for further explanatory material.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; CR 15-041: renum. 321.06 to 321.06 (intro.), (1) (a), and (2) and am., cr. (1) (b), (3) to (6) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.07 Attic and crawl space access. (1) ATTIC. Attics with 150 or more square feet of area and 30 or more inches of clear height between the top of the ceiling framing and the bottom of the rafter or top truss chord framing shall be provided with an access opening of at least 14 by 24 inches, accessible from inside the structure.

(2) CRAWL SPACES. Crawl spaces with 18 inches of clearance or more between the crawl space floor and the underside of the house floor joist framing shall be provided with an access opening of at least 14 by 24 inches.

Note: Access to plumbing or electrical systems may be required under chs. SPS 382 to 387, Plumbing Code or ch. SPS 316, Electrical Code, Volume 2.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, March, 1992, No. 435, eff. 4-1-92; am. (1), Register, November, 1995, No. 479, eff. 12-1-95.

SPS 321.08 Fire separation and dwelling unit separation. (1) FIRE SEPARATION. Dwelling units shall be separated from garage spaces, accessory buildings, property lines and other dwelling units in accordance with Table 321.08 and the following requirements:

Table 321.08

Between Dwelling And:	Distance Between Objects[1]	Fire Rated Construction[2,5]
Detached garage or accessory building on same property	Less than 5 feet	3/4-hour wall[3] 1/3-hour door or window[3]
Another dwelling on same property	Less than 5 feet	3/4-hour wall[4] 1/3-hour door or window[4]
Detached garage, accessory building, or other dwelling on same property	5 to 10 feet	3/4-hour wall[3] 1/3-hour door or window[3]
Detached garage, accessory building, or other dwelling on same property	More than 10 feet	No requirements
Property Lines	Less than 3 feet	3/4-hour wall 1/3-hour door or window
Property Lines	3 feet or more	No Requirements
Zero Lot Line	None	Follow sub. (2) (d) requirements

[1] Distance shall be measured perpendicular from wall to wall or property line, ignoring overhangs.

[2] Fire rated construction shall protect the dwelling from an exterior fire source.

[3] Fire rated construction may be in either facing wall.

[4] Fire rated construction shall be in both facing walls.

[5] The methods for garage separation in par. (a) 1. are examples of ¾ hour wall construction.

(a) *Attached garages.* 1. The walls and ceiling between an attached garage and any portion of the dwelling, including attic or soffit areas, shall be ¾-hour fire-resistive construction or shall be constructed as specified in any of the following:

a. One layer of $^{5}/_{8}$-inch Type X gypsum drywall shall be used on the garage side of the separation wall or ceiling.

b. One layer of ½-inch gypsum drywall shall be used on each side of the separation wall or ceiling.

c. Two layers of ½-inch gypsum drywall shall be used on the garage side of the separation wall or ceiling.

2. For all methods listed under subd. 1., drywall joints shall comply with one of the following:

a. Joints shall be taped or sealed.

b. Joints shall be fitted so that the gap is no more than $^{1}/_{20}$-inch with joints backed by either solid wood or another layer of drywall such that the joints are staggered.

Note: 1/20-inch is approximately the thickness of a U.S. dime.

3. Vertical separations between an attached garage and a dwelling shall extend from the top of a concrete or masonry foundation to the underside of the roof sheathing or fire-resistive ceiling construction.

(b) *Structural elements exposed in an attached garage.* Beams, columns and bearing walls which are exposed to the

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garage and which provide support for habitable portions of the dwelling shall be protected by one of the methods specified in par. (a) 1. a. or c. or other ¾ hour fire-resistive protection.

(c) *Doors.* 1. The door and frame assembly between the dwelling unit and an attached garage shall be labeled by an independent testing agency as having a minimum fire-resistive rating of 20 minutes. The test to determine the 20-minute rating is not required to include the hose stream portion of the test.

Note: Acceptable tests for fire rating of door assemblies include ASTM E-152, UL 10B, and NFPA 252.

2. Only glazing allowed by the door's listing may be installed in any door required under this section.

(d) *Other openings.* 1. Access openings in fire separation walls or ceilings shall be protected in one of the following ways:

a. The opening is protected with a material that has a finish rating of at least 20 minutes.

b. The opening is protected in the same way as the wall or ceiling where the opening is located.

2. The cover or door of the access opening shall be permanently installed with hardware that will maintain it in the closed position when not in use.

(2) DWELLING UNIT SEPARATION. (a) *General.* In 2-family dwellings, dwelling units shall be separated from each other and from shared tenant spaces including attics, basements, garages, vestibules and corridors.

(b) *Attic separation.* Dwelling units with attic space that extends over both units shall be separated in accordance with one of the following:

1. 'Complete separation.' The units shall be provided with wall construction under par. (d) that extends all the way to the underside of the roof deck.

2. 'Vertical and horizontal separation.' a. The units shall be provided with wall construction under par. (d) that extends to the dwelling unit ceiling and ceiling construction under par. (e).

b. Dwelling units using this method of separation shall provide attic draft stopping under par. (f) that extends all the way to the underside of the roof deck above and in line with the separation wall.

(c) *Doors.* Any door installed in the dwelling unit separation shall have the door and frame assembly labeled by an independent testing agency as having a minimum fire-resistive rating of 20 minutes. The test to determine the 20-minute rating is not required to include the hose stream portion of the test.

(d) *Walls.* Walls in the dwelling unit separation shall be protected by not less than one layer of $^{5}/_{8}$-inch Type X gypsum wallboard or 2 layers of ½-inch gypsum wallboard or equivalent on each side of the wall with joints in compliance with sub. (1) (a) 2.

(e) *Floors and ceilings.* A fire protective membrane of one layer of $^{5}/_{8}$-inch Type X gypsum wallboard with joints in compliance with sub. (1) (a) 2., shall be provided on the ceiling beneath the floor construction that provides the separation.

(f) *Draft stopping for concealed roof spaces and attics.* 1. Attic areas, mansards, overhangs and other concealed roof spaces shall be draft stopped above and in line with the separation wall.

2. Acceptable draft stopping materials include:

a. $^{3}/_{8}$-inch wood structural panel.

b. ½-inch gypsum board.

(3) PENETRATIONS. (a) *Ducts.* 1. Except as allowed under subd. 2., all heating and ventilating ducts that penetrate a required separation shall be protected with a listed fire damper with a rating of at least 90 minutes.

2. The fire damper required under subd. 1. may be omitted in any of the following cases:

a. There is a minimum of 6 feet of continuous steel ductwork on at least one side of the penetration.

b. The duct has a maximum cross-sectional area of 20 square inches.

(b) *Electrical and plumbing components.* Penetrations of a required separation by electrical and plumbing components shall be firmly packed with noncombustible material or shall be protected with a listed through-penetration firestop system with a rating of at least one hour.

(c) *Plastic Piping.* Penetrations of a required separation by plastic pipe shall be protected by a penetration firestop system approved by the department and installed as tested in accordance with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch of water (3 pa), and shall have an F rating of not less than the required fire-resistance rating of the assembly penetrated.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; cr. (1m), am. (2), (5) (c) and Table, Register, January, 1989, No. 397, eff. 2-1-89; am. (2), (4) and (5) (a) (intro.), renum. (5) (b) and (c) to be (5) (c) and (d) and am. (5) (d), cr. (5) (b) and (e), (6), Register, March, 1992, No. 435, eff. 4-1-92; r. (3) (a), (5) (d), renum. (3) (b) and (c), (5) (e) to be (3) (a) and (b), (5) (d), am. (5) (a) (intro.), (6), cr. (6) (c) to (e), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (5) and (6) (b), am. (6) (c) and (d), r. (6) (e) and cr. (7), Register, January, 1999, No. 517, eff. 2-1-99; r. (1) to (4), renum. (5) to (7) to be (1) to (3), and cr. (2) (e), Register, March, 2001, No. 543, eff. 4-1-01; corrections in (2) (c) and (d) were made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 02-077: am. (1) (a) 1. and (2) (a) to (c) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (1) (intro.) and Table, r. (1) (a) 4. and (2) (e), renum. (1) (c), (2) (b), (c) and (d) to be (1) (c) 1., (2) (c), (d) and (e) and am. (2) (d), cr. (1) (c) 2., (2) (b) and (f), r. and recr. (1) (d) 1. and (2) (a) Register March 2009 No. 639, eff. 4-1-09; correction in Table 21.08 made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639; correction in (1) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: am. Table 321.08, cr. (3) (c) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.085 Fireblocking. (1) FIREBLOCKING LOCATIONS. Fireblocking shall be provided in all of the following locations:

(a) In concealed spaces of walls and partitions, including furred spaces, at the ceiling and floor levels.

(b) At all interconnections between concealed vertical and horizontal spaces including the attachment between a carport and a dwelling.

(c) In concealed spaces between stair stringers at the top and bottom of the run and at any intervening floor level.

(d) At all openings around wires, cables, vents, pipes, ducts, chimneys and fireplaces at ceiling and floor level.

(2) FIREBLOCKING MATERIALS. Fireblocking shall consist of one of the following:

(a) 2-inch nominal lumber.

(b) Two layers of one-inch nominal lumber.

(c) One thickness of ¾-inch nominal plywood or wood structural panel with any joints backed with the same material.

(d) One thickness of ½-inch gypsum wallboard, face nailed or face screwed to solid wood, with any joints backed with the same material.

(e) Fiberglass or mineral wool batt insulation may be used if both of the following conditions are met:

1. The least dimension of the opening may not exceed 4 inches.

2. The batt shall be installed to fill the entire thickness of the opening or stud cavity.

(f) For wires, cables, pipes and vents only, non-shrinking caulk, putty mortar, or similar material may be used provided no dimension of the opening exceeds ½ inch around the penetrating object.

(g) For chimneys, fireplaces and metal vents, fireblocking shall be metal, cement board or other noncombustible material.

History: Cr. Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (1) (b) Register May 2003 No. 569, eff. 8-1-03.

SPS 321.09 Smoke detectors. (1) A listed and labeled multiple-station smoke alarm with battery backup shall be installed in all of the following locations:

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(a) An alarm shall be installed inside each sleeping room.

(b) On floor levels that contain one or more sleeping areas, an alarm shall be installed outside of the sleeping rooms, within 21 feet of the centerline of the door opening to any sleeping room and in an exit path from any sleeping room.

(c) On floor levels that do not contain a sleeping area, an alarm shall be installed in a common area on each floor level.

Note: Section 50.035 (2), Stats., requires the installation of a complete low voltage, interconnected or radio-transmitting smoke detection system in all community-based residential facilities including those having 8 or fewer beds.

Note: Section 101.645 (3), Stats., requires the owner of a dwelling to install a functional smoke detector in the basement of the dwelling and on each floor level except the attic or storage area of each dwelling unit. The occupant of such a dwelling unit shall maintain any smoke detector in that unit, except that if any occupant who is not the owner, or any state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that the smoke detector is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional.

Note: Section 101.745 (4), Stats., requires that the manufacturer of a modular home shall install a functional smoke detector on each floor level except the attic or storage area of each dwelling unit.

(2) (a) Except for dwellings with no electrical service, smoke detectors required by this section shall be continuously powered by the house electrical service, and shall be interconnected so that activation of one detector will cause activation of all detectors.

Note: Wireless interconnectivity is permitted under this paragraph.

(b) Dwellings with no electrical service shall be provided with battery-powered smoke detectors in the locations under sub. (1). Interconnection and battery-backup are not required in these dwellings.

(3) For family living units with one or more communicating split levels or open adjacent levels with less than 5 feet of separation between levels, one smoke detector on the upper level shall suffice for an adjacent lower level, including basements. Where there is an intervening door between one level and the adjacent lower level, smoke detectors shall be installed on each level.

(4) Smoke alarms and detectors shall be maintained in accordance with the manufacturer's specifications.

(5) For envelope dwellings, at least 3 smoke alarms shall be placed in the air passageways. The alarms shall be placed as far apart as possible.

(6) In basements where two required exits are separated by a continuous wall, a smoke detector shall be placed on each side of the wall within 21 feet of each exit.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; r. and recr. Register, April, 1990, No. 412, eff. 5-1-90; renum. to be (1), cr. (2) and (3), Register, March, 1992, No. 435, eff. 4-1-92; renum. (2) and (3) to be (3) and (4), cr. (2), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (1), r. (2), renum. (3) and (4) to be (2) and (3), and cr. (4) and (5), Register, March, 2001, No. 543, eff. 4-1-01; CR 08-043: am. (1) (b) and (3), renum. (2) to be (2) (a) and am., cr. (2) (b) and (6) Register March 2009 No. 639, eff. 4-1-09.

SPS 321.095 Automatic fire sprinklers. (1) Except as provided in subs. (2) and (3), the design, installation, testing and maintenance of automatic fire sprinklers shall conform to NFPA 13D.

(2) (a) The requirements of NFPA 13D sections 6.3 (4), 8.1.3 and 8.6 are not included as part of this code.

(b) Fire department connections are prohibited in multipurpose piping systems.

(3) (a) Limited area automatic fire sprinkler systems are allowed in dwellings.

(b) 1. A limited area automatic fire sprinkler system shall add the following wording to the warning sign required in 6.3(5) of NFPA 13D: "The number and location of sprinklers in this system does not conform to NFPA 13D."

2. An automatic fire sprinkler system providing fire protection throughout the dwelling in accordance with NFPA 13D shall add the following wording to the warning sign required in 6.3(5) of NFPA 13D: "The number and location of sprinklers in this system conform with NFPA 13D."

Note: Multipurpose piping systems need to conform to provisions of the Plumbing Code, chs. SPS 381 to 387. These systems attach fire sprinkler heads to the dwelling's potable water piping system.

Note: Chapter 145 of the Statutes requires automatic fire sprinkler systems on dedicated water supply systems, to be installed by a licensed sprinkler fitter.

History: CR 08-043: cr. Register March 2009 No. 639, eff. 4-1-09; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 321.097 Carbon monoxide detectors. (1) DEFINITIONS. In this section:

(ag) "Carbon monoxide detector" has the meaning given in s. 101.149 (1) (am), Stats.

Note: Section 101.149 (1) (am), Stats., reads as follows: "Carbon monoxide detector" means an electronic or battery-operated device or system that sounds an alarm when an unsafe level of carbon monoxide is in the air.

(ar) "Fuel-burning appliance" has the meaning given in s. 101.149 (1) (as), Stats. Fuel-burning appliances include stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, fireplaces and heaters.

Note: Section 101.149 (1) (as), Stats., reads as follows: "Fuel-burning appliance" means a device that burns fossil fuel or carbon-based fuel and that produces carbon monoxide as a combustion by-product.

(2) NEW CONSTRUCTION. (a) *General.* Listed and labeled carbon monoxide detectors shall be installed and maintained in accordance with s. 101.647 (2) to (6), Stats., in one and 2-family dwellings, for which building permit applications were made or construction commenced on or after February 1, 2011.

Note: Section 101.647 (2) to (6), Stats., reads:

(2) INSTALLATION AND SAFETY CERTIFICATION. The owner of a dwelling shall install any carbon monoxide detector required under this section according to the directions and specifications of the manufacturer of the carbon monoxide detector. A carbon monoxide detector required under this section shall bear an Underwriters Laboratories, Inc., listing mark and may be a device that is combined with a smoke detector.

(3) REQUIREMENTS. (a) The owner of a dwelling shall install a functional carbon monoxide detector in the basement of the dwelling and on each floor level except the attic, garage, or storage area of each dwelling unit. A carbon monoxide detector wired to the dwelling's electrical wiring system shall have a backup battery power supply. Except as provided under par. (b), the occupant of the dwelling unit shall maintain any carbon monoxide detector in that unit. This paragraph does not apply to the owner of a dwelling that has no attached garage, no fireplace, and no fuel-burning appliance.

(am) 1. If the building permit for the initial construction of a dwelling was issued on or after February 1, 2011, and the electrical service for the dwelling is provided by a public utility, as defined in s. 196.01 (5), the owner of the dwelling shall install each carbon monoxide detector required under par. (a) so that it is powered by the dwelling's electrical wiring system, except as provided under subd. 2.

2. The requirement that each carbon monoxide detector be installed in the manner provided under subd. 1. does not apply to a dwelling if the dwelling, when initially constructed, had no attached garage, no fireplace, and no fuel-burning appliance.

(b) If any occupant who is not the owner of a dwelling, or any person authorized by state law or by city, village, town, or county ordinance or resolution to exercise powers or duties involving inspection of real or personal property, gives written notice to the owner that the carbon monoxide detector is not functional, the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that carbon monoxide detector functional.

(4) INSPECTION. Except as provided under s. 101.64 (2m), the department or person authorized by state law or by city, village, town, or county ordinance or resolution to exercise powers or duties involving inspection of real or personal property may inspect a new dwelling and, at the request of the owner or renter, may inspect the interior of a dwelling unit in a dwelling to ensure compliance with this section.

(5) LIABILITY EXEMPTION. The owner of a dwelling is not liable for damages resulting from any of the following:

(a) A false alarm from a carbon monoxide detector if the carbon monoxide detector was reasonably maintained by the owner of the dwelling.

(b) The failure of a carbon monoxide detector to operate properly if that failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner of the dwelling or the result of a faulty detector that was reasonably maintained by the owner of the dwelling.

(6) TAMPERING PROHIBITED. No person may tamper with, remove, destroy, disconnect, or remove batteries from an installed carbon monoxide detector, except in the course of inspection, maintenance, or replacement of the detector.

(b) *Location.* 1. On floor levels that contain one or more sleeping areas, a carbon monoxide detector shall be installed outside of the sleeping area, within 21 feet of the centerline of the door opening to any sleeping area and in an exit path from any sleeping area.

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2. On floor levels that do not contain a sleeping area, a carbon monoxide detector shall be installed in a common area on each floor level.

(c) *Electrical service and interconnection.* 1. Except as provided in subd. 2., carbon monoxide detectors shall be continuously powered by the house electrical service, shall have a backup power supply and shall be interconnected so that activation of one alarm will cause activation of all alarms.

2. Dwellings with no electrical service shall be provided with battery-powered carbon monoxide detectors in the locations under par. (b). Interconnection is not required in these dwellings.

(d) *Standards.* The devices shall conform with one of the following standards:

1. Carbon monoxide detectors shall be listed and labeled identifying conformance with UL 2034.

Note: Pursuant to this subdivision, carbon monoxide detectors need to be acceptable under the 2005 edition of the UL 2034 standard, *Single and Multiple State Carbon Monoxide Alarms*.

2. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall be listed and labeled identifying conformance with UL 2075.

Note: Pursuant to this subdivision, carbon monoxide detectors and sensors need to be acceptable under the 2007 edition of the UL 2075 standard, *Gas and Vapor Protectors and Sensors*.

(3) EXISTING DWELLINGS. Listed and labeled carbon monoxide detectors shall be installed and maintained in accordance with s. 101.647 (2) to (6), Stats., in one and 2-family dwellings, for which building permit applications were made or initial construction commenced on or after June 1, 1980, and before February 1, 2011.

Note: See statutory reprint under s. SPS 321.097 (2) (a).

History: EmR0826: emerg. cr. eff. 10-1-08; CR 08-085: cr. Register May 2009 No. 641, eff. 6-1-09; renumbered under s. 13.92 (4) (b) 1. and corrections in (1) (b) 2. and (6) made under s. 13.92 (4) (b) 7., Stats., Register May 2009 No. 641; CR 10-089: renum. (1) (a), (2), (3), (5), (6), (7) to be (4) (a), (b), (c), (e), (g), (h) and am. (4) (g) and (h), r. (1) (b), (4), cr. (1), (2), (3), (4) (title), (d), (f) Register January 2011 No. 661, eff. 2-1-11; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 734; CR 21-047: am. (title), renum. (1) (a) to (1) (ar) and am., cr. (1) (ag), r. (1) (b), am. (2) (a) to (c), (d) 1., (3), r. (4) Register May 2022 No. 797, eff. 6-1-22.

SPS 321.10 Protection against decay and termites.

(1) Wood used in any of the applications under this section shall meet all of the following requirements:

(a) The wood shall be labeled and pressure treated with preservative in accordance with an AWPA standard or shall be naturally durable and decay-resistant or shall be engineered to be decay resistant.

(b) The wood shall be pressure treated with preservative or shall be naturally termite-resistant unless additional steps are taken to make the wood termite-resistant.

(2) Wood used in the following locations shall be as required under sub. (1):

(a) Resting directly upon or embedded in earth.

(b) Floor joists or sleepers that meet all of the following conditions:

1. The joists or sleepers are protected from the weather.

2. The joists or sleepers are within 18 inches above a lower floor surface, deck or soil.

3. There is no vapor retarder that meets the requirements under s. SPS 322.38 (1) (a) between the joists or sleepers and the soil below.

Note: This situation could occur with a floor over a crawl space or when a floor is added over a patio deck or a garage slab.

(c) Floor joists exterior to the dwelling that are within 18 inches above exterior grade, unless protected with a moisture barrier.

Note: Acceptable moisture barriers for this application include ¾-inch exterior preservative-treated plywood, or ice dam protection material listed as meeting the requirements of ASTM D 1970 or vapor retarder material, provided they are protected from physical and UV light damage.

(d) Girders that span directly over and within 12 inches of earth.

(e) Sills and rim joists that rest on concrete or masonry and are also below grade or within 8 inches above final exterior grade.

(f) 1. Siding and sheathing in contact with concrete, masonry or earth and within 6 inches above final exterior grade.

2. Siding and sheathing in contact with concrete or masonry and within 2 inches above an impervious surface.

(g) Ends of wood structural members and their shims resting on or supported in masonry or concrete walls and having clearances of less than ½ inch on the top, sides and ends.

(h) Bottom plates or sole plates of walls that rest on concrete or masonry and that are below exterior grade or less than 8 inches above final exterior grade.

(i) Columns in direct contact with concrete or masonry unless supported by a structural pedestal or plinth block at least one inch above the floor.

(j) Any structural part of an outdoor deck, including the decking.

(k) Permanent wood foundations.

(3) Wood girders that rest directly on exterior concrete or masonry shall be protected by one of the following methods:

(a) The wood shall be pressure treated with preservative or shall be a naturally durable and decay-resistant species.

(b) Material, such as pressure-treated plywood, flashing material, steel shims, or water-resistant membrane material shall be placed between the wood and the concrete or masonry.

(4) All pressure-treated wood and plywood shall be identified by a quality mark or certificate of inspection of an approved inspection agency which maintains continued supervision, testing and inspection over the quality of the product.

Note: Heartwood of redwood, cypress, black walnut, catalpa, chestnut, sage orange, red mulberry, white oak, or cedar lumber are considered by the department to be naturally decay-resistant. Heartwood of bald cypress, redwood, and eastern red cedar are considered by the department to be naturally termite resistant.

(5) FASTENERS. (a) Fasteners for pressure-preservative treated wood and fire-retardant-treated wood shall meet one of the following requirements:

1. The fastener is a steel bolt with a diameter of 0.5 inch or greater.

2. The fastener is made of stainless steel.

3. The fastener is made of hot-dipped, zinc-galvanized steel with the coating weight and thickness labeled as complying with ASTM A 153.

4. The fastener is made of steel with a mechanically-deposited zinc coating labeled as complying with ASTM B 695, Class 55 or greater.

5. The fastener has coating types and weights in accordance with the fastener manufacturer's recommendations. In the absence of the manufacturer's recommendations subd. 1., 2., 3., or 4. shall apply.

Note: "Zinc plated," "zinc coated," "chrome plated," etc., fasteners do not necessarily comply with either of these standards.

(b) When a fastener is used with a hanger or other metal fixture, the fastener shall be of the same material as the hanger or metal fixture.

Note: When separate pieces are in close contact, zinc corrodes rapidly in the presence of plain steel. Zinc corrodes much more rapidly in the presence of stainless steel.

(c) For the purposes of this section, a fastener includes nails, screws and bolts, along with nuts and washers.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; am. (1) (b) and (3), Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. (1) (intro.) and (b), am. (1) (f), renum. (3) (intro.) to be (3) (a), cr. (3) (b), Register, March, 1992, No. 435, eff. 4-1-92; am. (1) (a), (b), (3), cr. (1) (g), Register, November, 1995, No. 479, eff. 12-1-95; r. (1) and (2), renum. (3) to be (4), and cr. (1) to (3), Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (4) (a) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (1), (2) (a) and (i), r. and recr. (2) (b) and (h), r. (2) (g) and (4) (b), renum. (2) (c) to (f) and (4) (a) to be (2) (d) to (g) and (4) and am. (2) (e), (f) 1. and (g), cr. (2) (c), (k) and (5) Register March 2009 No. 639, eff. 4-1-09; correction in (2) (a) 3. made under s.

13.92 (4) (b) 7., Stats., Register March 2009 No. 639; correction in (2) (b) 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: renum. (2) (f) to (2) (f) 1., cr. (2) (f) 2. Register December 2015 No. 720, eff. 1-1-16.

SPS 321.11 Foam plastic. (1) (a) *General.* Foam plastic insulation shall have a flame-spread rating of 75 or less and a smoke-developed rating of 450 or less when tested in accordance with ASTM E-84.

(b) *Thermal barrier.* Except as provided in par. (c), foam plastic insulation shall be separated from the interior of the dwelling by one of the following thermal barriers:

1. ½-inch gypsum wallboard.
2. ½-inch nominal wood structural panel.
3. ¾-inch sawn lumber with tongue-and-groove or lap joints.
4. 1-inch of masonry or concrete.
5. A product or material shown by an independent laboratory to limit the temperature rise on the unexposed surface to 250°F for 15 minutes when tested in accordance with ASTM E-119.
6. For doors only, sheet metal with a minimum thickness of 26 standard steel gauge or aluminum with a minimum thickness of 0.032 inch.

Note: Number 26 standard steel gauge is approximately equal to 0.018-inch.

(c) *Exemptions from thermal barrier requirement.* The following applications of foam plastic do not require a thermal barrier:

1. On overhead garage doors.
2. In the box sill of the basement or ground floor, above the bottom of the floor joists.

(2) Insulation that does not meet the requirements of this section may be approved by the department in accordance with s. SPS 320.18. Approval will be based on tests that evaluate materials or products representative of actual end-use applications.

Note: See s. SPS 322.21 (3) for requirements for protecting foam plastic on the exterior of a dwelling.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (b), Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. (1) (intro.), am. (1) (a), renum. (1) (b) and (c) to be (1) (c) and (d) and am. (1) (c), cr. (1) (b), Register, March, 1992, No. 435, eff. 4-1-92; am. (1) (d), (2), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. Register, March, 2001, No. 543, eff. 4-1-01; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.115 Installation of elevators or dumbwaiters. Elevators or dumbwaiters serving dwelling units shall comply with the requirements under ch. SPS 318.

History: CR 08-030: cr. Register December 2008 No. 636, eff. 1-1-09; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter III — Excavations

SPS 321.12 Drainage. (1) GRADE. The finished grade of the soil shall slope away from the dwelling at a rate of at least 1/2 inch per foot for at least 10 feet, except as provided in subs. (2) and (3).

(2) OTHER SURFACES. Where the finished surface is impervious, it shall slope away from the dwelling for at least 10 feet at a rate that ensures equivalent drainage.

(3) OBSTRUCTIONS. Where lot lines, walls, slopes, or other barriers prevent having the 10-foot distance in sub. (2), swales or other means shall be provided to ensure equivalent drainage away from the dwelling.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; CR 02-077: am. Register May 2003 No. 569, eff. 8-1-03; CR 15-041: renum. 321.12 to 321.12 (1) and am., cr. 321.12 (title), (2), (3) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.125 Erosion control and sediment control. (1) GENERAL. (a) Where land disturbing construction activity is to occur erosion and sediment control practices shall be employed, as necessary, and maintained to prevent or reduce the potential deposition of soil or sediment to all of the following:

1. The waters of the state.
2. Adjacent properties.

Note: Authority over erosion and sediment control at construction sites having a land-disturbance area of one acre or more was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, sections 1712 and 2088. Consequently, the Department of Safety and Professional Services no longer applies the requirements in this section to those sites. Information regarding the DNR permit requirements and standards may be available at http://dnr.wi.gov/topic/stormwater/construction.

(b) Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed in accordance with the approved plan.

(c) Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70%.

(d) Erosion and sediment control practices shall either be approved by the department or listed by the department of natural resources in accordance with the process under s. NR 151.32 (2).

Note: Listed practices can be found through the Division of Industry Services website at http://dsps.wi.gov/programs/industry-services or by contacting the Division at telephone (608) 266-3151 or (877) 617-1565 or 411 (Telecommunications Relay).

(2) MANDATED PRACTICES. Specific practices at each site where land disturbing construction activity is to occur shall be utilized to prevent or reduce all of the following:

(a) The deposition of soil from being tracked onto streets by vehicles.

(b) The discharge of sediment from disturbed areas into onsite storm water inlets.

(c) The discharge of sediment from disturbed areas into abutting waters of the state.

(d) The discharge of sediment from drainage ways that flow off the site.

(e) The discharge of sediment by dewatering activities.

(f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

(3) CONTROL STANDARDS. Including the practices under sub. (2), additional erosion and sediment control practices shall be employed, as necessary, to accomplish one of the following:

(a) A potential annual cumulative soil loss rate of not more than one of the following:

1. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.
2. Seven and 1/2 tons per acre per year where silt, silty clay loam, or silt loam textures are exposed.

(c) A reduction of at least 40% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of land disturbing construction activity is to occur.

Note: See ch. SPS 325 Appendix A for further explanatory material regarding compliance solutions for 80 and 40% reductions.

(4) SOIL LOSS ANALYSIS. Potential soil loss shall be determined using an engineer analytical modeling acceptable to the department.

Note: The Revised Universal Soil Loss Equation II is an example of an acceptable model to determine soil loss.

(5) MONITORING. (a) The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:

1. At least weekly.
2. Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous 24 hour period.
3. At all intervals cited on the erosion and sediment control plan.

(b) The owner or owner's agent shall maintain a monitoring record when the land disturbing construction activity involves one or more acres.

(c) The monitoring record shall contain at least the following information:

1. The condition of the erosion and sediment control practices at the intervals specified under par. (a).

2. A description of the maintenance conducted to repair or replace erosion and sediment control practices.

(6) MAINTENANCE. (a) 1. Except as provided in subd. 3., off-site sediment deposition resulting from the failure of an erosion or sediment control practice shall be cleaned up by the end of the next day.

Note: Contact the Department of Natural Resources before attempting to clean up any sediment deposited or discharged into the waters of the state.

2. Except as provided in subd. 3., off-site soil deposition, resulting from construction activity, that creates a nuisance shall be cleaned up by the end of the work day.

3. A municipality may enact more stringent requirements regarding cleanup of soil or sediment deposition onto public ways.

(b) 1. Except as required in subd. 2., the owner or owner's agent shall complete repair or replacement of erosion and sediment control practices as necessary within 48 hours of an interval specified under sub. (5).

2. When the failure of erosion or sediment control practices results in an immediate threat of sediment entering public sewers or the waters of the state, procedures shall be implemented immediately to repair or replace the practices.

Note: See ch. SPS 325 Appendix A for further explanatory material.

History: Cr. Register, September, 1992, No. 441, eff. 12-1-92; am. (1) (b), Register, November, 1995, No. 479, eff. 12-1-95; am. (1) (a), renum. (1) (b) to (e) to be (1) (c) to (f) and am. (c), cr. (1) (b), Register, February, 1997, No. 494, eff. 3-1-97; CR 02-077: cr. (4) Register May 2003 No. 569, eff. 8-1-03; CR 05-113: r. and recr. Register December 2006 No. 612, eff. 4-1-07; CR 15-041: am. (3) (a) 2., r. (3) (b) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.13 Excavations adjacent to adjoining property. (1) NOTICE. Any person making or causing an excavation which may affect the lateral soil support of adjoining property or buildings shall provide at least 30 days written notice to all owners of adjoining buildings of the intention to excavate. The notice shall state that adjoining buildings may require permanent protection.

(a) *Exception.* The 30-day time limit for written notification may be waived if such waiver is signed by the owner(s) of the adjoining properties.

(2) RESPONSIBILITY FOR UNDERPINNING AND FOUNDATION EXTENSIONS. (a) *Excavations less than 12 feet in depth.* If the excavation is made to a depth of 12 feet or less below grade, the person making or causing the excavation shall not be responsible for any necessary underpinning or extension of the foundations of any adjoining buildings.

(b) *Excavations greater than 12 feet in depth.* If the excavation is made to a depth in excess of 12 feet below grade, the owner(s) of adjoining buildings shall be responsible for any necessary underpinning or extension of the foundations of their buildings to a depth of 12 feet below grade. The person making or causing the excavation shall be responsible for any underpinning or extension of foundations below the depth of 12 feet below grade.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.

SPS 321.14 Excavations for footings and foundations. (1) EXCAVATIONS BELOW FOOTINGS AND FOUNDATIONS. No excavation shall be made below the footing and foundation unless provisions are taken to prevent the collapse of the footing or foundation.

(2) EXCAVATIONS FOR FOOTINGS. All footings shall be located on undisturbed or compacted soil, free of organic material, unless the footings are reinforced to bridge poor soil conditions.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.

Subchapter IV — Footings

SPS 321.15 Footings. (1) GENERAL. (a) The dwelling and attached structures, such as decks and garages, shall be supported on a structural system designed to transmit and safely distribute the loads to the soil.

(b) The loads for determining the footing size shall include the weight of the live load, roof, walls, floors, pier or column, plus the weight of the structural system and the soil over the footing.

(c) Footings shall be sized to not exceed the allowable material stresses.

(d) The bearing area shall be at least equal to the area required to transfer the loads to the supporting soil without exceeding the bearing capacity of the soil.

(e) 1. Structures supported on floating slabs or similar shallow foundations may not be physically attached to structures that are supported by footings that extend below the frost line unless an isolation joint is used between the structures, except as provided in subd. 2. This isolation shall extend for the full height of the structure.

2. Exterior ramps are not required to comply with subd. 1.

(2) SIZE AND TYPE. Unless designed by structural analysis, unreinforced concrete footings shall comply with the following requirements:

(a) *Continuous footings.* The minimum width of the footing on each side of the foundation wall shall measure at least 4 inches wider than the wall. The footing depth shall be at least 8 inches nominal. Footing placed in unstable soil shall be formed. Lintels may be used in place of continuous footings when there is a change in footing elevation.

Note: Unstable soil includes soils that are unable to support themselves at a 90 degree angle for the full depth of the footing.

(b) *Column or pier footing.* 1. The minimum width and length of column or pier footings shall measure at least 2 feet by 2 feet.

2. The minimum depth of column or pier footings shall measure at least 12 inches nominal.

(c) *Trench footings.* Footings poured integrally with the wall may be used when soil conditions permit. The minimum width shall be at least 8 inches nominal.

(d) *Chimney and fireplace footings.* Footing for chimneys or fireplaces shall extend at least 4 inches on each side of the chimney or fireplace. The minimum depth shall measure at least 12 inches nominal.

(e) *Floating slabs.* Any dwelling supported on a floating slab on grade shall be designed through structural analysis.

(f) *Deck footings.* Decks attached to dwellings and detached decks which serve an exit shall be supported on a structural system designed to transmit and safely distribute the loads to the soil. Footings shall be sized to not exceed the allowable material stresses. The bearing area shall be at least equal to the area required to transfer the loads to the supporting soil without exceeding the bearing values of the soil.

(3) SOIL-BEARING CAPACITY. No footing or foundation shall be placed on soil with a bearing capacity of less than 2,000 pounds per square foot unless the footing or foundation has been designed through structural analysis. The soil-bearing values of common soils may be determined through soil identification.

Note: The department will accept the soil-bearing values for the types of soil listed in the following table:

Type of soil	PSF
1. Wet, soft clay; very loose silt; silty clay	2,000
2. Loose, fine sand; medium clay; loose sandy clay soils	2,000
3. Stiff clay; firm inorganic silt	3,000
4. Medium (firm) sand; loose sandy gravel; firm sandy clay soils; hard dry clay	4,000
5. Dense sand and gravel; very compact mixture of clay, sand and gravel	6,000
6. Rock	12,000

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

(a) *Minimum soil-bearing values.* If the soil located directly under a footing or foundation overlies a layer of soil having a smaller allowable bearing value, the smaller soil-bearing value shall be used.

(b) *Unprepared fill material, organic material.* No footing or foundation shall be placed upon unprepared fill material, organic soil, alluvial soil or mud unless the load will be supported. When requested, soil data shall be provided.

Note: The decomposition of organic material in landfill sites established for the disposal of organic wastes may produce odorous, toxic and explosive concentrations of gas which may seep into buildings through storm sewers and similar underground utilities unless provisions are taken to release the gases to the atmosphere.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (a), Register, January, 1989, No. 397, eff. 2-1-89; cr. (1) (f), Register, March, 1992, No. 435, eff. 4-1-92; am. (1) (e), Register, November, 1995, No. 479, eff. 12-1-95; am. (1) (e), Register, March, 2001, No. 543, eff. 4-1-01; CR 08-043: renum. (intro.), (1) and (2) to be (1), (2) and (3) and am. (1), (2) (b) and (e), cr. (1) (e) Register March 2009 No. 639, eff. 4-1-09; CR 15-041: renum. (1) (e) to (1) (e) 1. and am., cr. (1) (e) 2. Register December 2015 No. 720, eff. 1-1-16.

SPS 321.16 Frost protection. (1) GENERAL. (a) Footings and foundations, including those for landings and stoops, shall be placed below the frost penetration level or at least 48 inches below adjacent grade, whichever is deeper, except as allowed under sub. (2).

(b) Footings may not be placed on frozen material.

(2) EXCEPTIONS. (a) Frost protected shallow foundations shall be designed in accordance with ASCE–32 as adopted in Table 320.24-5.

(b) Portions of footings or foundations located directly under window areaways do not require frost protection provided the rest of the foundation is protected in accordance with this section.

(c) Footings and foundations may bear directly on bedrock less than 48 inches below adjacent grade provided all of the following conditions are met.

1. The rock shall be cleaned of all earth prior to placement.

2. All clay in crevices of the rock shall be removed to the level of frost penetration or to 1.5 times the width of the rock crevice, whichever is less.

3. Provisions shall be taken to prevent water from collecting anywhere along the foundation.

(d) Subsection (1) (a) does not apply to the footing for a ramp and its handrail posts unless the ramp abuts a frost-protected stoop or landing, in which case only the footing for that abutting end of the ramp is required to have the frost protection under sub. (1) (a), such as by bearing onto the stoop or landing, so that a tripping hazard is not created.

Note: See ch. SPS 325 Appendix A for further information.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (intro.), Register, February, 1985, No. 350, eff. 3-1-85; renum. (intro.) and (1) to be (1) and (2) and am. (2) (d), cr. (2) (e), Register, January, 1989, No. 397, eff. 2-1-89; am. (1), Register, November, 1995, No. 479, eff. 12-1-95; correction in (2) (e) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 08-043: r. and recr. Register March 2009 No. 639, eff. 4-1-09; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: am. (1) (a), cr. (2) (d) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.17 Drain tiles. (1) DETERMINATION OF NEED. (a) *New construction.* 1. Except as provided under sub. (2), a complete drain tile or pipe system shall be installed around the foundation of dwellings under construction where groundwater occurs above the bottom of the footing.

2. For the purposes of this section, a complete drain tile or pipe system includes all of the following:

a. The drain tile or pipe installed inside and outside the foundation, except as allowed under s. SPS 321.17 (3) (d) 1. b.

b. Bleeders connecting the inside tile or pipe to the outside tile or pipe.

c. The sump pit or crock.

d. The discharge piping.

e. A pump or other means of discharging water to grade.

(b) *Optional systems.* 1. If a complete drain tile or pipe system is not required by natural conditions under par. (a) or by a municipality or registered UDC inspection agency, a partial drain tile or pipe system may be installed.

2. For the purposes of this section, a partial drain tile or pipe system includes a means of discharging water from the tile or pipe and may include any of the other elements under par. (a) 2.

Note: Means of discharging water include a sump pit, a crock or natural means of drainage to daylight.

(2) OPTIONAL SYSTEMS. (a) *New construction.* 1. For new dwelling construction, a municipality or registered UDC inspection agency may determine the soil types and natural or seasonal groundwater levels for which a complete drain tile or pipe system is required.

2. For new dwelling construction, a municipality may not enact requirements for other than complete drain tile or pipe systems.

(b) *Alterations to an existing dwelling.* For an alteration to an existing dwelling covered by this code, a municipality may not require a complete drain tile or pipe system.

(c) *Partial systems.* Municipalities may allow partial drain tile or pipe systems for new dwellings under construction or existing dwellings.

(3) MATERIAL AND INSTALLATION REQUIREMENTS FOR REQUIRED SYSTEMS. (a) *General.* Complete drain tile or pipe systems required by natural conditions under sub. (1) (a) or by a municipality or registered UDC inspection agency shall comply with the requirements of this subsection.

(b) *Basement floor slabs.* The basement slab shall be placed on at least 4 inches of clean graded sand, gravel or crushed stone.

(c) *Manufactured drainage systems.* Manufactured drainage systems not meeting the requirements of this section shall be submitted to the department for review and approval prior to installation.

(d) *Drain tile or pipe installation.* Drain tile or pipe used for foundation drainage shall comply with the following requirements:

1. a. Except as allowed under subd. 1. b., the top of the tile or pipe shall be at or below the top of the footing.

b. Where the top of the footing is more than 4 inches below the bottom of the floor slab, tile or pipe is required on the interior of the foundation only and it shall be placed directly under the floor.

Note: This situation will commonly occur with a walk-out basement.

2. Drain tile or pipe shall have an inside diameter of at least 3 inches.

3. Drain tile or pipe shall have open seams, joints or perforations to allow water to enter.

4. Where individual tiles are used, they shall be laid with $^1/_8$ inch open joints. Joints between tiles shall be covered with a strip of asphalt or tar impregnated felt.

5. The tile or pipe shall be placed upon at least 2 inches of coarse aggregate and shall be covered on the top and the side facing away from the dwelling with at least 12 inches of coarse aggregate that meets all of the following criteria:

a. 100% of the aggregate shall pass a 1-inch sieve.

b. 90-100% of the aggregate shall pass a ¾-inch sieve.

c. 0-55% of the aggregate shall pass a $^3/_8$-inch sieve.

d. 0-5% of the aggregate shall pass a #8 sieve.

Note: A #8 sieve has square openings of 2.36 mm or 0.09 inch.

Note: These specifications encompass aggregate sizes #6 and #67 per ASTM standard C 33. Of the two sizes, #6 is coarser.

6. a. Bleeder tiles or pipes shall be provided at no more than 8-foot intervals to connect the exterior drain tile or pipe to the interior drain tile or pipe.

b. Bleeder tiles or pipes shall have a minimum interior diameter of 3 inches.

c. Direct connection of the bleeders is not required if the in-

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tersection of the bleeder with the tile or pipe is covered with a membrane or fabric that prevents soil and fines from entering the system.

7. The drain tiles or pipe that lead from the footing tiles to the sump pit shall be laid at a grade of at least $^1/_8$ inch per foot leading to the sump pit. The remaining drain tiles or pipe shall be level or graded downward to the line leading to the sump pit.

(e) *Drain tile or pipe discharge.* 1. Drain tiles or pipe shall be connected to the sump pit.

2. The sump pit shall discharge to natural grade or be equipped with a pump.

3. All other aspects of drain tile discharge shall be in accordance with the uniform plumbing code, chs. SPS 382 to 387.

Note: The following is a reprint of a pertinent section of the plumbing code:

SPS 382.36 (8) SUMPS AND PUMPS. (a) *Sumps.* 1. 'General.' All storm building subdrains shall discharge into a sump, the contents of which shall be automatically lifted and discharged, dispersed or used in accordance with sub. (4).

2. 'Construction and installation'. a. Except as provided in subd. 2. c. and d., an interior sump shall have a rim extending at least one inch above the floor immediately adjacent to the sump.

b. A sump shall have a removable cover of sufficient strength for anticipated loads.

c. Where a sump is installed in an exterior meter pit or elevator pit, the rim may be level with the floor.

d. When a sump is provided with an airtight, solid cover.

3. 'Location'. All sumps installed for the purpose of receiving clearwater, groundwater or stormwater shall be separated from water wells by the applicable separation distances contained in chs. NR 811 and 812, or as otherwise permitted by the department of natural resources.

Note: See Appendix A-382.30 (11) (d) for material reprinted from s. NR 812.08.

4. 'Size'. Except as recommended by the pump manufacturer, the size of each sump shall be no smaller than 16 inches in diameter at the top, 14 inches in diameter at the bottom, and 22 inches in depth.

(b) *Pumps.* 1. 'Size.' The pump shall be of a capacity appropriate for the anticipated use.

2. 'Discharge piping.' a. Where a pump discharges into a storm drain system, a check valve shall be installed.

b. The minimum diameter discharge piping shall be based on the design flow rate of the pump and a minimum velocity of one foot/second.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; r. and recr. (3) (a) 3. and (4), Register, May, 1988, No. 389, eff. 6-1-88; am. (2) (f), Register, January, 1989, No. 397, eff. 2-1-89; r. and recr, (4) (c) 3., Register, August, 1991, No. 428, eff. 9-1-91; cr. (5), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. Register, January, 1999, No. 517, eff. 2-1-99; am. (3) (d) 4., Register, March, 2001, No. 543, eff. 4-1-01; CR 03-097: am. (1) (b) 1., (2) (a) 1., and (3) (a) Register November 2004 No. 587, eff. 1-1-05; CR 08-043: am. (1) (a) 2. and (b) 2., renum. (3) (d) 1. to 4., 5. and 6. to be (3) (d) 2. to 5., 6. a. and 7., cr. (3) (d) 1., 6. b. and c. Register March 2009 No. 639, eff. 4-1-09; correction in (1) (a) 2. a., (3) (e) 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter V — Foundations

SPS 321.18 Foundations. (1) GENERAL. (a) *Design.* Foundation walls shall be designed and constructed to support the vertical loads of the dwelling, lateral soil pressure, and other loads without exceeding the allowable stresses of the materials of which the foundations are constructed.

(b) *Lateral support at base.* Lateral support such as floor slabs or framing shall be provided at the base of foundation walls.

(c) *Lateral support at top.* Lateral support shall be provided at the top of the foundation walls by one of the following:

2. Structural analysis. A system designed through structural analysis.

3. Anchor bolts. a. Structural steel anchor bolts, at least 1/2 inch in diameter, embedded at least 7 inches into the concrete or grouted masonry with a maximum spacing of 72 inches and located within 18 inches of wall corners.

b. A properly sized nut and washer shall be tightened on each bolt to the plate or sill.

c. When vertical-reinforcing steel is provided in masonry construction, as required under sub. (3), the location requirements under subd. 3. a. shall be modified as necessary so anchor bolts are placed in the same core as the reinforcement without exceeding the limits of subd. 3. a.

d. Alternate foundation anchorage, designed and spaced in accordance with structural analysis and as required to provide equivalent anchorage to the requirements of subd. 3. a., is allowable.

4. Other mechanical fasteners. a. Mechanical fasteners used in accordance with the manufacturer's testing and listing.

b. When vertical-reinforcing steel is provided in masonry construction, as required under sub. (3), the location requirements under subd. 4. a. shall be modified as necessary so the fasteners are placed in the same core as the reinforcement without exceeding the limits of subd. 4. a.

(d) *Floor framing.* 1. Floor framing shall be fastened to the sill plate by one of the following methods:

a. Mechanical fasteners used in accordance with the manufacturer's testing and listing.

b. In accordance with structural analysis.

c. In accordance with the fastener table printed in ch. SPS 325 Appendix A.

Note: Per s. SPS 321.22 (1), sill plates are not required on foundation walls of poured concrete or on masonry walls with mortar- or grout-filled cores or on masonry walls with a solid block top course.

2. a. Where the floor framing is parallel to the foundation wall, solid blocking or bridging shall be installed in at least the first adjacent joist space at a spacing of no more than 32 inches on center.

b. Blocking and bridging shall be the same depth as the joist.

c. Fastening of the blocking or bridging shall be in accordance with structural analysis or the fastener schedule in Table 321.02-2.

Note: The floor-framing elements required in this section are intended to provide lateral support to the top of the foundation wall. See s. SPS 321.22 (9) for further requirements relating to floor framing, including for bridging of floor framing to provide restraint against rotation or lateral displacement of the floor framing.

(e) *Soil lateral load.* Unless designed through structural analysis, soil lateral loads shall be determined from Table 321.18-A.

Table 321.18-A
SOIL LATERAL LOAD

Description of Backfill Material[c]	Unified Soil Classification	Design Lateral Soil Load[a] PSF per Foot of Depth
Well graded, clean gravels; gravel-sand mixes	GW	30[c]
Poorly graded clean gravels; gravel-sand mixes	GP	30[c]
Silty gravels, poorly graded gravel-sand mixes	GM	40[c]
Clayey gravels, poorly graded gravel-and-clay mixes	GC	45[c]
Well-graded, clean sands; gravelly sand mixes	SW	30[c]
Poorly graded clean sands; sand-gravel mixes	SP	30[c]
Silty sands, poorly graded sand-silt mixes	SM	45[c]
Sand-silt clay mix with plastic fines	SM-SC	45[d]
Clayey sands, poorly graded sand-clay mixes	SC	60[d]
Inorganic silts and clayey silts	ML	45[d]
Mixture of inorganic silt and clay	ML-CL	60[d]
Inorganic clays of low to medium plasticity	CL	60[d]
Organic silts and silt clays, low plasticity	OL	[b]
Inorganic clayey silts, elastic silts	MH	60[d]
Inorganic clays of high plasticity	CH	[b]
Organic clays and silty clays	OH	[b]

[a]Design lateral soil loads are given for moist conditions for the specified soils at their optimum densities. Actual field conditions shall govern. Submerged or saturated soil pressures shall include the weight of the buoyant soil plus the hydrostatic loads.

[b]Unsuitable as backfill material.

[c]For relatively rigid walls, as when braced by floors, the design lateral soil load shall be increased for sand and gravel type soils to 60 psf per foot of depth. Basement walls extending not more than 8 feet below grade and supporting flexible floor systems are not considered relatively rigid walls.

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[d]For relatively rigid walls, as when braced by floors, the design lateral load shall be increased for silt and clay type soils to 100 psf per foot of depth. Basement walls extending not more than 8 feet below grade and supporting flexible floor systems are not considered relatively rigid walls.

[e]Soil classes are in accordance with the Unified Soil Classification System, ASTM D2487, and design lateral loads are for moist soil conditions without hydrostatic pressure.

(2) CONCRETE FOUNDATION WALLS. (a) *General structural requirements.* Except as provided in par. (b), unless designed through structural analysis, the minimum thickness of concrete foundation walls shall be determined from Table 321.18-B, but in no case shall the thickness of the foundation wall be less than the thickness of the wall it supports.

(b) *Equalized loading.* A 6-inch nominal wall thickness may be used provided the fill on one side of the wall is within 12 inches vertically of the fill on the other side of the wall.

Note: See s. SPS 321.15 (1) (c) for trench footing requirements.

Table 321.18-B
CONCRETE WALL THICKNESSES

Type of Concrete	Nominal Thickness (inches)	Maximum Height of Unbalanced Fill[1] for Material of Wall Being Supported (Wood frame — feet)
3000 psi	8	8
Unreinforced concrete	10	9
	12[2]	10
	14	11.5

[1]Unbalanced fill is the difference in elevation between the outside grade and the basement floor.

[2]The maximum height of unbalanced fill for a 12-inch thick plain concrete wall may be increased to 12 feet provided the wall is constructed of concrete with a minimum compressive value of 6,000 psi at 28 days.

(3) MASONRY FOUNDATION WALLS. (a) *Dampproofing.* 1. Except as allowed under subd. 3., masonry block foundation walls shall be coated with a layer of minimum $^3/_8$-inch thick type M or S portland cement mortar parging on the exterior of the wall from footing to finished grade.

2. Masonry foundation walls shall be damp-proofed by applying to the exterior surface of the portland cement parging from footing to finished grade, a continuous coating of one of the following:

a. A bituminous coating applied in accordance with the manufacturer's instructions.

b. Acrylic-modified cement applied at a minimum rate of 3 pounds per square yard.

c. A layer of minimum $^1/_8$-inch thick structural surface bonding material labeled as complying with ASTM C887.

Note: The ASTM C887 standard is entitled, "Standard Specification for Packaged, Dry, Combined Materials for Surface Bonding Mortar."

d. A waterproofing treatment applied in accordance with the manufacturer's instructions.

3. a. Parging of masonry block foundation walls is not required where a dampproofing material is sufficiently flexible to be listed or designed for direct application to masonry block.

b. Parging of masonry block foundation walls is not required where a layer of minimum ¼-inch thick structural surface bonding material labeled as complying with ASTM C887 is used for dampproofing.

(b) *Structural requirements.* Unless designed through structural analysis, the masonry foundation walls shall be constructed in accordance with ACI 530.1 and the following requirements:

1. The minimum thickness of unreinforced masonry foundation walls shall be determined by Table 321.18-C, but in no case shall the thickness be less than the thickness of the wall it supports.

2. Reinforced masonry walls shall be reinforced in accordance with the requirements of Tables 321.18-D, 321.18-E or 321.18-F. Vertical reinforcement shall be provided on each side of any opening and at intervals indicated in the appropriate table.

Table 321.18-C
PLAIN MASONRY FOUNDATION WALLS[d]

Maximum Wall Height (ft-in)	Depth of unbalanced backfill height (ft)	Minimum nominal wall thickness (inches) — Soil classes and lateral soil load[a] (psf per foot below exterior grade)		
		GW, GP, SW and SP soils 30	GM, GC, SM, SM-SC and ML soils 45	SC, MH, ML-CL and inorganic CL soils 60
7-8	4 (or less)	8	8	8
	5	8	10	10
	6	10	12	10 (solid[b])
	7	12	10 (solid[b])	12 (solid[b])
8-4	4 (or less)	8	8	8
	5	8	10	12
	6	10	12	12 (solid[b])
	7	12	12 (solid[b])	Note c
	8	10 (solid[b])	12 (solid[b])	Note c
9-1	4 (or less)	8	8	8
	5	8	10	12
	6	12	12	12 (solid[b])
	7	12 (solid[b])	12 (solid[b])	Note c
	8	12 (solid[b])	Note c	Note c
	9	Note c	Note c	Note c

[a]For design lateral soils, see s. SPS 321.18 (1) (e). Soil classes are in accordance with the Unified Soil Classification System and design lateral soil loads are for moist soil conditions without hydrostatic pressure.

[b]Solid grouted hollow units.

[c]An analysis in compliance with ACI 530 or reinforcement in accordance with Table 321.18-D, 321.18-E or 321.18-F is required.

[d]Mortar shall be Type M or S and masonry shall be laid in running bond.

Table 321.18-D[b,c,d]
8, 10 OR 12 IN. REINFORCED MASONRY FOUNDATION WALLS WHERE d ≥ 5 in.[e]

Maximum Wall Height (ft-in)	Height of unbalanced backfill (ft)	Vertical reinforcement — Soil classes and lateral soil load[a] (psf per foot below exterior grade)		
		GW, GP, SW and SP soils 30	GM, GC, SM, SM-SC and ML soils 45	SC, MH, ML-CL and inorganic CL soils 60
7-8	4 (or less)	#4 at 48″ o.c.	#4 at 48″ o.c.	#4 at 48″ o.c.
	5	#4 at 48″ o.c.	#4 at 48″ o.c.	#4 at 40″ o.c.
	6	#4 at 48″ o.c.	#5 at 48″ o.c.	#5 at 40″ o.c.
	7	#4 at 40″ o.c.	#5 at 40″ o.c.	#6 at 48″ o.c.
8-4	4 (or less)	#4 at 48″ o.c.	#4 at 48″ o.c.	#4 at 48″ o.c.
	5	#4 at 48″ o.c.	#4 at 48″ o.c.	#4 at 40″ o.c.
	6	#4 at 48″ o.c.	#5 at 48″ o.c.	#5 at 40″ o.c.
	7	#5 at 48″ o.c.	#6 at 48″ o.c.	#6 at 40″ o.c.
	8	#5 at 40″ o.c.	#6 at 40″ o.c.	#7 at 40″ o.c.
9-1	4 (or less)	#4 at 48″ o.c.	#4 at 48″ o.c.	#4 at 48″ o.c.
	5	#4 at 48″ o.c.	#4 at 48″ o.c.	#5 at 48″ o.c.
	6	#4 at 48″ o.c.	#5 at 48″ o.c.	#6 at 48″ o.c.
	7	#5 at 48″ o.c.	#6 at 48″ o.c.	#7 at 48″ o.c.
	8	#5 at 40″ o.c.	#7 at 48″ o.c.	#8 at 48″ o.c.
	9	#6 at 40″ o.c.	#8 at 48″ o.c.	#8 at 32″ o.c.

[a]For design lateral soil loads, see s. SPS 321.18 (1) (e). Soil classes are in accordance with the Unified Soil Classification System and design lateral soil loads are for moist soil conditions without hydrostatic pressure.

[b]Provisions for this table are based on construction requirements specified in s. SPS 321.18 (3) (b).

[c]For alternative reinforcement, see s. SPS 321.18 (3) (b).

[d]Mortar shall be Type M or S and masonry shall be laid in running bond.

[e]The specified location of the reinforcement shall equal or exceed the effective depth distance, d, measured from the face of the soil side of the wall to the center of vertical reinforcement.

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Table 321.18-E[b,c,d]
10 OR 12 IN. REINFORCED MASONRY FOUNDATION WALLS WHERE d ≥ 6.75 in.[e]

Maximum Wall Height (ft-in)	Height of unbalanced backfill (ft)	Vertical reinforcement: Soil classes and lateral soil load[a] (psf per foot below exterior grade)		
		GW, GP, SW and SP soils 30	GM, GC, SM, SM-SC and ML soils 45	SC, MH, ML-CL and inorganic CL soils 60
7-8	4 (or less)	#4 at 56″ o.c.	#4 at 56″ o.c.	#4 at 56″ o.c.
	5	#4 at 56″ o.c.	#4 at 56″ o.c.	#4 at 56″ o.c.
	6	#4 at 56″ o.c.	#4 at 48″ o.c.	#4 at 40″ o.c.
	7	#4 at 56″ o.c.	#5 at 56″ o.c.	#5 at 40″ o.c.
8-4	4 (or less)	#4 at 56″ o.c.	#4 at 56″ o.c.	#4 at 56″ o.c.
	5	#4 at 56″ o.c.	#4 at 56″ o.c.	#4 at 48″ o.c.
	6	#4 at 56″ o.c.	#4 at 48″ o.c.	#5 at 56″ o.c.
	7	#4 at 48″ o.c.	#4 at 32″ o.c.	#6 at 56″ o.c.
	8	#5 at 56″ o.c.	#5 at 40″ o.c.	#7 at 56″ o.c.
9-1	4 (or less)	#4 at 56″ o.c.	#4 at 56″ o.c.	#4 at 56″ o.c.
	5	#4 at 56″ o.c.	#4 at 56″ o.c.	#4 at 48″ o.c.
	6	#4 at 56″ o.c.	#4 at 40″ o.c.	#4 at 32″ o.c.
	7	#4 at 40″ o.c.	#5 at 48″ o.c.	#6 at 48″ o.c.
	8	#4 at 32″ o.c.	#6 at 48″ o.c.	#4 at 16″ o.c.
	9	#5 at 40″ o.c.	#6 at 40″ o.c.	#7 at 40″ o.c.

[a] For design lateral soil loads, see s. SPS 321.18 (1) (e). Soil classes are in accordance with the Unified Soil Classification System and design lateral soil loads are for moist soil conditions without hydrostatic pressure.
[b] Provisions for this table are based on construction requirements specified in s. SPS 321.18 (3) (b).
[c] For alternative reinforcement, see s. SPS 321.18 (3) (b).
[d] Mortar shall be Type M or S and masonry shall be laid in running bond.
[e] The specified location of the reinforcement shall equal or exceed the effective depth distance, d, measured from the face of the soil side of the wall to the center of vertical reinforcement.

Table 321.18-F[b,c,d]
12 IN. REINFORCED MASONRY FOUNDATION WALLS WHERE d ≥ 8.75 in.[e]

Maximum Wall Height (ft-in)	Height of unbalanced backfill (ft)	Vertical reinforcement: Soil classes and lateral soil load[a] (psf per foot below exterior grade)		
		GW, GP, SW and SP soils 30	GM, GC, SM, SM-SC and ML soils 45	SC, MH, ML-CL and inorganic CL soils 60
7-8	4 (or less)	#4 at 72″ o.c.	#4 at 72″ o.c.	#4 at 72″ o.c.
	5	#4 at 72″ o.c.	#4 at 72″ o.c.	#4 at 72″ o.c.
	6	#4 at 72″ o.c.	#4 at 64″ o.c.	#4 at 48″ o.c.
	7	#4 at 72″ o.c.	#4 at 48″ o.c.	#5 at 56″ o.c.
8-4	4 (or less)	#4 at 72″ o.c.	#4 at 72″ o.c.	#4 at 72″ o.c.
	5	#4 at 72″ o.c.	#4 at 72″ o.c.	#4 at 72″ o.c.
	6	#4 at 72″ o.c.	#4 at 56″ o.c.	#5 at 72″ o.c.
	7	#4 at 64″ o.c.	#5 at 64″ o.c.	#4 at 32″ o.c.
	8	#4 at 48″ o.c.	#4 at 32″ o.c.	#5 at 40″ o.c.
9-1	4 (or less)	#4 at 72″ o.c.	#4 at 72″ o.c.	#4 at 72″ o.c.
	5	#4 at 72″ o.c.	#4 at 72″ o.c.	#4 at 64″ o.c.
	6	#4 at 72″ o.c.	#4 at 56″ o.c.	#5 at 64″ o.c.
	7	#4 at 56″ o.c.	#4 at 40″ o.c.	#6 at 64″ o.c.
	8	#4 at 40″ o.c.	#6 at 64″ o.c.	#6 at 48″ o.c.
	9	#5 at 56″ o.c.	#7 at 72″ o.c.	#6 at 40″ o.c.

[a] For design lateral soil loads, see s. SPS 321.18 (1) (e). Soil classes are in accordance with the Unified Soil Classification System and design lateral soil loads are for moist soil conditions without hydrostatic pressure.
[b] Provisions for this table are based on construction requirements specified in s. SPS 321.18 (3) (b).
[c] For alternative reinforcement, see s. SPS 321.18 (3) (b).
[d] Mortar shall be Type M or S and masonry shall be laid in running bond.
[e] The specified location of the reinforcement shall equal or exceed the effective depth distance, d, measured from the face of the soil side of the wall to the center of vertical reinforcement.

3. Vertical reinforcement shall have a minimum yield strength of 60,000 psi.

4. Solid-grouted hollow units or cores containing vertical reinforcement shall be filled with masonry grout that complies with ASTM C 476.

5. In lieu of the reinforcement provisions of Tables 321.18-D, 321.18-E and 321.18-F, alternative reinforcing bar size and spacing having an equivalent cross-sectional area or reinforcement per linear foot of wall is permitted, provided the spacing of the reinforcement does not exceed 72 inches and reinforcing bar size does not exceed No. 11.

6. The depth below grade, wall height and reinforcement spacing may exceed the maximum values indicated in Tables 321.18-D, 321.18-E and 321.18-F only if the design is based on structural analysis.

(4) WOOD FOUNDATIONS. Wood foundations shall be designed and constructed in accordance with the wood-foundation standard adopted in Table 320.24-6m.

Note: The department will accept Permanent Wood Foundations Design and Construction Guide published by the Southern Forest Products Association through the Southern Pine Council, as complying with this standard. The Design and Construction Guide requires a 3.5 inch thick floor slab if a poured concrete floor slab is used.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (3) (intro), Register, February, 1985, No. 350, eff. 3-1-85; cr. (2) (c) to (e), r. and recr. Tables C and D, r. (3) (a) 2., renum. (3) (a) 1. to be (a), Register, January, 1989, No. 397, eff. 2-1-89; am. (intro.), (2) (b), (3) (b) and Table 21.18-D, cr. Table 21.18, r. (2) (c), renum. (2) (d) and (e) to be (2) (c) and (d), Register, March, 1992, No. 435, eff. 4-1-92; renum. (1) to (3) to be (2) to (4), and am. (3) (b), (4) (intro.) and (b), Table 21.18-A, r. (intro.) and Table 21.18, cr. (1), (3) (e), Register, November, 1995, No. 479, eff. 12-1-95; am (2), Register, January, 1999, No. 517, eff. 2-1-99; r. and recr. (1) (b), (3), Tables 21.18-C and D, am. (2) (a), r. Table 21.18-B, renum. Table 21.18-A to be Table 21.18-B and cr. (1) (c), (d), Tables 21.18-A, E and F, Register March 2001 No. 543, eff. 4-1-01; CR 02-077: r. (1) (c) 1., renum. (1) (d) to be (1) (e), cr. (1) (d), am. (4) (intro.), (b) and Tables 21.18-A, C and F Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (1) (d) 2. b. and Tables 21.18-C to F, cr. (2) (a) (title) and (b) (title), r. and recr. (3) (a) and (4) Register March 2009 No. 639, eff. 4-1-09; correction in (1) (e), (2) (a), (3) (b) 1., 2., 5., 6., (4), Table 321.18-C to -F made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: am. (1) (c) 3. a., cr. (1) (c) 3. d., am. (1) (d) 2. c., (4) Register December 2015 No. 720, eff. 1-1-16; CR 15-043: am. (1) (d) 1. c. Register December 2015 No. 720, eff. 1-1-16; correction under s. 13.92 (4) (b) 7. Register December 2015 No. 720.

Subchapter VI — Floors

SPS 321.19 Floor design. Floors shall support all dead loads plus the minimum unit live loads as set forth in s. SPS 321.02. The live loads shall be applied to act vertically and uniformly to each square foot of horizontal floor area. Basements shall be provided with wood or concrete or similar type floors that comply with s. SPS 321.20 or 321.205.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr., Register, March, 1992, No. 435, eff. 4-1-92; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.20 Concrete floors. (1) When concrete floors are provided, the thickness of the concrete shall measure at least 3 inches.

(2) When a concrete floor is placed in clay soils, a 4-inch thick base course shall be placed in the subgrade consisting of clean graded sand, gravel or crushed stone.

(3) When a concrete floor is placed on sand or gravel soils, the base course may be omitted unless drain tile is installed. If drain tile is installed, the requirements of s. SPS 321.17 shall be met.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. Register, January, 1999, No. 517, eff. 2-1-99; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.203 Garage floors. (1) MATERIALS. Garage floors shall be constructed of concrete or other noncombustible materials which are impermeable to petroleum products. Slab-on-grade concrete garage floors shall be at least 4 inches thick and placed over at least 4 inches of granular fill.

Note: It is not the intent of sub. (1) to require a concrete floor to be sealed to make it completely impermeable.

(2) CONFIGURATION. The floor shall be sloped such that water is removed in accordance with one of the following:

(a) Water drains toward the overhead door or to exterior grade such that no damage will be caused to any structural member or wall covering of the garage or the dwelling.

(b) Water drains into an interior floor drain that complies with the requirements of ch. SPS 382.

Note: See s. SPS 382.34 for floor drain requirements.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; CR 02-077: r. and recr. (2) Register May 2003 No. 569, eff. 8-1-03; correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.205 Wood floors in contact with the ground. Wood floors in contact with the ground shall comply with the requirements under s. SPS 321.18 (4).

History: Cr. Register, January, 1989, No. 397, eff. 2-1-89; am. Register, January, 1999, No. 517, eff. 2-1-99; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 02-077: r. and recr. Register May 2003 No. 569, eff. 8-1-03; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.21 Precast concrete floors. Precast concrete floors shall be designed through structural analysis, or load tables furnished by the precast product fabricator may be used, provided the load tables were developed using structural analysis or load testing.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, March, 1992, No. 435, eff. 4-1-92.

SPS 321.22 Wood frame floors. Unless designed through structural analysis, wood frame floors shall comply with the following requirements:

(1) FLOOR JOISTS. (a) *General.* 1. Floor joists shall comply with the structural requirements and live load determination under s. SPS 321.02.

Note: See ch. SPS 325 Appendix A for design information.

2. Where the joists of a floor system are parallel to, and located between bearing walls above and below, the joists shall be doubled.

(b) *Floor joists on concrete walls.* Where a sill plate is provided for floor joists on poured concrete, the sill plates shall be fastened to the foundation.

Note: Section SPS 321.18 (1) (d) requires the floor joists to also be fastened to the sill plate.

(c) *Floor joists on masonry walls with a solid top course.* Where a sill plate is provided for floor joists on solid block top course masonry, the sill plate shall be fastened to the foundation.

(d) *Floor joists on masonry walls with open top course.* 1. Where the masonry wall has an open top course, a sill plate at least as wide as the foundation wall shall be fastened to the foundation.

2. Where anchor bolts are used on masonry walls with an open top course, the minimum width of an individual piece making up the sill plate shall be at least 5.5 inches.

Note: A sill plate can be made of multiple pieces to achieve the full width.

(2) FLOOR TRUSSES. Metal plate connected wood floor trusses shall be designed in accordance with the Design Specifications for Metal Plate Connected Parallel Chord Wood Trusses and the National Design Specification for Wood Construction. Truss members shall not be cut, bored or notched.

(3) GIRDERS AND BEAMS. (a) Girders and beams shall be selected from Table 321.22-A1 or Table 321.22-A2 or shall be designed through structural analysis.

(b) Wood girders and beams shall be fitted at the post or column. Adjoining ends shall be fastened to each other to transfer horizontal loads across the joint. Beams shall also be fastened to the posts with framing anchors, angle clips, or equivalent.

(c) Where intermediate beams are used, they shall rest on top of the girders; or shall be supported by ledgers or blocks fastened to the sides of the girders; or they may be supported by approved metal hangers into which the ends of the beams shall be fitted.

(d) Lateral restraint for all wood beams shall be provided at all columns using a saddle or other approved connection where the beam meets one of the following conditions:

1. The beam is not restrained at both ends.

2. The beam is more than 11.25 inches deep using actual measurement.

Note: A saddle supports the beam on the bottom and allows for the through-connection of fasteners into the side of the beam.

(4) BEARING AND END CONFIGURATION. (a) *Sawn lumber.* 1. 'Joists.' Wood joists made of sawn lumber shall meet the following bearing requirements:

a. Wood joists supported on wood or metal shall have a bearing surface of at least 1½-inches measured from the end of the joist.

b. Wood joists supported on masonry or concrete shall have a bearing surface of at least 3 inches measured from the end of the joist.

c. The tail end of a floor joist may not extend past the edge of a beam by more than the depth of the floor joist.

d. Wood floor joists with ends that intersect over a beam shall have the ends overlap at least 3 inches and be securely fastened together with at least two 12d common nails or the ends shall be butt-jointed or face-jointed and fastened with ties, straps, plates or solid blocking.

2. 'Beams and girders.' Beams and girders made of sawn lumber shall have a bearing surface on their supports of at least 3 inches parallel to the beam or girder and be at least as wide as the beam or girder.

(b) *Engineered wood products.* Bearing surface for engineered wood products shall be in accordance with the manufacturer's instructions provided those instructions were developed through structural analysis or product testing and are applicable to the configuration.

(5) NOTCHING AND BORING. Notching and boring of beams or girders is prohibited unless determined through structural analysis.

(a) *Notching of floor joists.* 1. Notches located in the top or bottom of floor joists shall not have a depth exceeding $^1/_6$ the depth of the joist, shall not have a length exceeding $^1/_3$ the joist depth nor be located in the middle $^1/_3$ of the span of the joist.

2. Where floor joists are notched on the ends, the notch shall not exceed ¼ the depth of the joist. Notches over supports may extend the full bearing width of the support.

(b) *Boring of floor joists.* 1. 'General.' A hole may not be bored in a floor joist within 2 inches of a notch or another hole. In no case shall the distance between adjacent holes be less than the diameter of the larger hole.

2. 'Holes near the edge.' Holes bored in the top or bottom 2 inches of a joist shall follow the limitations for notching under par. (a).

3. 'Other holes.' Holes bored in floor joists that are not within 2 inches of the top or bottom of the joist shall have their diameter limited to $^1/_3$ the depth of the joist.

(c) *Engineered wood products.* Notching or boring of engineered wood products shall be done in accordance with the manufacturer's instructions provided those instructions were developed through structural analysis or product testing.

(6) OVERHANG OF FLOORS. (a) *General.* Except as provided in pars. (b) and (c), a floor joist overhang shall be cantilevered beyond the outer edge of the supporting wall below it by no more than the actual depth of the joist or shall be designed through structural analysis in accordance with s. SPS 321.02 (3).

(b) *Joist overhangs parallel to the main floor framing system.* Joist overhangs that are extensions of, and parallel to, the main floor framing system may extend beyond the depth of the joist without structural analysis provided they meet all of the following conditions:

1. The overhang is cantilevered no more than 2 feet beyond the outer edge of the supporting wall below it.

2. a. The overhang supports a uniform load limited to the weight of the bearing wall and the tributary roof area above it.

b. The tributary length of the roof area, excluding the eave overhang, is no more than 2 feet greater than the actual length of the joist directly below.

c. The eave overhang is no more than 2 feet.

Note: The tributary length is usually half the span of the joist or rafter.

3. The joist overhang does not support any concentrated

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loads. For the purposes of this subsection, a framed opening in the wall with a rough opening of 4 feet or less shall be considered uniform loading.

4. a. The cantilevered joist is doubled at the supporting wall.

b. The doubled joist length extends inward beyond the inner edge of the supporting wall by the same distance as the cantilever.

c. The added joist member is secured to the main joist as stated in the nailing schedule in ch. SPS 325 Appendix A, under the heading for "floor framing, built-up girder and beams, top loaded".

(c) *Joist overhangs perpendicular to the main floor framing system.* Joist overhangs that are perpendicular to the main floor framing system, or lookout joists, may extend beyond the depth of the joist without structural analysis provided they meet all of the following conditions:

1. The joist overhang is cantilevered no more than 2 feet beyond the outer edge of the supporting wall below it.

2. a. A double floor joist is used to support the lookout joist.

b. The double floor joist is located a distance of at least 2 times the cantilever length inward from the outer edge of the supporting wall below.

c. The lookout joists are fastened to the double joist with metal hangers.

3. The joist overhang supports no more than either a nonbearing wall or a wall that supports only a roof which spans no more than the floor overhang cantilever length plus the eave overhang.

(d) All overhangs longer than the depth of the supporting joist that do not meet all of the conditions under par. (b) or (c) shall be designed through structural analysis.

(7) FLOOR OPENINGS. Trimmers and headers shall be doubled when the span of the header exceeds 4 feet. Headers which span more than 6 feet shall have the ends supported by joist hangers or framing anchors, unless the ends are supported on a partition or beam. Tail joists (joists which frame into headers) more than 8 feet long shall be supported on metal framing anchors or on ledger strips of at least 2 inches by 2 inches nominal.

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TABLE 321.22-A1

MINIMUM SIZES FOR BEAMS AND GIRDERS OF STEEL OR WOOD

Column Spacing	One Floor Only		Roof/Ceiling and One Floor				Roof/Ceiling+ One Floor/Ceiling + One Floor			
	Wood Beams[1] (in., nominal)	A 36 Steel Beams[2]	Wood Beams[1,3] (in., nominal)		A 36 Steel Beams[2]		Wood Beams[1,3] (in., nominal)		A 36 Steel Beams[2]	
			Zone 2	Zone 1	Zone 2	Zone 1	Zone 2	Zone 1	Zone2	Zone 1
24 ft. wide house:										
8 ft.	8x8	—	8x10	10x10	—	—	8x12	10x12	—	—
			6x12	6x12	—	—	6x14	8x14	—	—
10 ft.	8x10	—	8x12	10x12	M 10x9	M 10x9	10x14	10x14	M 12x11.8	M 12x11.8
			6x14	8x14	W 6x12	W 8x10	8x16	8x16	W8x15	W 8x15
12 ft.	8x12	—	12x12	10x14	W 12x10	M 12x11.8	14x14	14x14	W 12x16	W 12x16
			10x14	8x16	W 10x11.5	W 8x15	10x16	12x16	W10x17	W 8x21
15 ft.	12x12	—	—	—	W 12x16	W 12x16	—	—	W 12x22	W 14x22
			—	—	W 10x17	W 6x25	—	—	W 8x28	W 8x31
26 ft. wide house:										
8 ft.	6x10	—	10x10	10x10	—	—	10x12	10x12	—	—
			6x12	8x12	—	—	8x14	8x14	—	—
10 ft.	10x10	—	10x12	10x12	M 10x9	M 12x10	10x14	12x14	M 12x11.8	W 12x14
			8x14	8x14	W 8x10	W 8x13	8x16	8x16	W 8x15	W 8x17
12 ft.	8x12	—	10x14	10x14	M 12x11.8	M 12x11.8	14x14	12x16	W 12x16	W 10x19
			8x16	8x16	W 8x15	W 6x20	12x16	10x18	W 8x21	W 8x24
15 ft.	10x14	—	—	—	W 12x16	W 10x19	—	—	W 14x22	W 14x22
			—	—	W 8x21	W 8x24	—	—	W 8x31	W 8x35
28 ft. wide house:										
8 ft.	6x10	—	10x10	8x12	—	—	10x12	10x12	—	—
			8x12	4x16	—	—	8x14	8x14	—	—
10 ft.	10x10	M 10x7.5	10x12	12x12	M 12x10	W 10x12	12x14	12x14	W 12x14	W 12x14
		W 6x9	8x14	8x14	W 8x13	W 8x13	8x16	10x16	W 8x17	W 10x15
12 ft.	10x12	M 10x9	10x14	12x14	M 12x11.8	W 12x14	12x16	12x16	W 10x19	M 14x18
		W 6x12	8x16	10x16	W 8x15	W 8x18	10x18	10x18	W 8x24	W 8x24
15 ft.	10x14	M 12x10	—	—	W 10x19	M 14x18	—	—	W 14x22	W 14x26
		W 8x13	—	—	W 8x24	W 8x24	—	—	W 8x35	W 8x35
30 ft. wide house:										
8 ft.	8x10	—	10x10	8x12	—	—	10x12	12x12	—	—
			8x12	6x14	—	—	8x14	8x14	—	—
10 ft.	10x10	M 10x7.5	10x12	12x12	M 12x10	M 12x10	12x14	12x14	W 12x14	W 12x14
		W 6x9	8x14	10x14	W 8x13	W 8x13	10x16	10x16	W 10x15	W 10x15
12 ft.	10x12	M 10x9	12x14	12x14	W 12x14	W 12x14	12x16	14x16	M 14x18	M 14x18
		W 6x12	8x16	10x16	W 8x18	W 8x18	10x18	12x18	W 8x24	W 8x24
15 ft.	12x14	M 12x11.8	—	—	M 14x18	W 10x21	—	—	W 14x26	W 14x26
		W 8x15	—	—	W 8x24	W 8x28	—	—	W 8x35	W 10x33
32 ft. wide house:										
8 ft.	8x10	—	8x12	8x12	—	—	12x12	12x12	—	—
			6x14	6x14	—	—	8x14	10x14	—	—
10 ft.	10x10	M 10x7.5	12x12	12x12	W 10x12	W 10x12	12x14	14x14	W 12x14	W 12x16
		W 6x9	8x14	10x14	W 8x13	W 6x16	10x16	10x16	W 10x15	W 10x17
12 ft.	10x12	M 10x9	12x14	14x14	W 12x14	W 12x14	14x16	14x16	M 14x18	W 12x22
		W 6x12	10x16	10x16	W 10x15	W 10x17	12x18	12x18	W 8x24	W 8x28
15 ft.	12x14	M 12x11.8	—	—	M 14x18	W 12x22	—	—	W 14x26	W 14x26
		W 8x15	—	—	W 8x24	W 8x28	—	—	W 10x33	W 10x33

[1]This table is based upon wood with a fiber bending stress of 1,000 psi. Two acceptable wood beam selections are listed for each loading condition.

[2]Two acceptable steel beam selections are listed for each loading condition. The first entry is the most economical selection based upon beam weight.

[3]Wood main beams or girders may be built up from nominal 2-inch members. The 2-inch members shall be laid on edge and fastened together with a double row of common nails not less than 3½-inches in length. Nails shall be spaced not more than 18 inches apart in each row with the end nails placed 4 inches to 6 inches from the end of each piece. Where built-up beams are employed over a single span, the length of each individual piece used to fabricate the beam shall equal the length of the beam.

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TABLE 321.22-A2

MINIMUM SIZES FOR BUILT-UP WOOD BEAMS IN BASEMENTS AND CRAWL SPACES SUPPORTING ONE FLOOR ONLY

	F_b=800 psi		F_b=1000 psi		F_b=1200 psi		F_b=1400 psi	
HOUSE WIDTH	**Col. Spacing ft-in**	**Beam size**	**Col. Spacing ft-in**	**Beam size**	**Col. Spacing ft-in**	**Beam size**	**Col. Spacing ft-in**	**Beam size**
16 ft.	7-8	3-2x8	8-7	3-2x8	9-4	3-2x8	10-2	3-2x8
	8-11	4-2x8	9-11	4-2x8	10-11	4-2x8	11-10	4-2x8
	9-11	3-2x10	11-1	3-2x10	12-1	3-2x10	13-1	3-2x10
	11-4	4-2x10	12-8	4-2x10	13-1	4-2x10	15-0	4-2x10
	12-0	3-2x12	13-5	3-2x12	14-8	3-2x12	15-10	3-2x12
	13-10	4-2x12	15-7	4-2x12	17-0	4-2x12	18-4	4-2x12
20 ft.	6-11	3-2x8	7-8	3-2x8	8-5	3-2x8	9-1	3-2x8
	7-11	4-2x8	8-11	4-2x8	9-9	4-2x8	10-7	4-2x8
	8-10	3-2x10	9-11	3-2x10	10-10	3-2x10	11-8	3-2x10
	10-2	4-2x10	11-4	4-2x10	12-6	4-2x10	13-6	4-2x10
	10-9	3-2x12	12-0	3-2x12	13-2	3-2x12	14-3	3-2x12
	11-5	4-2x12	13-11	4-2x12	15-2	4-2x12	16-5	4-2x12
24 ft.	6-3	3-2x8	7-1	3-2x8	7-8	3-2x8	8-4	3-2x8
	7-3	4-2x8	8-2	4-2x8	8-11	4-2x8	9-8	4-2x8
	8-1	3-2x10	9-0	3-2x10	9-11	3-2x10	10-8	3-2x10
	9-4	4-2x10	10-4	4-2x10	11-5	4-2x10	12-4	4-2x10
	9-9	3-2x12	10-11	3-2x12	12-0	3-2x12	12-11	3-2x12
	11-3	4-2x12	12-7	4-2x12	13-11	4-2x12	15-0	4-2x12
28 ft.	5-10	3-2x8	6-6	3-2x8	7-2	3-2x8	7-8	3-2x8
	6-8	4-2x8	7-6	4-2x8	8-3	4-2x8	8-11	4-2x8
	7-5	3-2x10	8-4	3-2x10	9-1	3-2x10	9-11	3-2x10
	8-7	4-2x10	9-8	4-2x10	10-6	4-2x10	11-4	4-2x10
	9-0	3-2x12	10-1	3-2x12	11-1	3-2x12	10-11	3-2x12
	10-5	4-2x12	11-8	4-2x12	12-10	4-2x12	13-10	4-2x12
32 ft.	5-4	3-2x8	6-1	3-2x8	6-8	3-2x8	7-3	3-2x8
	6-3	4-2x8	7-1	4-2x8	7-8	4-2x8	8-4	4-2x8
	7-0	3-2x10	7-9	3-2x10	8-7	3-2x10	9-2	3-2x10
	8-1	4-2x10	8-11	4-2x10	9-10	4-2x10	10-8	4-2x10
	8-5	3-2x12	9-6	3-2x12	10-4	3-2x12	11-1	3-2x12
	9-9	4-2x12	11-0	4-2x12	12-0	4-2x12	12-11	4-2x12
36 ft.	5-1	3-2x8	5-9	3-2x8	6-3	3-2x8	6-9	3-2x8
	5-11	4-2x8	6-7	4-2x8	6-9	4-2x8	7-10	4-2x8
	6-6	3-2x10	7-4	3-2x10	8-1	3-2x10	8-8	3-2x10
	7-6	4-2x10	8-6	4-2x10	9-4	4-2x10	10-0	4-2x10
	7-11	3-2x12	8-11	3-2x12	9-9	3-2x12	10-7	3-2x12
	9-2	4-2x12	10-4	4-2x12	11-4	4-2x12	12-4	4-2x12

[1]This table provides maximum allowable spans in feet and inches for main beams or girders which are built-up from nominal 2-inch members.
[2]Fiber bending stress for various species and grades of wood is given in Appendix A321.
[3]The 2-inch members shall be laid on edge and fastened together with a double row of common nails not less than 3½-inches in length. Nails shall be spaced not more than 18 inches apart in each row with the end nails placed 4 inches to 6 inches from the end of each piece.
[4]Where built-up wood beams are employed over a single span, the length of each individual piece used to fabricate the beam shall equal the length of the beam.
[5]Where built-up wood beams are continued over more than one span and where lengths of individual pieces are less than the total length of the complete beam, butt joints shall be located over supports or within 6 inches of the quarter points of the clear span. Where located near the quarter points, the joints in built-up beams shall be separated by at least one lamination and shall not exceed the beam width.

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(8) FLOOR SHATHING, BOARDS AND PLANKS. (a) *Plywood sheathing.* Plywood sheathing used for floors shall be limited to the allowable loads and spans shown in Table 321.22-B.

(c) *Combination subfloor-underlayment.* Combination subfloor-underlayment shall be installed in accordance with Table 321.22-D.

(d) *Floor boards.* Where wood boards are used for floor sheathing, the boards shall comply with the minimum thicknesses shown in Table 321.22-E.

(e) *Planks.* Planks shall be tongue and groove or splined and at least 2 inches, nominal, in thickness. Planks shall terminate over beams unless the joints are end matched. The planks shall be laid so that no continuous line of joints will occur except at points of support. Planks shall be nailed to each beam.

(9) BRIDGING. (a) *Sawn lumber.* Bridging shall be provided for sawn lumber framing at intervals not exceeding 8 feet where the nominal depth to thickness ratio is greater than 4 to 1.

Note: This 4:1 ratio means bridging is required for wood-framed floors having nominal 2X10 or deeper solid-sawn-lumber joists, to provide restraint against rotation or lateral displacement.

(b) *Engineered products.* Bridging shall be provided for engineered framing products in accordance with the manufacturer's recommendations.

Note: See s. SPS 321.18 (1) (d) for further requirements relating to floor framing, including for bridging or blocking of floor framing to provide lateral support to the top of foundation walls.

(10) SILL PLATES. All of the following requirements apply to a sawn-lumber sill plate with uniform loading that is partially extended beyond the load-bearing surface of a foundation wall in order to put the exterior surface of an upper-lying wall flush with or beyond the exterior surface of insulation that is placed on the outside of the foundation wall:

(a) The center of any anchor bolt shall be set back from the side edge of the sill plate by a distance of at least 4 times the diameter of the bolt.

(b) The thickness of the concrete or mortar cover around any anchor bolt shall comply with ACI 318 section 7.7.

Note: Under ACI 318 section 7.7, the minimum cover for a 5/8-inch-diameter or smaller bolt is 1 1/2 inches.

(c) With wood floor joists that are parallel to the foundation wall, the sill plate may not extend beyond the load-bearing surface of the wall by more than one-half of the nominal thickness of the joist that bears on the sill plate.

Note: As used throughout this chapter and in the standards that the chapter incorporates by reference, the shorter side of the cross-sectional area of a wood member is the thickness of the member. The longer side of the cross-sectional area is the depth, when the longer side is vertical; and it is the width when the longer side is horizontal.

Note: Under sub. (6), wood floor joists that are perpendicular to the foundation wall can extend beyond the foundation wall by a distance of up to the depth of the joist.

Note: Subsection (1) (d) requires a full-width sill plate for floor joists over open-core masonry units.

Table 321.22-B
ALLOWABLE SPANS FOR PLYWOOD FLOOR SHEATHING CONTINUOUS OVER TWO OR MORE SPANS AND FACE GRAIN PERPENDICULAR TO SUPPORTS[1]

Span Rating[2]	Plywood Thickness (in inches)	Maximum span[3] (in inches)
$^{32}/_{16}$	$^{15}/_{32}$, $^{1}/_{2}$, $^{5}/_{8}$	16[5]
$^{40}/_{20}$	$^{19}/_{32}$, $^{5}/_{8}$, $^{3}/_{4}$, $^{7}/_{8}$	20[4,5]
$^{48}/_{24}$	$^{23}/_{32}$, $^{3}/_{4}$, $^{7}/_{8}$	24

[1]These values apply to C-D, C-C, and Structural I and II grades only. Spans shall be limited to values shown because of possible effect of concentrated loads.
[2]Span Rating appears on all panels in the construction grades listed in footnote 1.
[3]Plywood edges shall have approved tongue and groove joints or shall be supported with blocking, unless ¼-inch minimum thickness underlayment or 1½ inches of approved cellular or lightweight concrete is installed or finished floor is $^{25}/_{32}$-inch wood strip. Allowable uniform load based on deflection of $^{1}/_{360}$ of span is 165 pounds per square foot.
[4]For joists spaced 24 inches on center, plywood sheathing with Span Rating $^{40}/_{20}$ or greater can be used for subfloors when supporting 1½ inches lightweight concrete.
[5]May be 24 inches if $^{25}/_{32}$-inch wood strip flooring is installed at right angles to joists.

Table 321.22-D
MINIMUM THICKNESS FOR PLYWOOD COMBINATION SUBFLOOR-UNDERLAYMENT. PLYWOOD CONTINUOUS OVER TWO OR MORE SPANS AND FACE GRAIN PERPENDICULAR TO SUPPORTS[1,2]

		Maximum Support Spacing[3]		
		16″ o.c.	20″ o.c.	24″ o.c.
Plywood Grade	Plywood Species Group	Panel Thickness (inches)	Panel Thickness (inches)	Panel Thickness (inches)
Sanded exterior type	1	$^{1}/_{2}$	$^{5}/_{8}$	$^{3}/_{4}$
	2 & 3	$^{5}/_{8}$	$^{3}/_{4}$	$^{7}/_{8}$
	4	$^{3}/_{4}$	$^{7}/_{8}$	1
Underlayment C-C Plugged Sturd-I-Floor[4]	All Groups	APA Rated Sheathing and APA Rated Sturd-I-Floor shall be installed consistent with their rating.		

[1]Spans shall be limited to values shown, based on possible effect of concentrated loads.
[2]Unsupported edges shall be tongue and groove or blocked except where ¼-inch underlayment or $^{25}/_{32}$-inch finish floor is used.
[3]Underlayment, C-C Plugged, sanded exterior type: allowable uniform load based on deflection of L/360 span for spans 24 inches or less is 125 psf; and for spans 48 inches, 65 psf.
[4]The department will accept subfloor underlayment panels such as Sturd-I-Floor which meet the requirements of APA manufacturing specifications for Sturd-I-Floor panels.

Table 321.22-E
MINIMUM THICKNESS OF FLOOR BOARDS

Joist Spacing (inches)	Minimum Net Thickness (inches)	
	Perpendicular to Joist	Diagonal to Joist
24	$^{11}/_{16}$	$^{3}/_{4}$
16	$^{5}/_{8}$	$^{5}/_{8}$

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) and cr. (1m), Register, February, 1985, No. 350, eff. 3-1-85; renum. (8) (c) and (d) to be (8) (d) and (e) and am. (8) (d), renum. Table 21.22-A and D to be Table 21.22 A1 and E, cr. (8) (c), Table 21.22 A2, r. and recr. Tables 21.22 B and C, Register, January, 1989, No. 397, eff. 2-1-89; am. (2), (4), (5), (6) and (9), r. and recr. Table 21.22-A2, Register, March, 1992, No. 435, eff. 4-1-92; am. (5) (b) and cr. (5) (c), Table 21.22-A1, r. Table 21.22-A, Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (9), Register, January, 1999, No. 517, eff. 2-1-99; r. and recr. (1m), (4), and (5) (b), Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (5) (b) 1., r. and recr. (6) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: r. and recr. (1), r. (1m), (8) (b) and Table 21.22-C, renum. (3) (intro.), (a) and (b) to be (3) (a), (b) and (c), cr. (3) (d) Register March 2009 No. 639, eff. 4-1-09; correction in (1) (a) 1., (3) (a), (6) (a), (8) (a), (c), (d), Table 321.22-A2 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: cr. (10) Register December 2015 No. 720, eff. 1-1-16; CR 15-043: am. (6) (b) 4. c. Register December 2015 No. 720, eff. 1-1-16.

SPS 321.225 Decks. (1) Decks attached to dwellings and any detached decks that serve an exit shall comply with the applicable provisions of subchs. II to X of ch. SPS 321, including all of the following:

(a) Excavation requirements under s. SPS 321.14;

(b) Footing requirements under s. SPS 321.15 (2) (f);

(c) Frost penetration requirements under s. SPS 321.16;

(d) Load requirements under s. SPS 321.02;

(e) Stair, handrail and guard requirements of s. SPS 321.04.

(f) Decay protection requirements of s. SPS 321.10.

(2) A deck that complies with the standards in ch. SPS 325 Appendix B, and ch. SPS 325 Appendix C, if applicable, shall be considered as complying with sub. (1).

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; correction in (1) to (6) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-043: Renum. to (1) and am., cr. (2) Register December 2015 No. 720, eff. 1-1-16.

Subchapter VII — Walls

SPS 321.23 Wall design. (1) LIVE AND DEAD LOADS. All walls shall support all superimposed vertical dead loads and live loads from floors and roofs.

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(2) HORIZONTAL WIND LOAD. Walls shall be designed to withstand a horizontal wind pressure of at least 20 pounds per square foot applied to the vertical projection of that portion of the dwelling above grade. No wind load reduction shall be permitted for the shielding effect of other buildings.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.

SPS 321.24 Exterior covering. (1) GENERAL. The exterior walls shall be covered with a permanent weather resistant finish.

(2) DURING CONSTRUCTION. During construction, wall cavity insulation may not be installed until a water-resistant covering is in place over the wall cavity and windows, doors and a roof with at least underlayment are installed.

Note: An example of acceptable water-resistant covering for a wall is foam sheathing with permanently taped joints.

(3) FLASHING. (a) Corrosion-resistant flashing shall be installed in the exterior wall to prevent water from entering the wall cavity or coming in contact with the structural framing components.

(b) The flashing shall extend to the surface of the exterior wall finish and prevent water from reentering the exterior wall.

(c) 1. Any joints between 2 pieces of flashing that form a vertical joint shall be lapped a minimum of 6 inches and sealed.

2. Any joints between 2 pieces of flashing that form a horizontal joint shall be lapped a minimum of 2 inches and sealed unless otherwise specified by the flashing manufacturer.

3. Sealants used for flashing shall be exterior grade and shall be compatible with the materials being sealed.

(d) Flashing shall be provided at all of the following locations:

1. At the top of all exterior door and window openings, unless using self-flashing windows that provide at least one inch of flashing around the opening, including the corners.

2. At the intersection of chimneys or other masonry construction with frame walls.

3. Under and at the ends of masonry, wood or metal copings and sills.

4. Continuously above all projecting wood trim.

5. Where porches, decks or stairs attach to a wall or floor assembly of wood frame construction.

6. At wall and roof intersections.

7. At built-in gutters.

8. Along the bottom of door openings that are elevated above-grade.

Note: Flashing placed along the bottom of a door opening that is elevated above-grade can subsequently accommodate adding a deck outside the door.

(e) For a roof that intersects with an upper-lying head wall and rake wall, such as where a dormer is provided, the vertical metal flashing along the rake wall shall extend down the roof at least one-half inch past the vertical flashing on the head wall.

Note: A head wall as addressed in this paragraph intersects a sloping roof at a horizontal line along the top of a roof segment. A rake wall intersects a sloping roof along the side of a roof segment.

(f) For a roof eave that intersects with a sidewall, the end of the roof flashing shall be installed so that it diverts water away from the sidewall and onto the roof or into the gutter.

Note: See s. SPS 321.26 (5) for additional flashing requirements with masonry cavity walls and s. SPS 321.28 (7) for additional flashing requirements with roofing.

Note: See s. SPS 321.26 (8) for further requirements relating to flashing for masonry.

(4) WATER-RESISTIVE BARRIER REQUIREMENTS. (a) *General.* 1. Exterior walls of wood or metal frame construction shall be provided with a water-resistive barrier from the highest point to the bottom of the permanent weather-resistant covering.

Note: Acceptable water-resistive barrier materials include polymeric-based house wraps and spray-applied water-resistive barriers installed per the manufacturer's instructions, #15 or greater asphalt-saturated felts that comply with ASTM D 226 for type I felt and extruded foam sheathing with permanently taped joints. Duct tape or similar will not result in a permanently taped joint.

2. Structural products with an integral water-resistive barrier may be approved by the department as a complete assembly.

(b) *Material compatibility.* The water-resistive barrier material shall be compatible with the other materials in the wall with which it will come into contact.

Note: Spray-applied water-resistive barriers may not be compatible with foam plastic insulation.

(c) *Performance requirements.* 1. Polymer-based house wraps shall meet all of the following requirements:

a. A water vapor permeability rating of 5 perms or higher when tested in accordance with ASTM E96.

b. An acceptable water-resistance rating determined in accordance with ASTM D779, AATCC 127 or CCMC 07102.

Note: Asphalt-saturated felt or "tar paper" is not a polymeric-based house wrap.

Note: For more information on the water-resistance tests and their results, see the International Code Council Evaluation Services Acceptance Criteria AC 38.

2. Spray-applied water-resistive barriers shall be approved under the International Code Council Evaluation Services.

Note: For approval criteria, see ICC-ES acceptance criteria AC 212 or successor document.

(d) *Application.* 1. Horizontal seams in sheet or strip material shall be overlapped such that the upper layer extends over the lower layer at least 2 inches.

2. Vertical seams in sheet or strip materials shall be overlapped at least 6 inches.

3. Any rips, tears or voids shall be patched in accordance with subds. 1. and 2.

(e) *Penetrations.* 1. Penetrations caused by fasteners of the water-resistive barrier or the weather-resistant exterior covering do not require sealing.

2. Penetrations of 5 square inches or less with an annular space of no more than ½ inch shall be sealed with caulk or similar material.

3. Penetrations of greater than 5 square inches shall be flashed in accordance with sub. (3).

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: cr. (3) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (2), renum. (3) (c) to be (3) (d), cr. (3) (c) and (4) Register March 2009 No. 639, eff. 4-1-09; CR 15-041: cr. (3) (e), (f) Register December 2015 No. 720, eff. 1-1-16; CR 15-043: cr. (3) (d) 8. Register December 2015 No. 720, eff. 1-1-16.

SPS 321.25 Wood frame walls. Unless designed through structural analysis, wood frame walls shall comply with the following requirements.

(1) STUD CONFIGURATION. Wood studs shall comply with the size and spacing requirements indicated in Table 321.25-A. Studs in the exterior walls shall be placed with the wide faces perpendicular to the plane of the wall.

Note: See ch. SPS 325 Appendix A for acceptable nailing schedule.

Note: See s. SPS 321.10 for requirements on treating wood for decay and termite resistance.

(2) TOP PLATES. (a) *General.* Except as allowed under subd. 3., top plates shall be provided and configured as follows:

1. Studs at bearing walls shall be capped with double top plates.

2. End joints in double top plates shall be offset at least 2 stud spaces.

3. Double top plates shall be overlapped at the corners and at intersections of partitions.

4. The plate immediately above the stud may have a joint only when directly over the stud.

(b) *Notching and boring.* 1. When piping or ductwork is placed in an exterior wall or an interior load-bearing wall, such

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that at least half of the top plate is removed, the plate shall be reinforced with a steel angle at least 2 inches by 2 inches by 20 gauge thick.

Note: 20 gauge is approximately 0.036 inch.

2. The steel angle shall span the gap and extend at least to the midpoint of the adjacent stud spaces.

3. Other equivalent materials may be used in accordance with s. SPS 321.02.

(c) *Exceptions.* 1. A single top plate may be used in place of a double top plate provided a rafter is located directly over the studs and the plate is securely tied at the end joints, corners and intersecting walls. Joints may occur in single top plates only when directly over a stud.

2. A continuous header, consisting of two 2-inch members set on edge, may be used in lieu of a double plate if tied to the adjacent wall.

(2m) BOTTOM PLATES. (a) *Masonry foundation walls with open top course.* 1. Where a masonry foundation wall has an open top course, a bottom plate at least as wide as the foundation wall shall be fastened to the foundation.

2. Where anchor bolts are used on a masonry foundation wall with an open top course, the minimum width of an individual piece making up the bottom plate shall be at least 5 1/2 inches.

Note: A sill plate can be made of multiple pieces to achieve the full width.

(b) *Extension beyond the bearing surface.* All of the following requirements apply to a sawn-lumber sill plate with uniform loading that is partially extended beyond the load-bearing surface of a foundation wall in order to put the exterior surface of an upper-lying wall flush with or beyond the exterior surface of insulation which is placed on the outside of the foundation wall:

1. The center of any anchor bolt shall be set back from the side edge of the sill plate by a distance of at least 4 times the diameter of the bolt.

2. The thickness of the concrete or mortar cover around any anchor bolt shall comply with ACI 318 section 7.7.

Note: Under ACI 318 section 7.7, the minimum cover for a 5/8-inch-diameter or smaller bolt is 1 1/2 inches.

3. Where a stud wall bears directly on a double bottom plate, the plate may not extend more than 1 1/2 inches beyond the load-bearing surface of the foundation wall.

4. Where a stud wall bears directly on a single bottom plate, the plate may not extend more than 1 inch beyond the load-bearing surface of the foundation wall.

(3) WALL OPENINGS. (am) *Headers.* Where doors or windows occur, headers shall be used to carry the load across the opening.

(bm) *Header size.* The size of headers shall be determined in accordance with the spans and loading conditions listed in Tables 321.25-B, 321.25-C and 321.25-D. Headers for longer spans shall be designed by an engineering method under s. SPS 321.02.

(cm) *Header support.* Headers in bearing walls shall be supported in accordance with subd. 1. or 2. or 3.

1. Headers 3 feet or less in length shall be directly supported on each end by either:

a. The single common stud and a shoulder stud; or

b. The single common stud with a framing anchor attached.

2. Headers greater than 3 feet but less than or equal to 6 feet in length shall be directly supported on each end by the single common stud and a shoulder stud.

3. Headers greater than 6 feet in length shall be directly supported on each end by the single common stud and 2 shoulder studs.

(4) NOTCHING. Notching and boring of columns or posts is prohibited unless designed through structural analysis. Studs shall not be cut or bored more than $^1/_3$ the depth of the stud, unless the stud is reinforced.

(5) PARTITIONS. Load-bearing partitions shall be placed over beams, girders, or other load-bearing partitions. Load-bearing partitions running at right angles to the joists shall not be offset from the main girder or walls more than the depth of the joist unless the joists are designed to carry the load.

(6) POSTS AND COLUMNS. (a) *General.* 1. Posts and columns shall be installed to resist imposed loads.

2. Posts and columns shall bear directly over the middle $^1/_3$ of a footing.

3. Posts and columns shall be restrained at the top and bottom to resist displacement.

4. All columns shall be positively attached to the beams they support using clips, straps or saddles.

5. Posts and columns that use a height adjustment mechanism shall have the mechanism imbedded in concrete or permanently disabled after installation.

(b) *Bearing surface.* Posts and columns shall have a steel bearing plate affixed to one or both ends to distribute any applied loads and to prevent fiber crushing of any structural member being supported.

(c) *Steel posts or columns.* Steel posts or columns shall be sized according to one of the following methods:

1. Manufactured columns shall follow the manufacturer's testing and listing.

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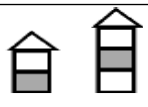
Table 321.25-A
SIZE, HEIGHT AND SPACING OF WOOD STUDS[a, c]

Nominal Stud Size (inches)	Bearing and Exterior Nonbearing Walls					Interior Nonbearing Walls	
	Maximum Laterally Unsupported Stud Height[a] (feet)	Maximum Spacing When Supporting Roof and Ceiling Only (inches)	Maximum Spacing When Supporting One Floor, Roof and Ceiling (inches) 	Maximum Spacing When Supporting Two Floors, Roof and Ceiling (inches)	Maximum Spacing When Supporting One Floor Only (inches)	Maximum Laterally Unsupported Stud Height[a] (feet)	Maximum Spacing (inches)
2 x 3[b]	-	-	-	-	-	10	16
2 x 4	10	24	16	-	24	14	24
3 x 4	10	24	24	16	24	14	24
2 x 5	10	24	24	-	24	16	24
2 x 6	12[d]	24	24	16	24	20	24

[a]Listed heights are distances between points of lateral support placed perpendicular to the plane of the wall. Increases in unsupported height are permitted where justified by analysis. Studs shall be stud grade or better, except that utility grade may be used when spaced not more than 16 inches on center, supports no more than a roof and ceiling and does not exceed 8 feet in height for exterior walls or 10 feet in height for interior nonload-bearing walls.

[b]May not be used in exterior walls.

cAll spacing dimensions are to the center of the studs.

[d]Use of stud heights that range from over 10 feet to 12 feet for bearing and exterior nonbearing walls is prohibited unless supported by structural analysis. The allowable deflection may not exceed whichever of the following are applicable:
Interior walls and partitions — span height/180.
Exterior walls with plaster or stucco finish — span height/360.
Exterior walls with other brittle finishes — span height/240.
Exterior walls with flexible finishes — span height/120.
Exterior walls with interior gypsum wallboard finish — span height/180.
Any manufacturer-specified limits for any included windows or doors.

Note: A 3-story frame house with walls constructed of 2 x 4 standard grade studs would require a 12-inch stud spacing on the lowest level, a 24-inch stud spacing on the intermediate level, and a 24-inch stud spacing on the upper level.

2. Columns made solely of steel pipe stock shall follow Table 321.25-E.

3. Columns made of steel stock, not meeting the requirements of subd. 1.or 2., shall follow a nationally accepted design specification or the size shall be determined through structural analysis or load testing.

(d) *Wood posts or columns.* Wood posts or columns shall be sized according to Table 321.25-F or the size shall be determined through structural analysis or load testing.

Table 321.25-B
ALLOWABLE SPANS (FEET) FOR HEADERS SUPPORTING ROOF/CEILING ASSEMBLIES*

House Width (feet)	Header Members: Two 2 x 4s		Two 2 x 6s		Two 2 x 8s		Two 2 x 10s		Two 2 x 12s	
	Zone 2/Zone 1		Zone 2/Zone 1		Zone 2/Zone 1		Zone2/Zone 1		Zone 2/Zone 1	
24	2.5	2.5	4	4	5	5	7	6	9	8
26	2.5	2	4	3	5	5	7	6	8	7
28	2.5	2	4	3	5	4	6	6	8	7
30	2.5	2	4	3	5	4	6	6	8	7
32	2	2	3	3	5	4	6	5	7	7

Table 321.25-C
ALLOWABLE SPANS (FEET) FOR HEADERS SUPPORTING ONE FLOOR*

House Width (feet)	Header Members: Two 2 x 4s	Two 2 x 6s	Two 2 x 8s	Two 2 x 10s	Two 2 x 12s
24	2.5	4	5	6	8
26	2.5	3	5	6	8
28	2	3	5	6	7
30	2	3	4	6	7
32	2	3	4	5	7

Table 321.25-D
ALLOWABLE SPANS (FEET) FOR HEADERS SUPPORTING ONE FLOOR AND ROOF/CEILING ASSEMBLY*

House Width (feet)	Header Members: Two 2 x 4s		Two 2 x 6s		Two 2 x 8s		Two 2 x 10s		Two 2 x 12s	
	Zone 2/Zone 1		Zone 2/Zone 1		Zone 2/Zone 1		Zone2/Zone 1		Zone 2/Zone 1	
24	1.5	1.5	3	2.5	4	3	5	4	6	5
26	1.5	1.5	2.5	2.5	3	3	4	4	5	5
28	1.5	1.5	2.5	2.5	3	3	4	4	5	5
30	1.5	1.5	2.5	2.5	3	3	4	4	5	5
32	1.5	1.5	2.5	2	3	3	4	4	5	5

*These tables are based on wood with a fiber bending stress of 1,000 psi. For other species with different fiber bending stresses, multiply the span by the square root of the ratio of the actual bending stress to 1,000 psi. Example: From Table 321.25-B, the allowable roof/ceiling span for a 28-foot wide house in zone 2, using two 2 x 8 header members with a 1400 psi bending stress, is 5 feet $\times \sqrt{1400/1000}$ = 5.9 feet.

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Table 321.25-E
COLUMNS MADE OF STEEL PIPE STOCK[1,2]

Column Diameter (inches)	Wall Thickness (inches)	Weight/ft (pounds)	Height (feet)	Allowable Load (pounds)
3	0.216	7.58	8	34,000
			10	28,000
			12	22,000
3.5	0.226	9.11	8	44,000
			10	38,000
			12	32,000
4	0.237	10.79	8	54,000
			10	49,000
			12	43,000
5	0.258	14.62	8	78,000
			10	73,000
			12	68,000
6	0.280	18.97	8	106,000
			10	101,000
			12	95,000

[1]This Table is based on a yield strength or Fy of 36,000 psi.
[2]This table is for columns made solely of steel pipe stock. The addition of any adjustment mechanism or other feature will alter the load-carrying capacity of the column.

Table 321.25-F
WOOD COLUMNS

Wood Nominal Size (inches)	Cross Section Area (inches)	Height (feet)	Allowable Load (pounds)
4 x 4	12.25	8	4,900
		10	3,100
		12	2,150
4 x 6	19.25	8	7,700
		10	4,900
		12	3,400
6 x 6	30.25	8	30,000
		10	18,900
		12	13,300

Note: This Table is based on a modulus of elasticity or E of 1,000,000 psi and a fiber bending strength or F_b of 1,000 psi.

(7) FOUNDATION CRIPPLE WALLS. (a) Foundation cripple walls shall be framed with studs at least as large as the studs above.

(b) When more than 4 feet in height, cripple walls shall be framed with studs needed for an additional floor level.

(c) Cripple walls with a stud height of less than 14 inches shall be sheathed on at least one side for its entire length with a wood structural panel that is fastened to both the top and bottom plates or the cripple walls shall be constructed of solid blocking.

(d) Cripple walls with a stud height of 14 inches or greater shall be braced in accordance with sub. (8).

(e) Cripple walls shall be fully supported by a continuous foundation.

(8) WALL BRACING. (a) *General.* Dwellings using wood-framed walls shall be braced in accordance with this section. Where a building, or a portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with accepted engineering practice.

Note: Acceptable engineering wall bracing practices include any of the following:

1. The provisions under section R602.10 or R602.12 of the International Residential Code (IRC) – 2012.
2. Design in accordance with the engineering basis of the 2012 IRC bracing provisions, such as described in Crandell, J. and Martin, Z., "The Story Behind the *2009 IRC* Wall Bracing Provisions (Part 2: New Wind Bracing Requirements)," *Wood Design Focus*, Forest Products Society, Peachtree Corners, GA, Spring 2009.
3. Installation instructions from the manufacturer of the bracing product that are compliant with s. SPS 321.02.

Note: For a walk-out basement where some of the walls are concrete and other walls or portions thereof are wood-framed, the Department considers a minimum 8-inch-nominal-thickness poured-in-place concrete basement wall as being equivalent in lateral load and shear resistance to any of the allowable wood-framed wall bracing materials. To determine the required bracing for a walk-out basement, first draw a rectangle around the entire floor plan and projections as if all of the walls are wood-framed. Determine the required bracing amounts per the chosen bracing material and method and then locate the bracing to meet the requirements of Figure 321.25-C. Any required braced wall panel locations that occur on a wall or portion of a wall that is actually of poured-in-place concrete construction is considered equivalent, and that amount of bracing will count towards the minimum required amount and will not need to be provided in another location on that rectangle side.

(b) *Bracing Materials and Methods.* Wall bracing shall consist of the materials and methods listed in Table 321.25–G or approved alternatives capable of providing the required wind load resistance as determined in accordance with s. SPS 321.02 (1) (c).

Table 321.25-G
BRACING METHODS[a, f]

Material	Minimum Brace Material Thickness or Size	Maximum Nominal Wall Height[b]	Minimum Braced Wall Panel Width or Brace Angle	Connection Criteria	
				Minimum Fasteners	Maximum Spacing
Intermittent Bracing Methods					
LIB[c] Let-in bracing	1x4 wood brace (or approved metal brace installed per manufacturer instructions)	10'	45° angle and maximum 16" o.c. stud spacing[b]	2-8d common nails or 3-8d box nails (2 3/8" long x 0.113" diameter)	Per stud and top and bottom plates[e]
DWB Diagonal wood boards	¾" (1" nominal) for maximum 24" o.c. stud spacing	10'	48"	2-8d box nails (2 3/8" long x 0.113" diameter) or 2 - 1 3/4" long 16-gage staples	Per stud and top and bottom plates[e]
WSP Wood structural panel	3/8" for maximum 16"o.c. stud spacing; 7/16" for maximum 24" o.c. stud spacing	10'	48"	6d common nail or 8d box nail (2 3/8" long x 0.113" diameter); or 7/16"- or 1/2"-crown 16-gage staples, 1 1/4" long	6" edges, 12" field (nails) 3" edges, 6" field (staples)

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Table 321.25-G
BRACING METHODS[a, f] (Continued)

Material	Minimum Brace Material Thickness or Size	Maximum Nominal Wall Height[b]	Minimum Braced Wall Panel Width or Brace Angle	Connection Criteria	
				Minimum Fasteners	Maximum Spacing
Intermittent Bracing Methods					
SFB Structural fiberboard sheathing	½" for maximum 16" o.c. stud spacing	10'	48"	1 1/2" long x 0.120" diameter galvanized roofing nails or 1"-crown 16-gage staples, 1 1/4" long	3" edges, 6" field
GB Gypsum board (installed on both sides of wall)	½" for maximum 24" o.c. stud spacing	10'	96"	5d cooler nails, or #6 screws	7" edges, 7" field (including top and bottom plates)
Continuous Sheathed Bracing Methods					
CS-WSP[d] Continuous sheathed WSP	3/8" for maximum 16"o.c. stud spacing; 7/16" for maximum 24" o.c. stud spacing	12'	Refer to Table 321.25-H	Same as WSP	Same as WSP
CS-SFB[d] Continuous sheathed SFB	½" for maximum 16" o.c. stud spacing			Same as SFB	Same as SFB
Narrow Panel Bracing					
PF Portal frame	7/16"	12'	Refer to Figure 321.25–A	Refer to Figure 321.25–A	Refer to Figure 321.25–A

[a]The interior side of all exterior walls shall be sheathed with minimum ½-inch gypsum wallboard unless otherwise permitted to be excluded by this subsection. All edges of panel-type wall bracing, except horizontal joints in GB bracing, shall be attached to framing or blocking.

[b]The actual measured wall height shall include stud height and thickness of top and bottom plates. The actual wall height shall be permitted to exceed the listed nominal values by not more than 4½ inches. Tabulated bracing amounts in s. SPS 321.25 (8) (c) are based on a 10-foot nominal wall height for all bracing methods and shall be permitted to be adjusted to other nominal wall heights not exceeding 12 feet in accordance with footnotes to Table 321.25–I or Table 321.25–J.

[c]LIB is not permitted for walls supporting a roof and two floors. Two LIB braces installed at a 60° angle from horizontal shall be permitted to be substituted for each 45° angle LIB brace.

[d]Bracing with CS-WSP and CS-SFB shall have sheathing installed on all sheathable surfaces above, below, and between wall openings.

[d]Shall be attached to the top and bottom plates and any intermediate studs, in one continuous length.

[e]Each braced panel may contain no more than one hole, having a maximum dimension of no more than ten percent of the least dimension of the panel, and confined to the middle three-fourths of the panel.

Table 321.25-H[a, b]
MINIMUM WIDTHS OF CS-WSP AND CS-SFB BRACED WALL PANELS

Maximum Opening Height Adjacent to Braced Wall Panel	Minimum Width of Full-Height Braced Wall Panel (inches)			
	8' Tall Wall	9' Tall Wall	10' Tall Wall	12' Tall Wall
5'- 4"	24	27	30	36
6'– 8"	32	30	30	36
8'	48	41	38	36
9'	-	54	46	41
10'	-	-	60	48
12'	-	-	-	72

[a]Sheathing shall extend from the top of the top plate to the bottom of the bottom plate and may be multiple sheets. All joints shall be blocked.

[b]Interpolation is permitted.

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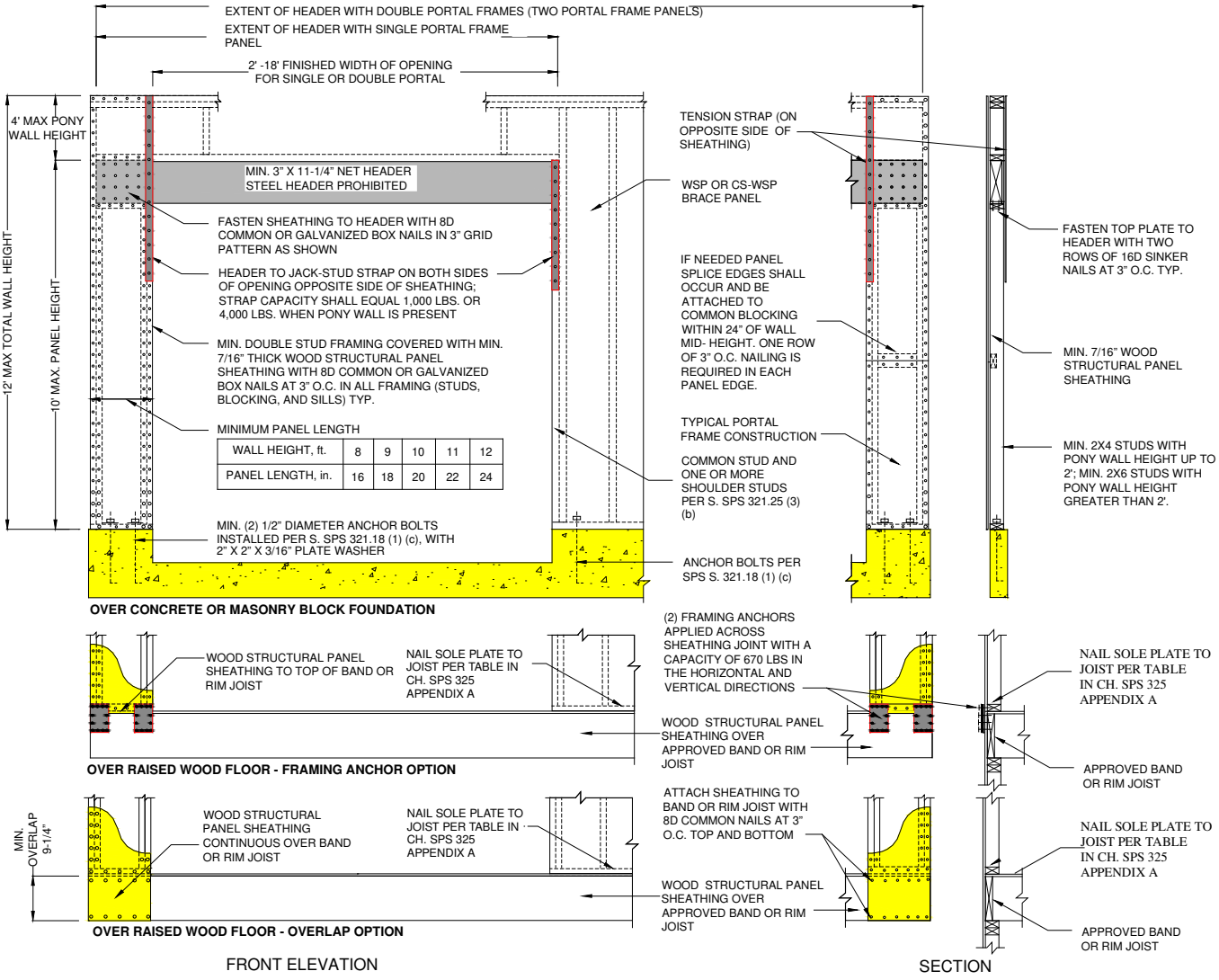
Figure 321.25–A
METHOD PF – PORTAL FRAME BRACE CONSTRUCTION



Note: Steel headers are permitted if designed by structural analysis.

Note: As shown in the above cross-section, 1/2-inch gypsum wallboard is not required on the interior side of the wall.

(c) *Bracing amount.* Bracing methods and materials complying with Table 321.25–G shall be applied to walls in accordance with all of the following requirements:

1. For the purpose of determining bracing amounts, the outermost extents of the building plan at each floor level shall be circumscribed with a rectangle to define the overall length of each building side as shown in Figure 321.25–B.

2. In no case may the amount of bracing be less than two braced wall panels on walls parallel to each rectangle side for each floor level of the building.

3. Where used, the number of intermittent brace panels applied to walls parallel to each rectangle side shall comply with Table 321.25–I.

4. Where used, the total length of continuous sheathed brace panels applied to walls parallel to each building side shall comply with Table 321.25–J.

5. The location of brace panels applied to walls parallel to each building side shall comply with Figure 321.25–C.

6. Balloon-frame walls may be no longer than 21 feet and shall have a maximum height of two floors unless constructed in accordance with an approved design. Wall framing shall be continuous from the lowest floor to the wall top plate at the roof. All edges of sheathing shall be supported on and fastened to blocking or framing. Braced wall panels may not be required on the balloon-frame wall portion provided the bracing amount and brace spacing requirement are satisfied for the building side. Where brace panels are located on the balloon-frame wall portion, they shall have a height-to-width ratio of not more than 2.5:1.

7. For a gable end wall, if the brace-panel height does not exceed 12 feet at the highest portion and if the 12½-foot and 21-foot spacing requirements in Figure 321.25–C are met, the wall is adequately braced. Where a brace panel exceeds 12 feet in height, it shall have a height-to-width ratio of not more than 2.5:1, and comply with Figure 21.25–C.

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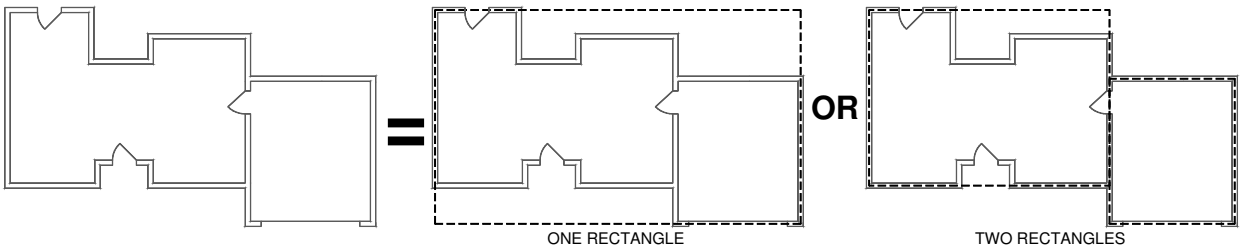
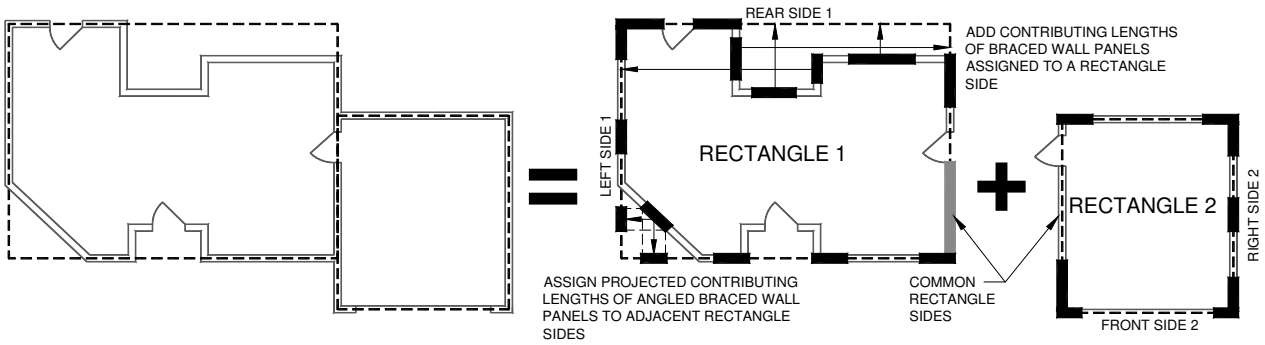
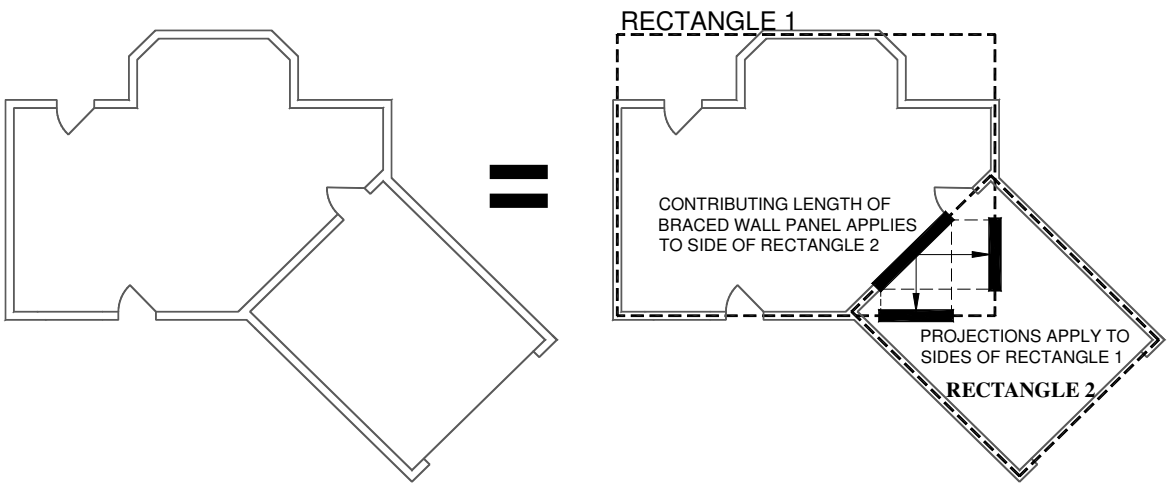
FIGURE 321.25-B
DEFINING BUILDING SIDES AND LENGTHS WITH ONE OR MORE CIRCUMSCRIBED RECTANGLES[a,b,c]



(1) Basic floor plan



(2) Angled-building-side plan[d]



(3) Angled floor plan[e]

[a]Each floor plan level shall be circumscribed with one or more rectangles around the entire floor plan at the floor level under consideration as shown. When multiple rectangles are used, each side shall be braced as though it were a separate building and the bracing amount added together along the common wall where adjacent rectangles overlap or abut.

[b]Rectangles shall surround all enclosed plan offsets and projections. Chimneys, partial height projections, and open structures, such as carports and decks, shall be excluded from the rectangle.

[c]Each rectangle shall have a maximum rectangle length-to-width ratio of 3:1.

[d]Projected contributing lengths of angled braced wall panels shall be assigned to the closest rectangle sides, as shown for the angled corner in the angled-building-side-plan shown above.

[e]Braced wall panels located on a common wall where angled rectangles intersect, as shown in Figure 321.25-B(3), shall have their contributing length applied towards the required length of bracing for the parallel rectangle side and its projected contributing lengths towards the adjacent angled rectangle sides. Where the common side of rectangle 2 as shown in Figure 321.25-B(3) has no physical wall, the portion shall be designed in accordance with [s. SPS 321.25 (8) (a).]

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TABLE 321.25–I
REQUIRED NUMBER OF INTERMITTENT BRACED WALL PANELS ON WALLS PARALLEL TO EACH RECTANGLE SIDE AT EACH FLOOR LEVEL[a,b,c,d,e,f, h, j]

Wall Supporting:		Required Number of Brace Panels on a Building Side		
		Length of Perpendicular Side (feet)[g]		
		≤25	≤50	≤75
Roof and ceiling only		1[i]	2	3
One floor, roof and ceiling		2	4	6
Two floors, roof and ceiling		3	6	9

[a]Interpolation is permitted. Extrapolation to buildings larger than addressed in this table is prohibited.

[b]This table applies to wind exposure category B. For wind exposure category C or D, multiply the number of braced wall panels required by 1.3 or 1.6, respectively.

Wind exposure category B is comprised of urban and suburban areas, wooded areas, or other terrain with numerous closely spaced obstructions having the size of single-family dwellings or larger. Exposure B shall be assumed unless the site meets the definition of another type exposure.

Wind exposure category C is comprised of flat, open country and grasslands with scattered obstructions, including surface undulations or other irregularities, having heights generally less than 30 feet extending more than 1,500 feet from the building site in any quadrant. This exposure also applies to any building located within Exposure B type terrain where the building is directly adjacent to open areas of Exposure C type terrain in any quadrant for a distance of more than 600 feet.

Wind exposure category D is comprised of flat, unobstructed areas exposed to wind flowing over open water for a distance of at least 1 mile. This exposure applies only to those buildings and other structures exposed to the wind coming from over the water. Exposure D extends inland from the shoreline a distance of 1,500 feet or 10 times the height of the building or structure, whichever is greater.

[c]Tabulated values are based on a nominal wall height of 10 feet. For nominal wall heights other than 10 feet and not more than 12 feet, multiply the required number of brace panels by the following factors: 0.9 for 8 feet, 0.95 for 9 feet, 1.15 for 11 feet, or 1.3 for 12 feet.

[d]Tabulated values are based on a roof with a top-of-wall-to-ridge height of 10 feet. For top-of-wall-to-ridge heights other than 10 feet, multiply the required number of brace panels by the following factors for each floor level support condition:

Roof only – 0.7 for 5 feet, 1.3 for 15 feet, or 1.6 for 20 feet

Roof + 1 Floor – 0.85 for 5 feet, 1.15 for 15 feet, or 1.3 for 20 feet

Roof + 2 Floors – 0.9 for 5 feet or 1.1 for 15 feet.

[e]Where minimum 1/2-inch gypsum wallboard is not included on the interior side of the wall, multiply the number of braced wall panels by 1.7 for LIB bracing or 1.4 for all other bracing methods, except this increase is not required for the portal frame method.

[f]Adjustments in footnotes b to e apply cumulatively. Fractions of panels shall be rounded to the nearest one-half braced wall panel.

[g]Perpendicular sides to the front and rear sides are the left and right sides. Perpendicular sides to the left and right sides are the front and rear sides. See Figure 321.25–B.

[h]The following braced wall panel conditions shall be permitted to be counted as one-half a braced wall panel toward meeting the required number of panels: (1) one 60 degree LIB; (2) one 48" GB or one 96" GB with gypsum wallboard on one side; (3) one 36" WSP or SFB braced wall panel for wall heights not more than 9 feet; (4) a 48" WSP or SFB braced wall panel where there is no more than one unblocked horizontal joint; or (5) one PF brace panel complying with Figure 321.25–A.

[i]This value of less than 2 serves only as the beginning value for calculation purposes. The resulting value shall be 2 or greater, to be consistent with subd. 2.

[j]Any floor, habitable or otherwise, that is contained wholly within the roof rafters or roof trusses is exempt from being considered a floor for purposes of determining wall bracing if the top-of-wall-to-ridge height does not exceed 20 feet and if no opening in the roof exceeds 48 inches in height.

Table 321.25–J
REQUIRED LENGTH OF CONTINUOUS BRACING ON WALLS PARALLEL TO EACH RECTANGLE SIDE AT EACH FLOOR LEVEL[a,b,c,d,e,g,h, j]

Top-of-Wall-to-Ridge Height (feet)	Wall Supporting:		Total Required Length (feet) of Full-Height Bracing on Any Side of Rectangle							
			Length of Perpendicular Side (feet)[f]							
			10	20	30	40	50	60	70	80
10	Roof and ceiling only		2.0[i]	3.5[i]	5.0	6.0	7.5	9.0	10.5	12.0
	One floor, roof and ceiling		3.5[i]	6.5	9.0	12.0	14.5	17.0	19.8	22.6
	Two floors, roof and ceiling		5.0	9.5	13.5	17.5	21.5	25.5	29.2	33.4

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Table 321.25–J
REQUIRED LENGTH OF CONTINUOUS BRACING ON WALLS PARALLEL TO EACH RECTANGLE SIDE AT EACH FLOOR LEVEL[a,b,c,d,e,g,h,j] (Continued)

Top-of-Wall-to-Ridge Height (feet)	Wall Supporting:		Total Required Length (feet) of Full-Height Bracing on Any Side of Rectangle							
			Length of Perpendicular Side (feet)[f]							
15	Roof and ceiling only		2.6[i]	4.6	6.5	7.8	9.8	11.7	13.7	15.7
	One floor, roof and ceiling		4.0	7.5	10.4	13.8	16.7	19.6	22.9	26.2
	Two floors, roof and ceiling		5.5	10.5	14.9	19.3	23.7	27.5	32.1	36.7
20	Roof and ceiling only		2.9[i]	5.2	7.3	8.8	11.1	13.2	15.4	17.6
	One floor, roof and ceiling		4.5	8.5	11.8	15.6	18.9	22.1	25.8	29.5
	Two floors, roof and ceiling		6.2	11.9	16.8	21.8	27.3	31.1	36.3	41.5

[a]Interpolation is permitted. Extrapolation to buildings larger than addressed in this table is prohibited.

[b]This table applies to wind exposure category B. For wind exposure category C or D, multiply the required length of wall bracing by 1.3 or 1.6, respectively. Wind exposure categories are as defined in Table 321.25–I footnote b.

[c]Tabulated values are based on a nominal wall height of 10 feet. For nominal wall heights other than 10 feet, multiply the required length of bracing by the following factors: 0.90 for 8 feet, 0.95 for 9 feet, 1.05 for 11 feet, or 1.10 for 12 feet.

[d]Where minimum ½-inch gypsum wallboard interior finish is not provided, the required bracing amount for the affected rectangle side shall be multiplied by 1.4, except this increase is not required for the portal frame method.

[e]Adjustments in footnotes b to d apply cumulatively.

[f]Perpendicular sides to the front and rear sides are the left and right sides. Perpendicular sides to the left and right sides are the front and rear sides. See Figure 321.25–B.

[g]Continuous sheathing shall be applied to all surfaces of the wall, including areas between brace panels and above and below wall openings.

[h]When used on a wall line with continuous sheathing, each portal frame panel is counted for its actual length in contributing toward the length of continuous sheathing used on other portions of the same wall line, such as the building side at a given story level.

[i]Any value of less than 4.0 in this table serves only as the beginning value for calculation purposes. The resulting value shall be 4.0 or greater, to be consistent with Table 321.25–H and subd. 2.

[j]Any floor, habitable or otherwise, that is contained wholly within the roof rafters or roof trusses is exempt from being considered a floor for purposes of determining wall bracing if the top-of-wall-to-ridge height does not exceed 20 feet and if no opening in the roof exceeds 48 inches in height.

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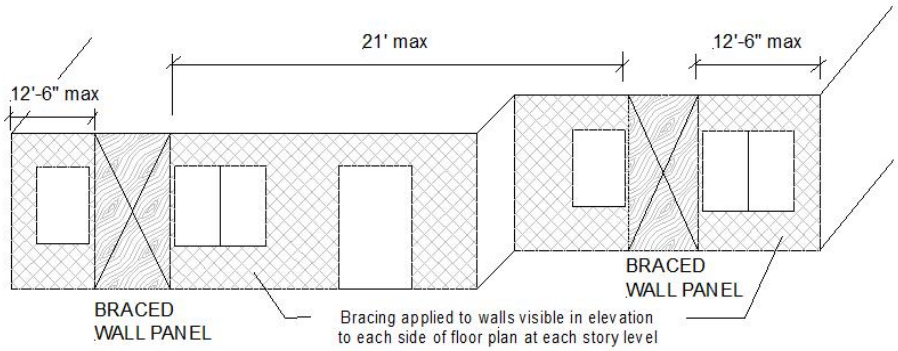
Figure 321.25–C
LOCATION OF BRACED WALL PANELS ALONG A BUILDING SIDE[a]



[a]A braced wall panel can be anything from one-half to one brace panel.

(d) *Braced wall panel support.* Braced wall panels shall be supported on floor framing or foundations as follows:

1. Where joists are perpendicular to braced wall lines above or below, blocking shall be provided between the joists at braced wall panel locations to permit fastening of wall plates in accordance with the fastener table in the ch. SPS 325 Appendix A.

2. Where joists are parallel to braced wall lines above or below, a rim joist or other parallel framing member shall be provided at the wall to permit fastening of wall plates in accordance with the fastener table in the ch. SPS 325 Appendix A.

3. Braced wall panels shall be permitted to be supported on cantilevered floor joists meeting the cantilever limits of s. SPS 321.22 (6) provided joists are blocked at the nearest bearing wall location, except such blocking is not required for cantilevers not exceeding 24 inches where a full height rim joist is provided.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; cr. (1) (d) and am. (3) (b), Register, February, 1985, No. 350, eff. 3-1-85; r. and recr. (3) (b), am. Table 21.25 B and E, Register, January, 1989, No. 397, eff. 2-1-89; am. (3) (a) and (6), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. (1) (c), am. Table 21.25-D, cr. Table 21.25-F, Register, November, 1995, No. 479, eff. 12-1-95; am. Table 21.25-A, Register, January, 1999, No. 517, eff. 2-1-99; r. (1) (b) and (c), renum. (1) (d) to be (b), r. and recr. (2), (6) and Tables 21.25-E and F, and am. (3) (b) 3., Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: r. (3) (c) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (1) (title), r. (1) (b), renum. (1) (a) and (6) (a) 4. to be (1) and (6) (a) 5., r. and recr. Table 21.25-A, cr. (6) (a) 4., (7), (8) and (9) Register March 2009 No. 639, eff. 4-1-09; correction in Figure 21.25-E made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639; CR 09-104: am. 21.25 (8) (e) 2., Table 21.25-H, (9) (b) 3., Table 21.25-J, Figure 21.25-G (c), (9) (c) 4. Register December 2010 No. 660, eff. 1-1-11; correction in (1), (2) (b) 3., (3) (a), (6) (c) 2., (d), (8) (c) 1. d., 2. c., (d), (e) 2., 3., (f) 2., (g) 3., (h) 2. b., (9) (b) 1., 2. b., d., 4. b., c., i., (c) 2. (intro.), b., c., d., 3., 4., 5. a., c., d., g., h., i., Table 321.25-H, Figure 321.25-F, -H to -K made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; EmR1403: emerg. am. Table 321.25-A, (7) (d), r. and recr. (8) (b), (c), Tables 321.25-G to 321.25-J, Figures 321.25-A to 321.25-C, r. (8) (d) to (f), renum. (8) (g) (title), (intro.), 1. to 3. to (8) (d) (title), (intro.), 1. to 3., r. (8) (g) 4., (h), (9), Tables 321.25-K, 321.25-L, Figures 321.25-D to 321.25-K, eff. 4-1-14; CR 14-015: am. Table 321.25-A, (7) (d), r. and recr. (8) (b), (c), Tables 321.25-G to 321.25-J, Figures 321.25-A to 321.25-C, r. (8) (d) to (f), renum. (8) (g) (title), (intro.), 1. to 3. to (8) (d) (title), (intro.), 1. to 3., r. (8) (g) 4., (h), (9), Tables 321.25-K, 321.25-L, Figures 321.25-D to 321.25-K Register August 2014 No. 704, eff. 9-1-14; CR 15-041: cr. (2m), renum. (3) (intro.), (a), (b) to (3) (am), (bm), (cm), cr. (3) (am) (title), am Table I (title), Table J (title) Register December 2015 No. 720, eff. 1-1-16; CR 15-043: am. (8) (d) 1., 2. Register December 2015 No. 720, eff. 1-1-16.

SPS 321.26 Masonry walls. Masonry walls shall be constructed in accordance with the requirements of this section.

(1) COLD WEATHER WORK. When ambient air temperature is below 40°F, the cold weather construction procedures under ACI 530.1 shall be followed.

Note: The requirements for cold weather work are in sections 1.8 and 1.8C of the 2005 edition of the ACI standard.

(2) MASONRY UNITS. (a) *Unused concrete units.* Previously unused concrete masonry units shall conform to the ASTM C 90 standard.

(b) *Unused clay or shale units.* Previously unused clay or shale masonry units shall conform to the appropriate ASTM standard: C 62; C 216; or C 652. Units which will be exposed to weathering or frost action shall be Grade SW as specified in these standards.

(c) *Used masonry units.* All previously used masonry units shall be free from physical defects which interfere with the installation or impair the structural properties of the unit.

(3) TYPES OF MORTAR. (a) *Mortar specifications.* The type of mortar shall be determined from Table 321.26-A. The mortar shall conform to the requirements of ASTM C-270.

(b) *Surface bond mortars.* Surface bond mortars for masonry walls shall be mixed in accordance with the proportions specified on the bag.

(4) MORTAR COMPONENTS. Mortar components shall comply with the following requirements:

(a) *Water.* Water shall be clean and free of deleterious amounts of acids, alkalies, or organic materials.

(b) *Admixtures or mortar colors.* Admixtures or mortar colors shall not be added to the mortar unless the resulting mortar conforms to the mortar specifications. Only mineral oxide may be used as mortar color and shall not exceed 10% by weight of the cement.

(c) *Mixing.* Mortar shall be mixed for at least 3 minutes after all ingredients have been added with the maximum amount of water to produce a workable consistency. Mortars that have stiffened due to water evaporation shall be retempered by adding water as frequently as needed to restore the required consistency. Mortars shall be used and placed in final position within 2½ hours after mixing.

Note: To ensure proper mortar mixing, machine mixing is recommended.

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Table 321.26-A
TYPES OF MORTAR FOR VARIOUS KINDS OF MASONRY

Kind of Masonry	Types of Mortar
Foundations:	
Footings	M, S
Walls of solid units	M, S, N
Walls of hollow units	M, S
Hollow walls	M, S
Masonry other than foundation masonry:	
Piers of solid masonry	M, S, N
Piers of hollow units	M, S
Walls of solid masonry	M, S, N, O
Walls of solid masonry not less than 12 in. thick or more than 35 ft. in height, supported laterally at intervals not exceeding 12 times the wall thickness	M, S, N, O
Walls of hollow units; load-bearing or exterior, and hollow walls 12 in. or more in thickness	M, S, N
Hollow walls, less than 12 in. thick	M, S, N
Linings of existing masonry, either above or below grade	M, S
Masonry other than above	M, S, N

(d) *Cementitious material.* Cementitious material shall conform to the standards approved by the department.

Note: The department will accept cementitious material conforming to the following standards: ASTM C91, Masonry Cement; ASTM C150, Portland Cement; ASTM C595, Portland Blast-Furnace Slag Cement; ASTM C207, Hydrated Lime for Masonry Purposes; and ASTM C5, Quick Lime for Structural Purposes.

(e) *Aggregates.* Aggregates for use in masonry mortar shall consist of natural sand or manufactured sand and shall be graded.

Note: The department will accept aggregates in accordance with ASTM C144.

(5) CAVITY WALL. (a) *Corbels.* Corbels shall be constructed in accordance with ACI 530.

(b) *Projections.* The projection of a wall beyond the edge of a supporting member other than masonry, such as a shelf angle or edge of a beam, shall not exceed 1¼ inches, unless at least $^2/_3$ the mass of the wythe of masonry involved is located directly over the load-carrying member.

(6) OPENINGS AND LINTELS. (a) *Openings.* The masonry above openings shall be supported. The bearing length of structural elements which support the masonry above the opening shall be not less than 4 inches.

(b) *Lintels.* Unless designed through structural analysis, lintels shall be provided using either steel angles or reinforcing bars in accordance with Table 321.26-C.

Table 321.26-C
ALLOWABLE SPANS FOR LINTELS SUPPORTING MASONRY VENEER

Size of Steel Angle[1,3]	No Story Above	One Story Above	Two Stories Above	No. of $^1/_2$″ or Equivalent Reinforcing Bars[2]
L 3 x 3 x $^1/_4$	6′ - 0″	3′ - 6″	3′ - 0″	1
L 4 x 3 x $^1/_4$	8′ - 0″	5′ - 0″	3′ - 0″	1
L 6 x 3$^1/_2$ x $^1/_4$	14′ - 0″	8′ - 0″	3′ - 6″	2
2 - L 6 x 3$^1/_4$ x $^1/_4$	20′ - 0″	11′ - 0″	5′ - 0″	4

[1]Long leg of the angle shall be placed in a vertical position.

[2]Depth of reinforced lintels shall be not less than 8 inches and all cells of hollow masonry lintels shall be grouted solid. Reinforcing bars shall extend not less than 8 inches into the support.

[3]Steel members indicated are adequate typical examples; other steel members meeting structural design requirements may be used.

(7) MASONRY VENEERS. (a) *Veneer over frame construction.* 1. Masonry veneers may be corbeled over the foundation wall, but the corbeling shall not exceed one inch.

2. A minimum one-inch air space shall be provided between the veneer and the sheathing unless a manufactured offset material is used.

3. Where no brick ledge is formed in the foundation wall, corrosion resistant metal or other water-resistant flashing shall extend over the top of the foundation wall from the outside face of the wall and shall extend at least 6 inches up on the sheathing. The flashing shall be installed to drain any water outward.

4. Weep holes shall be provided at the bottom masonry course at maximum intervals of 2 feet.

5. Ventilation openings shall be provided at the top of the wall.

Note: The ventilation opening could be other than a weep hole.

6. Studs and sheathing behind masonry veneer shall be covered with material used to construct the water-resistive barrier as required under s. SPS 321.24 (4).

Note: Acceptable water-resistive barrier materials include polymeric-based house wraps and #15 or greater asphalt-saturated felts that comply with ASTM D 226 for type I felt.

7. Masonry or brick veneer shall be above final exterior grade unless there is through-wall flashing at grade or within 2 courses above grade.

(b) *Veneer over masonry back-up.* Corrosion-resistant metal or other water-resistant base flashing shall be provided at the bottom of the veneer and shall extend over the top of the foundation and up at least 6 inches and be embedded in the back-up course. The flashing shall be installed to drain any water outward. Weep holes shall be provided at maximum intervals of 3 feet.

(c) *Veneer attachment.* Veneers shall be anchored or adhered in accordance with ACI 530 and ACI 530.1.

(8) FLASHING. (a) *General.* 1. Flashing shall be installed in accordance with this section to drain any water outward away from structural members, sheathing and insulation.

2. Open joints or weep holes shall be provided in the facing immediately above the flashing at a horizontal spacing not exceeding 2 feet.

3. Flashing that will be exposed to ultraviolet light shall consist of materials which are durable and permanently UV-resistant, such as sheet metal or heavy-gauge PVC.

Note: Materials including house wrap, asphalt-impregnated building paper, plastic sheeting, peel-and-stick rubberized sheet material, and light-gauge PVC are not acceptable as meeting this requirement.

(b) *Location.* 1. 'Lintels and chimneys.' In exterior hollow masonry walls, flashing shall be installed at the backsides of chimneys and at the bottom of the cavity formed by openings such as lintels over doors and windows.

2. 'Veneer.' Flashing shall be installed at the bottom of veneer and shall extend over the top of the foundation and up at least 8 inches and be embedded in the backing course.

(c) *Weep holes.* 1. Weep holes may not be placed below final grade.

2. Rope or similar material used to form a weep hole shall be removed as soon as the mortar sets.

3. Weep holes shall be $^3/_8$-inch minimum diameter.

Note: See s. SPS 321.24 (3) for further requirements relating to flashing for masonry.

(9) BEARING. (a) *Concentrated loads.* Beams, girders, trusses, joists and other members producing concentrated loads shall bear a minimum of 3 inches on one of the following:

1. 'Concrete beam.' The equivalent of a nominally reinforced 2,500 psi concrete beam 8 inches in height.

2. 'Solid masonry.' At least 8 inches in height of masonry composed of solid masonry units with all voids and joints completely filled with mortar.

3. 'Metal plate.' A metal plate of sufficient thickness and size to distribute the load to masonry units. For piers and columns, the bearing plate shall not exceed 60% of the cross-sectional area of the pier or column and the resultant reaction of all vertical and horizontal loads shall fall within the middle third of the member.

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4. 'Bond beam.' The bond beam shall be the equivalent of not less than an 8-inch lintel (bond beam) block with 2 No. 4 bars embedded in high strength mortar fill or equivalent. The loads shall bear on the fill.

(b) *Continuous loads.* Joists, trusses and beams other than wood, spaced 4 feet or less on center and 40 feet or less in length, slabs or other members causing continuous loads shall be transmitted to masonry with a minimum bearing of 3 inches upon solid masonry at least 2½ inches in height, or as indicated for concentrated loads.

(c) *Stack bond walls.* Concentrated loads shall be distributed into masonry laid in stack bond by a concrete beam or bond beam as defined in par. (a). For masonry of solid units, 2 additional rows of a continuous tie assembly may be used instead of a concrete beam or bond beam.

(d) *Support of wood floor members.* Where a wood structural member is buried in masonry for support, it shall be firecut or a self-releasing device shall be used. Where the end of a wood structural member is built into an exterior wall, a ½-inch air space shall be provided at the sides, top and end of such member.

(10) BONDING. Unless designed through structural analysis, all masonry walls shall be bonded as follows:

(a) *Single-wythe walls.* Masonry units in single-wythe walls shall be lapped at least 2 inches or one-third the height of the masonry unit, whichever is greater, or through the use of continuous tie assemblies spaced at 16-inch vertical intervals.

(b) *Multi-wythe walls.* Adjacent wythes shall be bonded with continuous tie assemblies spaced at vertical intervals not exceeding 16 inches; or individual ties of at least $^{3}/_{16}$-inch diameter for each 4½ square feet of wall area, spaced at a maximum vertical distance of 18 inches and a maximum horizontal distance of 36 inches; or bonded with a full course of masonry headers every seventh course. The clear distance between bond courses shall not exceed 16 inches for solid masonry units and 24 inches for hollow masonry units. Hollow walls shall not be bonded with headers.

(11) BOLTS AND ANCHORS. The allowable shear on steel bolts and anchors shall not exceed the values given in Table 321.26.

Table 321.26
ALLOWABLE SHEAR ON BOLTS AND ANCHORS

Bolt or Anchor Diameter (inches)	Embedment[1] (inches)	Allowable Shear (pounds)
$^{1}/_{4}$	4	270
$^{3}/_{8}$	4	410
$^{1}/_{2}$	4	550
$^{5}/_{8}$	4	750
$^{3}/_{4}$	5	1100
$^{7}/_{8}$	6	1500
1	7	1850
$1^{1}/_{8}$	8	2250

[1]Bolts and anchors shall be solidly embedded in mortar or grout.

(12) JOINTS. Joints in masonry construction shall be constructed in accordance with ACI 530.1.

(13) CLEANING. Chemical cleaning agents shall be prevented from harming the metal reinforcement of structural components and shall not be of a strength which will adversely affect the mortar.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (3) and cr. Table 21.26-B1 Register, February, 1985, No. 350, eff. 3-1-85; am. (9) (b), Register, January, 1989, No. 397, eff. 2-1-89; am. (6) (b), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. (2), am. (5) (c), (7) (a) 3., 4., (b), r. (14), Register, November, 1995, No. 479, eff. 12-1-95; CR 02-077: am. (7) (a) 4. Register May 2003 No. 569, eff. 8-1-03; CR 08-043: r. and recr. (1), (5) (a), (8) and (12), renum. (3) (intro.) and (a) to be (3) (a) and (b) and am. (3) (a), am. (4) (b) and (7) (a) 2., r. (5) (c), Tables 21.26-B and B1, cr. (7) (a) 5. to 7. and (c) Register March 2009 No. 639, eff. 4-1-09; CR 09-104: am. (8) (a) 3. Register December 2010 No. 660, eff. 1-1-11; correction in (9) (c) made under s. 13.92 (4) (b) 7., Stats., Register January 2011 No. 661; correction in (3) (a), (6) (b), (7) (a) 6., (11) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter VIII — Roof and Ceilings

SPS 321.27 Roof design and framing. (1) STRUCTURAL DESIGN. (a) *General.* Roof and roof-ceiling assemblies shall support all dead loads plus the minimum live loads under par. (c) and s. SPS 321.02.

(b) *Applicability of tables.* The joist and rafter tables in ch. SPS 325 Appendix A are valid for roofs with a minimum slope of 3 in 12. Lesser slopes require engineering analysis or shall be provided with a ridge beam.

(c) *Sloped roof snow loads.* Snow loads specified in s. SPS 321.02 (1) (b) 2. may be reduced for roof slopes greater than 30° by multiplying the snow load by Cs. The value of Cs shall be determined by the following:

$$Cs = 1 - \frac{(a - 30)}{40}$$

where a is the slope of the roof expressed in degrees.

Note: A roof pitch of 7 in 12 is equal to 30°.

(2) LATERAL RESTRAINT OF WALLS. Provisions shall be taken to absorb the horizontal thrust produced by a sloping roof through the use of wall ties, ceiling joists, beams at the ridge or at the wall or a system designed through structural analysis.

(3) UPLIFT AND SUCTION FORCES. (a) *General.* 1. Roofs shall withstand a pressure of at least 20 pounds per square foot acting upward normal to the roof surface.

2. Roof overhangs, eaves, canopies and cornices shall withstand an upward wind pressure of at least 20 pounds per square foot applied to the entire exposed area.

(b) *Anchorage.* 1. Roof framing members spanning more than 6 feet measured from the outermost edge of the roof shall be permanently fastened to the top plate of load bearing walls using engineered clips, straps or hangers.

2. Roof framing members spanning 6 feet or less measured from the outermost edge of the roof shall be permanently fastened to the top plate of load bearing walls using toe-nailing or engineered clips, straps or hangers.

Note: For information on toe nailing, see the fastener schedule table in the ch. SPS 325 Appendix A.

(4) ROOF RAFTERS. (a) *General.* 1. Rafters shall be notched to fit the exterior wall plate and fastened to the wall.

2. Collar ties shall be installed on the upper third of every third pair of abutting roof rafters or every 48 inches, whichever is less.

Note: Collar ties are intended to provide stability to the roof at the ridge. Lateral restraint for the walls must be provided in accordance with sub. (2).

(b) *Ridge boards.* 1. Where rafters meet to form a ridge, the rafters shall be attached to a ridge board.

2. The ridge board shall have a depth at least equal to the length of the cut end of the rafter abutting it.

3. Where all rafters are placed directly opposite each other or are offset at the ridge board by less than the thickness of the rafter, the ridge board shall have a nominal thickness of at least 1 inch.

4. Where one or more rafters are offset at the ridge board by more than the thickness of the rafter, the ridge board shall have a nominal thickness of at least 2 inches.

(c) *Ridge beams.* Rafters shall be attached to ridge beams using engineered clips, straps or hangers or the connection shall be designed through structural analysis.

(d) *Bearing.* The required bearing for wood rafters shall be in

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accordance with the NDS adopted in Table 320.24-6m, except in no case shall the bearing be less than 1 1/2 inches on wood or metal or less than 3 inches on masonry or concrete.

(e) *Ladders.* 1. Overhangs at gable end walls of more than 12 inches shall be provided with ladders which extend into the structure a distance no less than the length of the overhang.

2. The ladders shall be fastened at the wall.

3. The interior end of each ladder shall be attached to a rafter or truss with a hanger.

Note: For the purposes of this section, a ladder is defined as a perpendicular projection extending beyond the face of the wall below.

(5) CEILING JOISTS. (a) Ceiling joists shall be nailed to exterior walls and to the ends of rafters.

(b) Ends of ceiling joists shall be lapped at least 3 inches and be fastened either with 3-16d nails or in accordance with the floor joist requirements under s. SPS 321.22 (4) (a) 1. d.

Note: See the fastener table in the ch. SPS 325 Appendix A for a nailing schedule for ceiling joists.

(c) Where ceiling joists are placed at right angles to the rafters, the lookout joist or ties shall be fastened to the parallel ceiling joists or rafters using engineered clips, straps or hangers or the connection shall be designed through structural analysis.

(6) VALLEY AND HIP RAFTERS. (a) *Valley rafters.* 1. Where no bearing is provided under valley rafters at the intersection of 2 roof areas, the valley rafters shall be doubled in thickness and shall be at least 2 inches deeper than the required common rafter to permit full bearing at the beveled end.

2. Where ridges are provided at different elevations, vertical support shall be provided for the interior end of the lower ridge board or ridge beam.

(b) *Hip rafters.* Where no bearing is provided under hip rafters, the hip rafters shall be of the same thickness as common rafters and shall be at least 2 inches deeper than required to permit full contact with the jack rafter.

(7) ROOF TRUSSES. (a) Metal plate connected wood roof trusses shall be designed in accordance with TPI 1 and the NDS adopted under s. SPS 320.24.

(b) Truss members shall not be cut, bored or notched, except as allowed under sub. (8) (d).

(c) If connection is provided to stabilize a non-load bearing wall, a slotted expansion joint or clip shall be used.

(8) NOTCHING AND BORING. (a) *General.* 1. Notching and boring of beams or girders is prohibited unless determined through structural analysis.

2. Notching and boring of ceiling joists and rafters shall comply with pars. (b) and (c).

(b) *Notching.* 1. Notches located in the top or bottom of ceiling joists and rafters are prohibited from all of the following:

a. Having a depth exceeding $^1/_6$ the depth of the member.

b. Having a length exceeding $^1/_3$ the depth of the member.

c. Being located in the middle $^1/_3$ of the span of the member.

2. Where ceiling joists or rafters are notched at the ends, the notch may not exceed ¼ the depth of the member.

3. Bird mouth cuts may not exceed $^1/_3$ the depth of the rafter unless the seat cut bears fully on the wall plate.

(c) *Boring.* 1. Holes bored within 2 inches of the top or bottom of ceiling joists or rafters may not be located in the middle $^1/_3$ of the span of the member.

2. The diameter of a hole may not exceed $^1/_3$ the depth of the member.

3. A hole may not be bored within 2 inches of a notch or another hole.

4. The distance between adjacent holes may not be less than the diameter of the larger hole.

(d) *Engineered wood products.* Notching or boring of engineered wood products shall be done in accordance with the manufacturer's instructions provided those instructions were developed through structural analysis or product testing.

(9) ROOF SHEATHING, BOARDS AND PLANKING. (a) *Structural sheathing.* The allowable loads and spans for structural sheathing shall be in accordance with the grade stamp on the panel.

(b) *Roof boards.* 1. Where the rafter spacing is 24 inches on center or less, roof boards may be used that have a minimum thickness of $^5/_8$-inch for solid sheathing and $^3/_4$-inch for spaced sheathing.

2. Where the rafter spacing is greater than 24 inches on center, roof boards shall be tongue and groove, at least 1.5 inches thick.

(c) *Roof planks.* 1. Roof planks shall be tongue and groove or splined and at least 2 inches, nominal, in thickness.

2. Planks shall terminate over beams unless the joints are end matched.

3. The planks shall be laid so that no continuous line of joints will occur except at points of support.

4. Planks shall be nailed or fastened to each beam.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am (3) (a), Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. (1), am. (3) (a), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. (3) (a), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (3) (a) 1. and 2. c., Register, January, 1999, No. 517, eff. 2-1-99; am. (3) (a) 1. a., Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: r. and recr. (3) (b) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: r. and recr. Register March 2009 No. 639, eff. 4-1-09; correction in (1) (a), (c), (4) (d), (5) (b), (7) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041: am. (4) (d) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.28 Weather protection for roofs. (1) GENERAL. (a) All roofs shall be designed and constructed to assure drainage of water.

(b) All fasteners shall be corrosion resistant.

(2) UNDERLAYMENT FOR SHINGLES. Underlayment consisting of number 15 asphalt-impregnated felt paper or equivalent or other type I material that shows no water transmission when tested in accordance with ASTM D 226 or ASTM D 4869 shall be provided under shingles.

Note: Underlayment materials meeting the requirements of ASTM D 1970 meet the performance requirements of this section.

(3) ASPHALT SHINGLES. (a) *General.* 1. Shingles that have a self-sealing adhesive strip shall include a sealant which has an average bond strength of at least 1.5 pounds per 3.75 inches of shingle width, at 32°F.

Note: The department will accept results of testing conducted in accordance with an approved test method for verifying compliance with the sealant uplift resistance required in this paragraph. Information on the applicable test method may be obtained from the department.

2. Each shingle package shall be labeled by the manufacturer to indicate conformance to the applicable ASTM standard for each type of shingle or the exception in par. (c).

3. Shingles shall be installed in accordance with the manufacturer's recommendations.

4. Shingles shall have at least 4 fasteners per strip shingle or 2 fasteners per interlocking shingle, unless the manufacturer has other specifications.

5. Shingle head lap shall be at least 2 inches, unless the manufacturer has other specifications.

6. All fasteners for shingles shall be corrosion-resistant.

Note: See s. SPS 320.07 (62) for definitions of shingle terms.

Note: Section SPS 320.04 (2) requires compliance with all parts of this code, including these roofing provisions, for an alteration to any dwelling that is regulated under this code.

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(c) *Fiberglass shingles.* Fiberglass asphalt shingles shall conform to ASTM D 3462 except that laminated shingles shall have a tear strength of at least 1450 grams in each ply.

(4) ICE DAM PROTECTION. (a) Shingled or shake roofs that extend over a heated area of a dwelling or attached garage and that have a slope of 4:12 or less shall be provided with ice dam protection in the form of sheet metal or a product labeled as meeting the requirements of ASTM D 1970.

(b) The ice dam protection shall extend at least 30 inches up the roof slope from the roof edge and at least 12 inches up the roof slope beyond the inner face of the exterior wall.

(5) OTHER ROOF COVERINGS. All roof coverings not otherwise addressed in this section shall be installed in accordance with the manufacturer's instructions or a national standard recognized by the department.

(6) REROOFING. New roof coverings may not be installed over existing roof coverings where any of the following conditions exist:

(a) The existing roof or roof covering is water-soaked or has deteriorated such that it is inadequate as a base for additional roofing.

(b) The existing roof is wood shake, slate, clay, cement or asbestos-cement tile.

(c) The existing roof has 2 or more applications of any type of permanent roof covering.

(7) FLASHING. (a) *General.* Flashing shall be installed at the junction of chimneys and roofs, in all valleys, and around all roof openings.

(b) *Flashing of open valleys.* 1. Open valleys shall be flashed with at least No. 28 gauge corrosion-resistant sheet metal, 16 inches wide, or a layer of at least 50-pound roll roofing, 16 inches wide, placed over a layer of number 15 roofing underlayment.

2. Flashing sections shall be overlapped by at least 4 inches.

(c) *Flashing of closed valleys.* Where shingles are laced or woven over the valley, the valley shall be flashed with one of the following:

1. At least one layer of 50-pound roofing, at least 20 inches wide, over a layer of number 15 roofing underlayment.

2. A product labeled as meeting the requirements of ASTM D1970.

(d) *Chimney flashing.* 1. Chimneys shall be flashed and counter-flashed to a height of at least 6 inches.

2. Chimney crickets or saddles shall be installed where the upper side of a chimney is more than 30 inches wide on a sloping roof.

3. The intersection of the cricket and the chimney shall be flashed and counter-flashed to a height of at least 6 inches.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (7) (a), r. and recr. Table 321.28-A, Register, January, 1989, No. 397, eff. 2-1-89; am. (1), (5) and (6), cr. (2m) and (6) (a) 3., r. and recr. (4) (c), Register, March, 1992, No. 435, eff. 4-1-92; cr. (6) (c), Register, November, 1995, No. 479, eff. 12-1-95; CR 02-077: r. and recr. (1) (a), renum. (6) (intro) to (c) to be (6) (a) to (d) and am. (6) (a) to (c) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: r. and recr. Register March 2009 No. 639, eff. 4-1-09; CR 15-041: am. (3) (a) 2., cr. (3) (a) 6., r. (3) (b), renum. (7) (c) to (7) (c) (intro.) and 1. and am., cr. (7) (c) 2. Register December 2015 No. 720, eff. 1-1-16; correction in (3) (a) 2. under s. 13.92 (4) (b) 7., Stats., Register December 2015 No. 720.

Subchapter IX — Fireplace Requirements

SPS 321.29 Masonry fireplaces. Masonry fireplaces shall be constructed of masonry, stone or concrete. Masonry fireplaces shall be supported on foundations of concrete or masonry. Structural walls shall be at least 8 inches thick. Masonry fireplaces shall conform to the following requirements:

(1) FLUE SIZE. The fireplace flue size shall be based on the type of flue and the fireplace opening indicated in Table 321.29.

Table 321.29
MINIMUM FLUE SIZE FOR MASONRY FIREPLACES

Type of Flue	Minimum Cross-Sectional Area
Round	$^1/_{12}$ of fireplace opening but not less than 75 square inches.
Square or rectangular	$^1/_{10}$ of fireplace opening but not less than 75 square inches.

(2) TERMINATION OF CHIMNEY. Masonry fireplace chimneys shall extend at least 3 feet above the highest point where the chimney passes through the roof and at least 2 feet higher than any portion of the dwelling within 10 feet of the chimney.

(3) FIREBOX MATERIALS. The firebox shall be of the preformed metal type, at least ¼-inch thick, or listed by a nationally recognized laboratory; or shall be lined with firebrick, at least 2 inches thick and laid in thin joints of refractory cement. The back and sidewalls of the firebox, including the lining, shall be at least 8 inches nominally thick masonry, at least 4 inches of which shall be solid.

(4) LINTEL. Masonry over the fireplace opening shall be supported by a lintel of steel or masonry.

(5) DUCTS. Warm-air circulating ducts shall be constructed of masonry or metal.

(5m) RETURN AIR GRILLES. Return air grilles shall not be located in bathrooms, kitchens, garages, utility spaces or in a confined space defined under s. SPS 323.06 in which a draft diverter or draft regulator is located.

(6) HEARTH EXTENSION. (a) Masonry fireplaces shall have a hearth extension made of noncombustible material.

(b) The structural support for the hearth and hearth extension shall be a minimum of 4 inches of reinforced concrete.

(c) There shall be no structural framing material within 1 inch of the hearth or hearth extension in any direction. Any wooden forms or supports used during construction shall be removed.

(d) The minimum dimensions of the hearth extension shall be in accordance with Table 321.29-1.

Table 321.29-1
HEARTH EXTENSION DIMENSIONS

Fireplace Opening (Sq. Ft.)	Extension from Fireplace Opening (inches)	
	Side	Front
Less than 6	8	16
6 or Greater	12	20

(7) DAMPERS. Dampers shall be made of cast iron or at least No. 12 gauge sheet metal. The area of the damper opening shall be at least 90% of the required flue area when in the open position.

(8) HOODS. Metal hoods, used in lieu of a masonry smoke chamber, shall be constructed of at least No. 19 gauge corrosion-resistant metal with all seams and connections of smokeproof construction. The hood shall be sloped at an angle of 45° or less from the vertical and shall extend horizontally at least 6 inches beyond the firebox limits. Metal hoods shall be kept a minimum of 18 inches from the combustible materials unless approved for reduced clearances.

Note: The department will accept dampers and hoods listed by nationally recognized laboratories.

(9) FLUE LINERS. (a) Flue liners shall be installed in accordance with s. SPS 321.30 (7) and this section.

(b) Flue liners shall start at the top of the fireplace throat and extend to a point at least 4 inches above the top of the chimney cap.

(c) Firebrick may be used in the throat of the fireplace as an inlet to the flue liner.

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(10) CLEANOUT OPENINGS. Fireplaces with ash dumps shall be provided with cleanout openings at the base. Doors and frames of the opening shall be made of ferrous materials.

(11) MANTEL SHELVES AND COMBUSTIBLE TRIM. Woodwork or other combustible materials shall not be placed within 6 inches of the fireplace opening. Combustible materials located within 12 inches of the fireplace opening shall not project perpendicularly more than $^1/_8$-inch for each inch distance from the opening.

(12) FRAMING AROUND FIREPLACES. Combustible materials located near fireplaces shall be installed in accordance with s. SPS 321.30 (9).

(13) CORBELING. Unless designed through structural analysis, masonry chimneys shall not be corbeled from a wall more than 6 inches nor shall a masonry chimney be corbeled from a wall less than 12 inches in nominal thickness unless it projects equally on each side of the wall. The corbeling shall not exceed one-inch projection for each brick course.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, February, 1985, No. 350, eff. 3-1-85; am. (6) and Table 21.29-1, Register, January, 1989, No. 397, eff. 2-1-89; am. (intro.) and (12), cr. (5m), r. and recr. (6), Register, March, 1992, No. 435, eff. 4-1-92; r. (12) and renum. (13) and (14) to be (12) and (13), Register, January, 1999, No. 517, eff. 2-1-99; r. and recr. (6) and (9), Register, March, 2001, No. 543, eff. 4-1-01; correction in (1), (5m), (6) (d), (9) (a), (12) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.30 Masonry chimneys. Masonry chimneys shall conform to the following provisions:

(1) MATERIALS. No masonry chimney shall rest upon wood. The foundation shall be designed and built in conformity with the requirements for foundations. Masonry chimney walls shall be at least 4 inches in nominal thickness. Hollow cored masonry units may be used to meet the 4 inch nominal thickness requirement.

(2) FLUE SIZE. Chimney flues for appliances shall be at least equal in area to that of the area of the connector from the appliance.

(3) MULTIPLE FLUE SEPARATION. When more than one flue is contained in the same chimney, a masonry separation of at least 4 inches nominal in thickness shall be provided between the individual flues. The joints of adjacent flue linings shall be staggered by at least 7 inches.

(4) CORBELING. Unless designed through structural analysis, masonry chimneys shall not be corbeled from a wall more than 6 inches nor shall a masonry chimney be corbeled from a wall less than 12 inches in nominal thickness unless it projects equally on each side of the wall. The corbeling shall not exceed one-inch projection for each brick course.

(5) INLETS. Inlets to masonry chimneys shall enter the side and be provided with thimbles. Thimbles shall be at least No. 24 manufacturer's standard gauge (0.024 inch) or $^5/_8$-inch thick, refractory material. Each chimney shall have an inlet installed at the time of construction.

(6) CLEAN-OUT OPENING. Every masonry chimney shall be provided with a clean-out opening at the base. Such openings shall be equipped with metal doors and frames arranged to remain closed when not in use. Clean-out openings shall be located below the lowest inlet to the flue.

(7) FLUE LINERS. (a) Masonry chimneys shall be lined with a material that will resist corrosion, softening and cracking at temperatures up to 1800°F, such as vitrified clay sewer pipe or minimum $^5/_8$-inch thick fireclay lining material.

(b) All flue liners shall be laid in a full bed of refractory mortar or refractory cement.

(c) Variations in inside and outside dimensions shall not exceed ¼ inch for clay flue liners.

(d) There shall be a minimum clearance of ½-inch and a maximum clearance of 1-inch between the flue liner and the chimney walls.

(e) Unless serving a masonry fireplace under s. SPS 321.29, flue liners shall commence at the chimney footing.

(8) CHIMNEY CAPS. Chimneys shall be provided with precast or cast-in-place concrete chimney caps. Chimney caps shall have a minimum thickness of 2 inches, shall slope outwards away from the flue, and shall provide a one-inch overhang and drip edge on all sides. A slip joint shall be installed between the flue and the cap. The slip joint shall be filled with ¼-inch felt or similar material and shall be caulked with high-temperature caulk or similar material to prevent water infiltration.

(9) CLEARANCE TO COMBUSTIBLES. (a) The minimum clearance between combustibles and masonry chimneys which have any portion located within the exterior wall of the dwelling shall be 2 inches. The minimum clearance between combustibles and masonry chimneys which have all parts completely outside the dwelling, exclusive of soffit or cornice areas, shall be one inch.

(b) Except as required under pars. (c) and (d), the clearance spaces shall remain completely open.

(c) The clearance spaces between chimneys and wood joists, beams, headers or other structural members shall be fireblocked at each floor level from chimney footing all the way to the roof flashing with galvanized steel, at least 26 gage thick or with noncombustible sheet material.

(d) Noncombustible material shall be used to prevent entry of debris into the clearance spaces.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85; am. (8), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. (8) and (9); Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (7) (a), cr. (7) (d) and (e), and am. (9) (c), Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (7) (b) and (d) Register May 2003 No. 569, eff. 8-1-03; correction in (7) (e) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 321.32 Factory-built fireplaces. Factory-built fireplaces consisting of a fire chamber assembly, one or more chimney sections, a roof assembly and other parts shall be tested and listed by a nationally recognized testing laboratory.

(1) FIREPLACE ASSEMBLY AND MAINTENANCE. The fireplace assembly shall be erected and maintained in accordance with the conditions of the listing.

(a) All joints between the wall or decorative facing material and the fireplace unit shall be completely sealed, firestopped or draft-stopped with a noncombustible caulk or equivalent.

(b) Doors installed on factory built fireplaces shall conform with the terms of the listing and the manufacturers installation instructions for the fireplace unit.

(2) DISTANCE FROM COMBUSTIBLES. Portions of the manufactured chimney extending through combustible floors or roof/ceiling assemblies shall be installed in accordance with the distances listed on the chimney in order to prevent contact with combustible materials.

(3) HEARTH EXTENSIONS. Hearth extensions shall be provided in accordance with the manufacturer's listing. Where no hearth extension is specified in the listing, a hearth extension shall be provided in accordance with s. SPS 321.29 (6).

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; renum. from Ind 21.30 and r. and recr. (3), Register, February, 1985, No. 350, eff. 3-1-85; cr. (1) (a) and (b), am. (3) and Table 21.32-1, Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. Register, March, 1992, No. 435, eff. 4-1-92; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter X — Construction in Floodplains

SPS 321.33 Construction in floodplains. (1) GENERAL. Where dwelling construction is allowed by local zoning

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ordinances to take place in floodfringe areas of floodplains, the dwelling shall meet the requirements of this subchapter.

Note: The department of natural resources (DNR) and the federal emergency management agency (FEMA) also have regulations that apply to construction in floodfringe areas.

(2) ELEVATION. (a) *General.* Except as provided in pars. (b) and (c), all dwellings constructed within a floodfringe area shall be elevated so the lowest floor and all basement floor surfaces are located at or above the base flood elevation.

(b) *Certified floodproof basements.* Floodproof basements may have the top of the basement floor no more than 5 feet below the base flood elevation provided the basement is designed by a registered architect or engineer to be watertight and impermeable. No limitation is placed on the use or occupancy of a certified floodproof basement by the provisions of this subchapter.

(c) *Other enclosed spaces.* 1. Enclosed spaces not meeting the requirements of par. (b) are allowed at any depth below the base flood elevation provided the spaces are used only for one or more of the following purposes:

a. Means of egress.

b. Entrance foyers.

c. Stairways.

d. Incidental storage of portable or mobile items.

2. Fully enclosed spaces used only for those purposes listed in subd. 1. shall be designed to automatically equalize the hydrostatic pressure on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by a registered architect or engineer or shall meet all of the following requirements:

a. There shall be at least 2 pressure relieving openings and the openings shall have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

b. The bottom of all openings shall be no more than 12 inches above grade.

c. Openings may not be equipped with screens, louvers, valves or other coverings or devices unless such devices permit the automatic entry and discharge of floodwaters.

(3) CERTIFICATION OF ELEVATION. A registered land surveyor, architect or engineer shall certify the actual elevation in relation to mean sea level of the lowest structural member required to be elevated by the provisions of this subchapter.

(4) ANCHORAGE. The structural systems of all dwellings shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses at the base flood elevation.

(5) PROTECTION OF ELECTRICAL AND MECHANICAL SYSTEMS. Electrical and mechanical equipment shall be placed above the base flood elevation or shall be designed to prevent water contact with the equipment in case of a flood up to the base flood elevation.

(6) CONSTRUCTION MATERIALS AND METHODS. All dwellings constructed in floodplains shall be constructed using materials and methods designed to minimize flood and water damage.

History: Emerg. cr. eff. 5-8-96; cr. Register, February, 1997, No. 494, eff. 3-1-97.

SPS 321.34 Construction in coastal floodplains.

(1) GENERAL. All dwellings constructed in coastal floodplains shall be designed by a registered architect or engineer and shall meet the requirements of this section and s. SPS 321.33.

(2) ELEVATION. All dwellings constructed in a coastal floodplain shall be elevated so the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, pilings, piling caps, columns, grade beams and bracing, is located at or above the base flood elevation.

(3) ENCLOSURES BELOW BASE FLOOD ELEVATION. Enclosures below the base flood elevation in a coastal floodplain may not be used for human occupancy and shall be free of all obstructions, except for non-loadbearing walls and partitions. Non-loadbearing walls and partitions below base flood elevation shall be constructed to break away without causing any structural damage to the elevated portion of the dwelling or foundation system due to the effect of wind loads and water loads acting simultaneously.

(4) FOUNDATIONS. All dwellings located in a coastal floodplain shall be supported and anchored on pilings or columns. The piling or column shall have adequate soil penetration to resist combined water and wind loads at the base flood elevation. Piling or column design shall consider the effect of scour of soil strata. Mat or raft foundations to support columns may not be used where soil under the mat or raft is subject to scour or other erosion from wave flow conditions.

History: Emerg. cr. eff. 5-8-96; cr. Register, February, 1997, No. 494, eff. 3-1-97; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter XI — Installation of Manufactured Homes

SPS 321.40 Installation standards.

(1) PRODUCED ON OR AFTER APRIL 1, 2007. (a) *Adoption of standards.* The federal *Model Manufactured Home Installation Standards*, 24 CFR part 3285, as in effect on December 1, 2014, is hereby incorporated by reference into this chapter.

Note: A copy of this edition of 24 CFR 3285 is on file in the offices of the Department and the Legislative Reference Bureau. Copies of 24 CFR 3285 are available at http://www.gpo.gov/fdsys/granule/CFR-2013-title24-vol5/CFR-2013-title24-vol5-part3285.

Note: Section 24 CFR 3285.1(a)(1) reads as follows: "States that choose to operate an installation program for manufactured homes in lieu of the federal program must implement installation standards that provide protection to its residents that equals or exceeds the protection provided by these Model Installation Standards."

(b) *Compliance.* 1. A manufactured home produced on or after April 1, 2007, shall be installed in accordance with 24 CFR part 3285 except as otherwise provided by this subsection.

Note: As provided under 24 CFR 3285.1(a)(intro.), "The manufacturer's installation instructions, including specific methods for performing a specific operation or assembly, will be deemed to comply with these Model Installation Standards, provided they meet or exceed the minimum requirements of these Model Installation Standards and do not take the home out of compliance with the Manufactured Home Construction and Safety Standards (24 CFR part 3280)."

2. If a requirement of this code applies to a manufactured home or to an attachment to a manufactured home, the manufactured home owner shall comply with that requirement. If the manufactured home is located in a manufactured home community, the manufactured home community operator is not responsible for compliance with that requirement unless the manufactured home community operator is the manufactured home owner.

(c) *Additional definitions.* These are department definitions in addition to the definitions in 24 CFR 3285.5:

1. "Department" means the department of safety and professional services.

2. "HUD" means the federal department of housing and urban development.

2m. "Manufactured home owner" has the meaning given in s. 101.652 (1) (d), Stats.

Note: Section 101.652(1)(d), Stats. reads as follows: "Manufactured home owner" does not include a person that leases a manufactured home from another.

3. "Manufactured home section" means a portion of a manufactured home which when installed does not provide all the facilities for year–round residential occupancy.

4. "Manufactured home unit" means a complete manufac-

tured home which when installed provides all the facilities for year–round residential occupancy.

(d) *Substituted definitions.* Substitute the following definitions and informational note for the corresponding definitions in 24 CRF 3285.5:

1. "Approved" means acceptable to the department.

2. "Base flood elevation" means the elevation of the base flood, including wave height, relative to the datum specified on a county's flood hazard map.

3. "Flood hazard area" means the greater of either of the following:

a. The special flood hazard area shown on the flood insurance rate map.

b. The area subject to flooding during the design flood and shown on a county's flood hazard map, or otherwise legally designated.

4. "Flood hazard map" means a map delineating the flood hazard area and adopted by a county.

5. "Local authority having jurisdiction (LAHJ)" means the department; except where it is used in conjunction with "flood hazard map," in which case it means the county.

6. "Manufactured home" has the meaning given in s. 101.91 (2), Stats.

Note: Section 101.91 (2) of the Statutes is reprinted in a Note under s. SPS 320.07 (52m).

(e) *Fire separation.* Substitute the following wording for the requirements in 24 CFR 3285.101: Fire separation distances shall be provided in accordance with the distances specified in s. SPS 326.12.

(f) *Flood hazard.* Substitute the following wording and informational note for the requirements in 24 CFR 3285.102(c): Prior to the initial installation of a new manufactured home, the owner or permit applicant is responsible to determine whether the home site lies wholly or partly within a special flood hazard area as shown on the county's flood insurance rate map, flood boundary and floodway map, or flood hazard boundary map. If so located, the map and supporting studies adopted by the county may be used to determine the flood hazard zone and base flood elevation at the site.

Note: The department of natural resources and the federal emergency management agency may also have regulations that apply to construction in flood hazard areas.

(g) *Wind loads.* This is a department informational note to be used under 24 CFR 3285.103(a):

Note: The HUD-required wind loads for Wisconsin, Zone 1, are not less than 15 psf horizontal and not less than 9 psf uplift.

(h) *Roof loads.* This is a department informational note to be used under 24 CFR 3285.103(b):

Note: See ch. SPS 325 Appendix A for a reprint of HUD's roof-load zone map.

(i) *Thermal zone.* This is a department informational note to be used under 24 CFR 3285.103(c):

Note: The HUD-required thermal zone for Wisconsin is Zone 3, for an overall maximum coefficient of heat transmission not to exceed 0.079 Btu/(hr.)(sq. ft.)(°F).

(j) *Soil test.* This is a department requirement in addition to the requirements in 24 CFR 3285.202(a): Where a community-wide soil test does not exist and a soil test is required by this chapter, such as for a proposed frost-free-foundation design, the test shall be conducted to determine the soils in the entire community rather than at an individual site.

(k) *Footings and foundations.* This is a department requirement in addition to the requirements in 24 CFR 3285.301: Footings and foundations may be designed in accordance with subchs. IV and V, which include a frost depth of at least 48 inches.

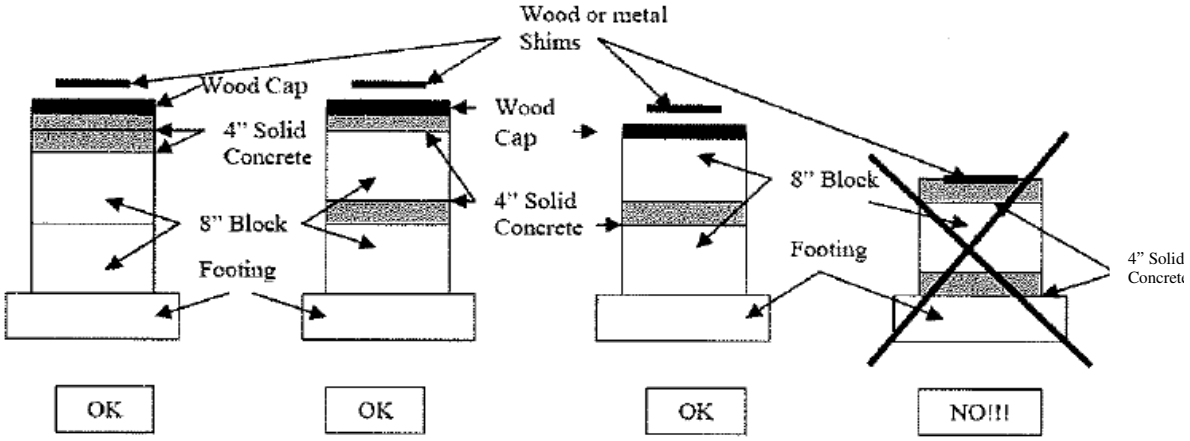
(L) *Caps.* Substitute the following wording for the requirements in 24 CFR 3285.304(b)(2): A combination of up to two 4-inch-thick solid-concrete blocks and no more than one 2-inch-thick piece of hardwood lumber shall be permitted as cap material. Lumber used as cap and gap filler material may be of 2-inch nominal lumber at least equal to No. 2 spruce/pine/fir having a minimum fiber bending stress rating of 1200 psi. All lumber used as cap and gap filler shall be the same species of wood. Lumber used to fill a gap in the pier may only be placed at the top of the pier.

(m) *Gaps.* This is a department informational note to be used under 24 CFR 3285.304(c)(1):

Note: See lumber specifications under par. (L).

(n) *Additional blocking.* Substitute the following wording for the requirements in 24 CFR 3285.304(c)(3): If a pier is provided with a cap block of 4-inch concrete or 2-inch lumber, another 4-inch concrete block may be placed anywhere in the pier but may not be placed directly upon the footing.

(o) *Illustration.* This is a department figure to be used under 24 CFR 3285.304:



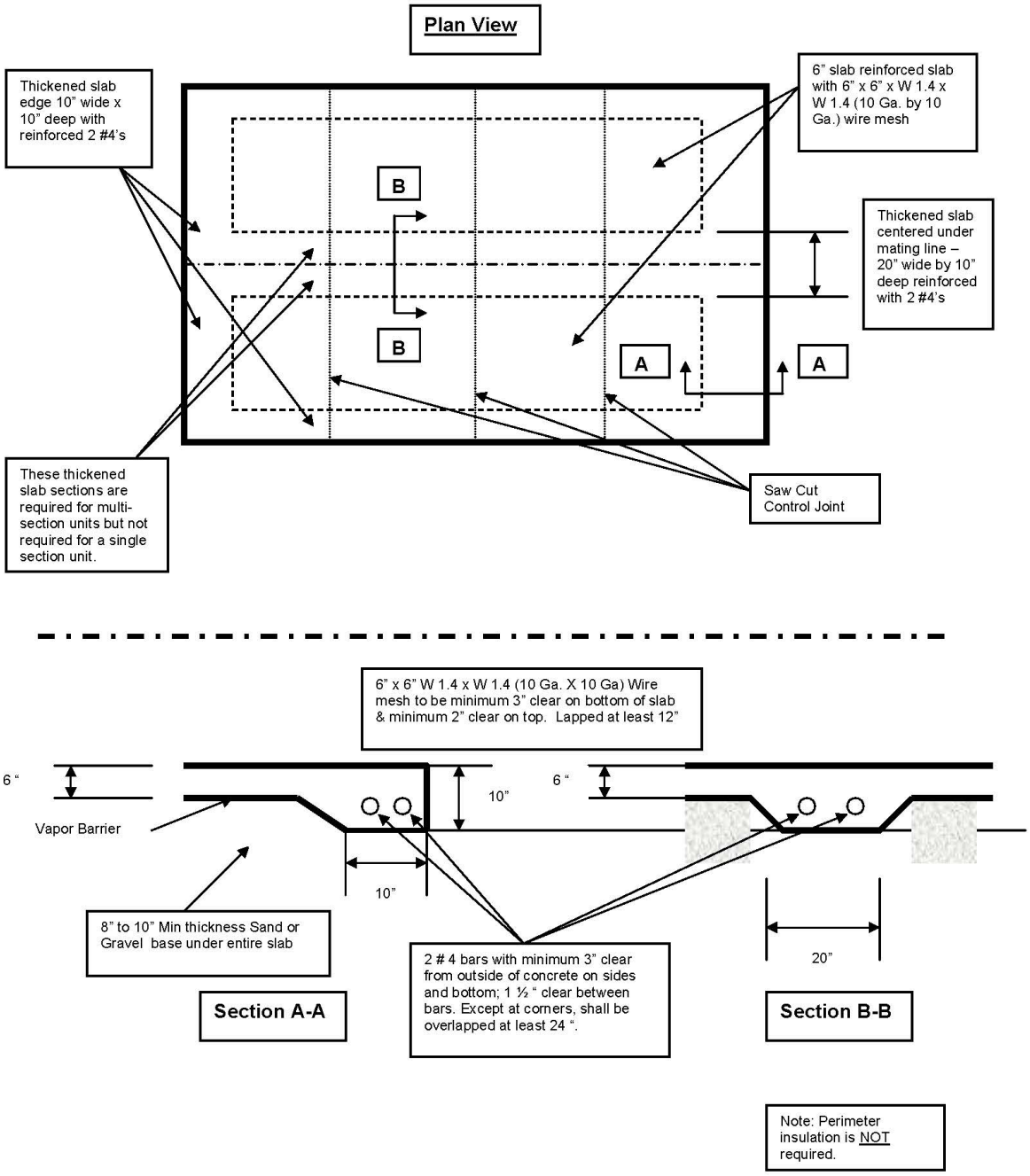
(p) *Footings and foundations.* This is a department requirement in addition to the requirements in 24 CFR 3285.312: Footings and foundations may be designed in accordance with any of the following:

1. Subchs. IV and V.

2. The department-approved slab design that is shown in the figure and limitations at the end of this paragraph.

3. Other proprietary designs approved by the department.

Acceptable slab on grade for pier supported manufactured home produced on or after April 1, 2007 [per SPS 321.40 (1)]



Limitations:

1. Minimum 3,000 psi concrete. [24 CFR 3285.312(a)(1)(ii)]

2. Rebar and mesh at least grade 40.

3. Soil bearing capacity at least 2,000 psf. [SPS 321.40 (2) (b) 2.]

4. Placed on undisturbed soil. May not be placed on unprepared fill material, organic soil, alluvial soil, mud, or frozen soil. [SPS 321.40 (2) (b) 1. and 24 CFR 3285.312(a)]

5. 8 to 10" of clean, graded sand, gravel, or crushed stone base in clay soils. [SPS 321.20 (2) with added thickness to resist frost.] Compaction of sand, etc., should be 95% of modified Proctor.

6. 6 mil vapor retarder overlapped 12 inches and sealed. [24 CFR 3285.204]

7. Maximum pier spacing of 7 feet with max. load per pier of 5,300 lbs. when placed on 6" thick slab. [SPS 321.40 (2) (b) 10. and 24 CFR 3285.310]

8. Maximum load per pier of 11,900 lbs. at mating line when centered on the 20" W. X 10" D. thickened slab, Section B-B, reinforced with 2 - #4 bars. Individual pier footings at mating line meeting sizing requirements in 24 CFR 3285 Table to 3285.312 may be used in lieu of continuous thickened slab. [24 CFR 3285.312(c)]

9. Site shall drain away from the home per SPS 321.12. Ensure drainage of sand fill zone so that any clay does not cause water to pool under the slab.

10. The water table may not be above the frost penetration depth, i.e. at least 4 feet below grade. [SPS 321.16 (1) (a)]

11. Saw cut joints in slab so that sections are approximately square. (Example: 16' by 76' slab = 4 segments.)

(q) *Anchors and tie-down straps.* This is a department requirement in addition to the requirements in 24 CFR 3285.402(b)(1) and (2): Ground anchors and tie-down straps may be of painted steel to provide the weather-deterioration protection required by this section.

(r) *Severe climate.* Substitute the following wording for the requirements in 24 CFR 3285.404: In frost-susceptible soil locations, ground-anchor augers shall be installed to the design depth of the anchor but not less than 30 inches, unless the foundation system is frost-protected to prevent the effects of frost heave, in accordance with acceptable engineering practice and ss. 24 CFR 3280.306 and 3285.312.

(s) *Ventilation openings.* Substitute the following wording for the requirements in 24 CFR 3285.505(d): Ventilation openings shall be covered for their full height and width with a perforated corrosion- and weather-resistant covering that is designed to prevent entry of rodents.

(t) *Plumbing.* This is a department informational note to be used under 24 CFR 3285.601:

Note: The Department's rules relating to registration and licensing of plumbers are in ch. SPS 305. The Department's rules relating to pipe supports; pitch of sanitary drainage piping, storm water or clear water piping, and water supply piping; and plumbing specific to manufactured homes and manufactured home communities are in chapter SPS 382.

(u) *Access for a transporter.* Substitute the following wording for the recommended requirements in 24 CFR 3285.902(a): Before attempting to move a home, ensure that the transportation equipment and home can be routed to the installation site and that all special transportation permits required by the department of transportation have been obtained.

(v) *Drainage structures.* Substitute the following wording for the recommended requirements in 24 CFR 3285.902(b): The use of ditches and culverts to drain surface runoff is subject to local and state regulations and shall be included and considered in the overall site preparation.

(w) *Local permits.* Substitute the following wording and informational note for the recommended requirements in 24 CFR 3285.903(a): All locally required permits shall be obtained and all corresponding fees shall be paid.

Note: See s. SPS 320.08 for the Department's requirements for obtaining a Wisconsin uniform building permit prior to each installation.

(x) *Local plan approval.* Substitute the following wording for the recommended requirements in 24 CFR 3285.903(b): Prior to alteration of a home's pier blocking, the local municipality shall be contacted to determine if plan approval and permits are required.

(y) *Accessory buildings and structures.* Substitute the following wording for the recommended requirements in 24 CFR 3285.903(c): Each accessory building and structure is designed to support all of its own live and dead loads, unless the structure, including any attached garage, carport, deck, or porch, is attached to the manufactured home and is otherwise included in the installation instructions.

(z) *Contacting the utility providers.* Substitute the following wording for the recommended requirements in 24 CFR 3285.904(a): The utility providers shall be consulted before connecting the manufactured home to any utilities.

(za) *Conversion of gas appliances.* Substitute the following wording for the recommended requirements in 24 CFR 3285.904(d)(1): A service person acceptable to the utility provider shall convert the appliance from one type of gas to another, following instructions by the manufacturer of each appliance.

(zb) *Gas appliance startup procedures.* Substitute the following wording for the recommended requirements in 24 CFR 3285.904(d)(4)(intro.): When required by the utility provider, the installer shall perform the following procedures:

(zc) *Heating oil systems.* This is a department informational note to be used under 24 CFR 3285.905:

Note: See ch. ATCP 93 for additional requirements relating to installation of heating oil systems.

(2) PRODUCED BEFORE APRIL 1, 2007. (a) Except as provided in par. (b), the installation of a manufactured home produced before April 1, 2007 shall be installed in conformance with the requirements in effect at the time the manufactured home was produced.

(b) The installation of a manufactured home produced before April 1, 2007 to be installed on piers shall conform to at least all of the following requirements:

1. No footing may be placed upon unprepared fill material, topsoil, alluvial soil or mud. All organic matter shall be removed from the area that will be beneath any footing.

2. The soil bearing capacity shall be determined through test by a pocket penetrometer or other means of analysis. If the soil bearing capacity under each intended pier location is less than 2000 pounds per square foot, piers shall be located in accordance with the manufacturer's instructions.

3. The home site shall be graded to permit water to drain from under the home and away from the home for a minimum of 5 feet from the home.

4. Every pier shall be supported by a footing. Each footing shall be no less than a nominal 16 inches by 16 inches.

5. Each footing shall consist of one of the following:

a. One nominal 4–inch by 16–inch by 16–inch solid concrete block or 2 nominal 4–inch by 8–inch by 16–inch solid concrete blocks. If a single block pier and 2 footing blocks are used, the 2 footing blocks shall be positioned with the joint parallel to the main frame. If a double block pier and 2 footing blocks are used, the 2 footing blocks shall be positioned with the joint either parallel or perpendicular to the main frame.

b. A 16–inch by 16–inch pad constructed of acrylonitrile-butadiene-styrene (ABS) having a rated load bearing capacity of not less than 6000 pounds.

c. An 18–inch diameter hole bored to below the frost line or to unfractured bedrock and filled with poured concrete.

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d. Any other materials and systems approved in advance by the department.

6. Piers shall be constructed of concrete blocks, manufactured steel stands or manufactured concrete stands. Manufactured stands shall be labeled for use as piers for manufactured homes.

7. Piers constructed of single stacked concrete blocks shall be limited to a height of 36 inches. Piers constructed of concrete blocks and exceeding 36 inches but less than 80 inches shall be constructed using double stacked blocks with each layer opposing the direction of the layer underneath it. Piers constructed of concrete blocks and exceeding 80 inches shall be constructed using double blocks laid in concrete mortar with each layer opposing the direction of the layer underneath it and with each core filled with concrete and a ½–inch steel reinforcing rod.

8. All concrete blocks shall be 2–core design, construction grade blocks having nominal dimensions of at least 8 inches by 8 inches by 16 inches. All concrete blocks shall be placed with the cores open vertically. The concrete block nearest the main frame of the manufactured home shall be perpendicular to the linear direction of the frame. None of these concrete blocks may contact the main frame of the home.

9. Alternative materials may be used for pier installations provided they are approved in advance by the department.

10. Piers shall be placed under the main frame of the chassis at intervals of not more than 7 feet on–center and no more than 3 feet from the exterior side of each end wall. The 7–foot spacing requirement may be varied as permitted by footing, spacing and soil capacity tables provided by the home manufacturer.

11. Piers shall be placed under the bearing points of clear–span openings of 4 feet or more in center mating walls.

12. Piers shall be plumb and centered under the contact area at the point of support.

13. a. Each pier shall be capped with a solid concrete block at least 4 inches thick or a solid wood block having a nominal thickness of at least 2 inches.

b. The cap shall be the same width and length as the top of the pier.

c. The cap shall consist of no more than 2 pieces.

d. Two-piece caps shall be positioned with the joint perpendicular to the main frame.

14. Where shims are utilized, wood shims shall be installed between the pier cap and the frame. Shims shall be driven from opposing sides and shall be no less than 4 inches by 8 inches.

15. Wood caps and shims shall be at least equal to No. 2 spruce pine fir having a minimum fiber bending stress rating of 1200 psi. All wood caps shall be the same species of wood, and all shims shall be the same species of wood.

16. The combination of a nominal 2-inch solid concrete block or a nominal 2-inch wood cap plus shims shall not exceed 3 ½ inches.

17. A minimum clearance of 12 inches shall be maintained beneath the lowest point of the main frame in the area of any utility connection. A minimum clearance of 12 inches shall also be maintained under the home for at least 75% of the home. The remainder of the home may be less than 12 inches above the ground but may not touch the ground.

History: CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07; CR 08-043: am. (2) (b) 13. Register March 2009 No. 639, eff. 4-1-09; CR 14-017: r. and recr. (1), cr. (2) (title), am. (2) (b) 8. Register August 2014 No. 704, eff. 9-1-14; correction in numbering in (1) (za) to (zc) made under s. 13.92 (4) (b) 1., Stats., Register August 2014 No. 704; correction in (1) (p) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register August 2014 No. 704; corrections in (1) (g) to (i) made under s. 35.17, Stats., Register August 2014 No. 704; CR 15-034: am. (1) (a) Register December 2015 No. 720, eff. 1-1-16; CR 21-047: renum. (1) (b) to (1) (b) 1., cr. (1) (b) 2., (c) 2m. Register May 2022 No. 797, eff. 6-1-22.

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Chapter SPS 326

MANUFACTURED HOME COMMUNITIES

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Note: Chapter Comm 26 was renumbered chapter SPS 326 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Administration and Enforcement

SPS 326.01 Purpose. Pursuant to s. 101.935 (3), Stats., the purpose of this chapter is to regulate manufactured home communities in order to protect public safety and health.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.02 Scope. Except as specified otherwise in this chapter, the provisions of this chapter apply to all new and existing manufactured home communities.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.03 Petition for variance. The department shall consider and may grant a variance to a non-statutory provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include a position statement from the fire department having jurisdiction over the affected property.

Note: Chapter SPS 303 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.04 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.94 (8) (c), Stats.

Note: Section 101.94 (8) (c), Stats., indicates that a person who violates s. 101.935, a rule promulgated under s. 101.935 or an order issued under s. 101.935 may be required to forfeit not less than $10 nor more than $250 for each violation. Each day of continued violation constitutes a separate violation.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.05 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to ss. 101.02 (6) (e) and 101.94 (7), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing on the local order.

(3) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.06 Fees. Fees for the plan examination, community permit and inspection of communities shall be submitted to the department as specified in ch. SPS 302.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.07 Plan approval. Two sets of plans and one set of related specifications and calculations for a new or expanded manufactured home community shall be submitted to the department or its agent for examination in relation to this chapter and for approval before work is begun on the community. After the initial approval, no change in plans or specifications that is affected by any provision of this chapter may be made unless the change is approved and dated by the department or its agent. Plan requirements shall be shown to scale and direction according to s. SPS 326.12 (1) to (3). An approval letter from the department shall also be attached to plans for any private sewage system. A copy of a safe water sample test result shall be submitted for private wells.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.08 Permit. (1) APPLICATION. Before a manufactured home community is opened for public use, the manufac-

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tured home community operator shall obtain a permit from the department or its agent by application made upon form SBD-10675. The permit is valid for a maximum period of 2 years, and shall be renewed prior to expiration. Upon a change of manufactured home community operator, the department or its agent shall be notified on form SBD-10675.

Note: Application instructions are available on the department's website at dsps.wi.gov.

Note: Section 101.935 (2) (c), Stats., indicates that permits are valid for a 2-year period that begins on July 1 of each even-numbered year and ends on June 30 of the next even-numbered year. If a person applies for a permit after the beginning of a permit period, the permit is valid until the end of the permit period.

(2) ACTION BY THE DEPARTMENT. Pursuant to s. SPS 302.07 (3), the department or its agent shall review and make a determination on an application for a community permit within 20 business days. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing, for the denial. The department or its agent shall conduct an on-site review for new communities, community expansions or complaints.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; CR 06-119: am. (2) Register July 2007 No. 619, eff. 8-1-07; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.09 Enforcement. (1) ACCESS. An authorized employee or agent of the department, upon presenting proper identification if requested, shall be permitted to enter any manufactured home community at any reasonable time for the purpose of inspecting the manufactured home community to determine compliance with this chapter. The department's authorized employee or agent shall be permitted to examine the records of the manufactured home community pertinent to this chapter, including manufactured home community registration records.

(2) ENFORCEMENT POLICY. (a) *Notification.* If upon inspection of a manufactured home community the authorized employee or agent of the department finds that the manufactured home community is not planned, operated or equipped as required by this chapter, the employee or agent shall, except as provided under par. (b), notify the manufactured home community operator in writing. The notice shall specify the changes required to make the manufactured home community conform to the standards established in this chapter and the time period within which compliance shall take place.

Note: Section 101.935 (2) (b), Stats., requires the department to hold a hearing in accordance with ch. 227, Stats., before suspending or revoking a permit for violations of this chapter.

(b) *Order to deal with an immediate danger to health.* Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a manufactured home community, or of equipment used on the premises, creates an immediate danger to health, an authorized designee of the administrator of the department's division of industry services, pursuant to s. 101.935 (2) (e), Stats., may without advance written notice, issue a temporary order to remove the immediate danger to health. The authorized designee may issue a monetary forfeiture to the manufactured home community operator for each day the danger is present after it has been identified. That order shall take effect on the delivery to the operator or other person in charge of the manufactured home community. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the premises to cease other operations or methods of operations that create an immediate danger to health, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the temporary order the department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The department shall then schedule and hold a hearing pursuant to ch. 227, Stats., unless the immediate danger to health is removed or the order is not contested and the operator and the department mutually agree that no purpose would be served by a hearing.

(3) LOCAL ENFORCEMENT. If an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 66.0417 and 97.615 (2), Stats., which shall supersede sub. (2).

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (2) (b) made under s. 13.92 (4) (b) 6., Stats., Register September 2013 No. 693; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 734.

Subchapter II — Definitions

SPS 326.10 Definitions. In this chapter:

(1) "Ability to pay" means a manufactured home community occupant's financial capacity to meet the manufactured home community occupant's water and sewer service financial obligation.

(2) "Agent" means a village, city or county designated by the department to issue permits and make inspections of the manufactured home communities.

(3) "Basic unit" means a manufactured home without hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

(4) "Department" means the department of safety and professional services.

(5) "Disconnection" means an event or action taken by the manufactured home community operator or manufactured home community contractor to terminate or discontinue the provision of water and sewer service, but does not include cessation of service at the request of a manufactured home community occupant.

(6) "Dispute" means a statement or question by a manufactured home community occupant alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a manufactured home community operator or manufactured home community contractor.

(7) "General service charges" means charges billed to the manufactured home community occupant by the manufactured home community operator or manufactured home community contractor and intended to recover the cost of supplying water and sewer service.

Note: The expenses typically recovered by general service charges are operation and maintenance expenses, taxes, depreciation, or debt service. Expenses such as late payment charges, non-sufficient funds check charges, or reconnection charges are not typically recovered through general service charges but are typically separate, additional charges applied to the manufactured home community occupant's account.

(8) "Manufactured home" has the meaning specified under s. 101.91 (2), Stats.

Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(9) "Manufactured home community" has the meaning specified under s. 101.91 (5m), Stats.

Note: Under s. 101.91 (5m), Stats., "manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

(10) "Manufactured home community contractor" has the meaning specified under s. 101.91 (6m), Stats.

Note: Under s. 101.91 (6m), Stats., "manufactured home community contractor" means a person, other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with a manufactured home community operator, provides water or sewer service to a manufactured home community occupant or performs a service related to providing water or sewer service to a manufactured home community occupant.

(11) "Manufactured home community occupant" has the meaning specified under s. 101.91 (7), Stats.

Note: Under s. 101.91 (7), Stats., "manufactured home community occupant" means a person who rents or owns a manufactured home in a manufactured home community.

(12) "Manufactured home community operator" has the meaning given in s. 101.91 (8), Stats.

Note: Under s. 101.91 (8), Stats., "manufactured home community operator" means a person engaged in the business of owning or managing a manufactured home community.

(13) "Meter" means an instrument installed to measure the volume or rate, or both, of flow of water delivered through it.

(14) "Person" means an individual, firm, trust, partnership, association or corporation.

(15) "Protective services emergency" means a threat to the health or safety of a community resident because of the infirmities of aging, other developmental or intellectual disabilities, or the frailties associated with being very young.

(16) "Remote outside meter" means an analog device attached to a building or structure that displays the reading of the base meter through electronic pulses sent from the base meter.

Note: Remote outside meters are considered part of the manufactured home community operator's or manufactured home community contractor's metering configuration.

(17) "Site" means a plot of ground within a manufactured home community designed for placement of one manufactured home.

(18) "Small manufactured home community" means a manufactured home community containing fewer than 6 individual sites that are rented or offered for rent for the accommodation of a manufactured home.

(19) "Street" means the paved or surfaced portion of the roadway between curb faces.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (5) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672; CR 14-017: r. (4), renum. (5) to (20) to (4) to (19) Register August 2014 No. 704, eff. 9-1-14; 2019 Wis. Act 1: am. (15) Register May 2019 No. 761, eff. 6-1-19.

Subchapter III — General Requirements

SPS 326.11 Location. (1) Every manufactured home community and manufactured home within the community shall be located on a well-drained area and shall be properly graded to prevent the accumulation of stormwater or other waters.

(2) A manufactured home shall be located on soil that provides sufficient soil bearing capacity to support the manufactured home.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.12 Physical layout. (1) SITES. (a) Each site shall be clearly delineated on plans submitted to the department or its agent for approval.

(b) Each basic unit shall be located on a site so that there is at least a 10-foot clearance between basic units. The clearance requirements shall be exclusive of a parking area.

(c) No basic unit may be located closer than 10 feet to any of the following:

1. Any building such as a pump house, the office building for the community, a laundry building or a recreational building, except a garage or accessory structure belonging to the site or manufactured home community occupant.

2. Any property line of the community.

3. Any street within the community.

Note: See chs. SPS 320 to 325 for additions and alterations to manufactured homes.

(2) PARKING. Parking spaces in a ratio of one and one half for each site shall be provided and maintained in good condition.

(3) STREETS. (a) Streets shall conform to the minimum widths specified in Table 326.12.

Table 326.12
Street Widths, in Feet

Travel Direction	No Off-Street Parking Provided		Off-Street Parking Provided		
	Parking 2 Sides	Parking One Side	Parking 2 Sides	Parking One Side	No Street Parking
2 Way	36	30	32	24	18
One Way	24	18	24	18	14

(b) Where parking on the street is prohibited, "no parking" signs shall be provided.

(c) Streets shall be graveled or paved, maintained in good condition, have natural drainage, and be able to support the imposed loads for occasional use of fire apparatus as determined in consultation with the local fire department.

(4) EXISTING MANUFACTURED HOME COMMUNITIES. (a) Except as provided in par. (b), manufactured home communities or a section of a manufactured home community that were in existence prior to 1962 need not comply with subs. (1) to (3) unless the department determines that non-compliance endangers the health or safety of community occupants.

(b) Any manufactured home community expansion shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(c) Any modification of a manufactured home community that existed prior to 1962 relating to the size of the basic units, the separation between basic units or the placement of basic units on a lot in relationship to streets and other buildings shall be permitted by the department unless the department determines that the modification endangers the health or safety of community occupants. Any modification of a manufactured home community which did not exist prior to 1962 shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(d) Manufactured home communities or a section of a manufactured home community that were constructed between 1962 and March 1, 2006 shall comply with the following requirements for the width of 2-way streets within the community: At least 32 feet if parking is permitted on both sides of the street, 24 feet if parking is permitted on one side of the street and 18 feet if parking on the street is prohibited.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: am. (1) (c) (intro.), 1., 2. Register August 2014 No. 704, eff. 9-1-14.

SPS 326.13 Fire hydrants. For manufactured home communities and community expansions constructed after

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March 1, 2006, fire hydrants shall be provided in accordance with ch. NR 811 when the required water supply is available.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.14 Plumbing systems. Water and sewer systems owned by a manufactured home community operator or manufactured home community contractor shall be constructed and maintained in compliance with chs. SPS 381 to 387.

Note: The connection and use of a public water or sewer system is regulated under s. 281.45, Stats.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.15 Adequacy of water supply. Each manufactured home community operator or manufactured home community contractor shall furnish a continuous and adequate supply of potable water to its manufactured home community occupants.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.16 Electricity. (1) Manufactured home community electrical connections shall meet the requirements set forth in ch. SPS 316.

(2) A manufactured home community operator may request an electric utility provider to disconnect the electrical service to a site where an electrical overload or other dangerous condition exists in nonconformance with ch. SPS 316.

(3) An authorized employee or agent of the department may order a manufactured home community operator to make the request specified in sub. (2).

Note: Chapter SPS 316 adopts the National Electrical Code (NEC). See Article 550 Part III of the NEC for information relating to electrical connections for manufactured homes. See Article 240 for overcurrent protection.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: renum. section 326.16 to (1), cr. (2), (3) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.17 Garbage and rubbish. (1) All garbage not disposed of through a garbage disposal unit connected with the sewage system shall be kept in separate, leak proof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(2) Garbage and rubbish containers shall be maintained in a clean and sanitary condition. The use of wooden or paper containers for storing garbage and rubbish is prohibited.

Note: Local ordinances may require the separation of garbage and recyclable materials.

(3) This section does not prohibit the use of dumpsters in a manufactured home community.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.18 Management. (1) AVAILABILITY. The manufactured home community operator or a designee in charge of the manufactured home community in the absence of the operator shall, during reasonable hours, be available in the community, in close proximity to the community or via electronic means.

(2) REGISTRATION OF OWNERS. The manufactured home community operator shall keep a register of all owners and occupants of manufactured homes located in the manufactured home community, and shall permit the department or its agent to inspect the register at all reasonable times and upon reasonable notice. The register may be kept in an electronic form. If the register is being stored at a location different than the licensed address, the operator shall disclose the storage location to the department upon request.

(3) MAINTENANCE. The manufactured home community operator shall maintain the manufactured home community in a clean, safe, orderly and sanitary condition at all times.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.19 Duties of occupants. All owners and other occupants of manufactured homes in a manufactured home community shall do all of the following:

(1) Register with the manufactured home community operator.

(2) Maintain their site in a clean, orderly and sanitary condition at all times.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; CR 14-017: am. (intro.), (1) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.20 Other municipal fees. A manufactured home community contractor or a manufactured home community operator may pass along to a homeowner a municipal charge imposed on the community or its occupants on a schedule to meet the obligations imposed by the municipality or municipal utility notwithstanding the terms of the lease.

History: CR 14-017: cr. Register August 2014 No. 704, eff. 9-1-14.

Subchapter IV — Water and Sewer Service

Part 1 - General

SPS 326.25 General requirement. A manufactured home community contractor and a manufactured home community operator that provides water service or sewer service, or both, to the occupants of their manufactured home community shall furnish reasonably adequate service and facilities as required by this subchapter.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.26 Uniform billing rate. No manufactured home community operator or manufactured home community contractor may provide water and sewer service to a manufactured home community occupant at a billing rate different from that provided to all other occupants of their manufactured home community.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

Part 2 - Records and Available Information

SPS 326.27 Records of service interruptions. Each manufactured home community operator or manufactured home community contractor shall maintain a record of each interruption of service that results from a failure or disruption of the manufactured home community water supply or sewer collection system lasting more than one hour or affecting more than 25% of the manufactured home community occupants upon reporting of such an outage by a manufactured home community occupant. The manufactured home community operator's or manufactured home community contractor's records shall show the date and time the service interruption began, the duration, the cause, and the approximate number of manufactured home community occupants affected. Records must be maintained for 3 years following the date of occurrence.

Note: See also s. SPS 326.48 for further information.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.28 Information available and required to be provided to customers. Each manufactured home community operator or manufactured home community contractor shall have available and provide, to all new manufactured home community occupants and to any manufactured home community occupant making a request, a written notice that includes a summary of the rules set forth in this chapter pertaining to deposits, payment options, disconnection, and dispute procedures.

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The notice shall contain a reply procedure to allow manufactured home community occupants an opportunity to advise the manufactured home community operator or manufactured home community contractor of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the manufactured home community operator or manufactured home community contractor to contact a specific third-party agency or individual prior to any disconnection action being taken. Each manufactured home community operator or manufactured home community contractor shall also provide annually, and any time rates are increased, written information regarding the rates charged to manufactured home community occupants for the provision of water and sewer service. The information provided shall include a description of how rates are determined, the rate charged the manufactured home community operator or manufactured home community contractor by its water or sewer service provider, and the department's telephone number.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; CR 14-017: am. Register August 2014 No. 704, eff. 9-1-14.

Part 3 - Rates, Service and Billing

SPS 326.29 Application. The provisions of Part 3 are not applicable to manufactured home community operators or manufactured home community contractors who include the costs associated with water and sewer service in their rental fees.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.30 Reasonableness of water and sewer rates. A manufactured home community operator or manufactured home community contractor may establish general service charges for water and sewer service in one of the following ways:

(1) (a) If a manufactured home community operator or manufactured home community contractor purchases water and sewer service and resells the service to the manufactured home community occupants where the service is not metered, the maximum allowable water and sewer bill to each manufactured home community occupant may not exceed the lesser of the manufactured home community's water and sewer bill, plus 30%, divided by the number of occupied lots within the community, or the retail rates of the local municipality's water and sewer operation applied to the average user. The bill to each manufactured home community occupant shall be based on the previous billing cycle of the service provider. The average user is one whose consumption is equal to the volume of water billed to the manufactured home community operator or manufactured home community contractor, divided by the number of occupied lots or occupants within the manufactured home community. The allowable bill also includes the combination of all other charges to a typical residential customer, including such items as meter and storm water charges.

Note: The 30% additional charge is intended to recover the operational, maintenance, and capital costs associated with the facilities within the manufactured home community.

(b) If a manufactured home community operator or manufactured home community contractor purchases water and sewer service and resells the service to the manufactured home community occupants where the service is metered, the maximum allowable water and sewer billing rate to each manufactured home community occupant may not exceed the local residential meter rate based on volume plus the combination of all other charges to a typical residential customer, including such items as meter and storm water charges.

(2) If a manufactured home community operator or manufactured home community contractor owns the water supply facilities or the sewerage treatment facilities that serve the manufactured home community, the water charge to a manufactured home community occupant may not exceed the average amount charged for a similar level of water utility service furnished by Wisconsin Class D water public utilities. The charge for sewer service may not exceed 2.5 times the charge for Wisconsin Class D water service.

Note: Information relative to the rates of Wisconsin Class D water public utilities is available from the Wisconsin Public Service Commission Web site at psc.wi.gov. See Bulletin 25.

(3) (a) A manufactured home community operator or manufactured home community contractor may establish water and sewer rates in excess of those set forth in sub. (1) or (2) if the manufactured home community operator or manufactured home community contractor can provide written documentation to the department that demonstrates that higher charges are necessary to meet the reasonable costs associated with all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, or depreciation of the water and sewer system and for the payment of all or part of the principal and interest of any indebtedness associated with providing water and sewer service at a reasonable cost.

(b) A manufactured home community operator or manufactured home community contractor shall provide a written explanation of rates upon request of a manufactured home community occupant, and at any time rates are increased.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; CR 14-017: am. (1) (a), (b) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.31 Billing methods. Sewer or water bills for manufactured home community occupants shall be based on one of the following methods:

(1) Metered.

(2) Flat rate.

(3) Residential equivalent units.

Note: See s. SPS 383.43 for information regarding estimating wastewater flow.

(4) Any other method that can be shown to reasonably allocate costs among manufactured home community occupants.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.32 Billing. (1) If payments for water and sewer service are paid separately from rent, a bill for water and sewer service shall be issued at least quarterly by the manufactured home community operator or manufactured home community contractor. The bill shall include all of the following on the manufactured home community occupant's receipt:

(a) The service address.

(b) The present and last preceding meter readings if service is metered.

(c) The present and last preceding meter reading dates if service is metered.

(d) The number of units consumed if service is metered.

(e) Clear itemization of the amounts included in the bill for the present billing period and any unpaid balance from previous billing periods, including any late payment charges.

(2) Estimated bills shall be distinctly marked as such, if service is on a metered basis.

(3) Except as provided in sub. (4), if payments for water and sewer service are paid separately from rent, a partial payment received for water and sewer service shall be applied, in descending order until fully paid, to each of the following types of charges on the manufactured home community occupant's account:

(a) Current water and sewer service.

(b) Water and sewer service arrears.

(c) Miscellaneous water and sewer charges.

(d) All other charges.

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(4) Upon a manufactured home community occupant's request, or at the discretion of the manufactured home community operator or manufactured home community contractor, partial payments may be allocated differently than set forth under sub. (3) if the allocation does not result in a disconnection of service or the imposition of a late payment penalty that would not have occurred under the allocation methodology set forth under sub. (3).

(5) The manufactured home community operator or manufactured home community contractor may apply late payment charges to any portion of a manufactured home community occupant's water and sewer service bill that is not paid in full within 20 days following issuance of the bill. The late payment charge each month shall not exceed one percent of the total unpaid balance per month.

(6) (a) If a manufactured home community operator or manufactured home community contractor applies a late payment charge, the late payment charge shall apply only to that portion of the bill not paid within 20 days following issuance of the bill.

(b) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the manufactured home community operator or manufactured home community contractor.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (7) (b), (8) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: r. (3) (b), renum. (3) (c) to (e) to (3) (b) to (d), r. (7), (8) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.33 Deposits for water and sewer service.

(1) A manufactured home community operator or manufactured home community contractor may require a deposit as a condition of new or continued water and sewer service. The amount of the required deposit may not exceed $75.

(2) The manufactured home community operator or manufactured home community contractor shall refund the water and sewer deposit of a manufactured home community occupant within the same period as for the rental agreement security deposit.

(3) (a) Any arrearage owed by a manufactured home community occupant for water and sewer service may be deducted from the manufactured home community occupant's water and sewer deposit.

(b) If the manufactured home community operator or manufactured home community contractor deducts a water and sewer arrearage from a manufactured home community occupant's deposit, it may require the manufactured home community occupant to bring the water and sewer deposit up to its original amount.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; CR 14-017: renum. (1) (a) to (1) and am., r. (1) (b) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.34 Reasons for disconnection and refusal of service.

(1) Water and sewer service may be disconnected or refused for any of the following actions on the part of a manufactured home community occupant:

(a) Failure to pay a delinquent account.

(b) Failure to comply with deposit arrangements as specified in s. SPS 326.33.

(c) Diversion of service around the meter.

(d) Refusal or failure to permit authorized manufactured home community operator or manufactured home community contractor personnel access to the base meter or remote register.

(e) Use of service in a manner that interferes with the service of others or the operation of nonstandard equipment, if the manufactured home community occupant has first been notified and provided with reasonable opportunity to remedy the situation.

(f) Failure to comply with Wisconsin statutes, department rules, or department orders pertaining to water and sewer service.

(g) Failure to pay costs or fees incurred by and awarded to the manufactured home community operator or manufactured home community contractor by a court of law for pursuit of collection of water and sewer bills, or failure to pay collection charges associated with water and sewer service.

(h) Use of a device that unreasonably interferes with communications or signal services used for reading meters.

(i) Failure to bring a deposit up to its original amount within 20 days of the written request to do so if all or a portion of the deposit has been used to pay a water and sewer arrearage.

(2) A manufactured home community operator or manufactured home community contractor may disconnect water and sewer service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the manufactured home community operator or manufactured home community contractor shall provide the manufactured home community occupant with a written explanation of the dangerous condition.

(3) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water and sewer.

(4) A manufactured home community operator or manufactured home community contractor may disconnect water and sewer service without notice where it has reasonable evidence that water and sewer service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the water and sewer service.

(5) Water and sewer service may not be disconnected or refused for any of the following reasons:

(a) Failure to pay the account of another manufactured home community occupant as guarantor of that account.

(b) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing.

(c) For the purpose of eviction of a manufactured home community occupant.

(d) If a heat advisory or warning has been declared by the national weather service for a geographic area that includes the manufactured home community.

(6) Notwithstanding any other provision of this section, upon due notice to a manufactured home community operator or manufactured home community contractor, the operator or contractor may not disconnect service or refuse to reconnect service to a manufactured home community occupant if disconnection will aggravate an existing medical or protective services emergency of the manufactured home community occupant, a member of the manufactured home community occupant's family, or other permanent resident of the premises where service is rendered and if the manufactured home community occupant conforms to the procedures described in s. SPS 326.35 (1) (c).

(7) Notwithstanding any other provision of this chapter, water and sewer service may not be refused or disconnected because of a delinquent account if the manufactured home community occupant or applicant provides a deposit as a condition of future service, as governed by s. SPS 326.33, or a payment agreement guaranteed by a third party. If the guarantor has agreed to be responsible for payment of all future bills, the manufactured home community occupant shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction

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in (1) (b), (7), (8) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: am. (1) (a), (2), r. (6), renum. (7), (8) to (6), (7) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.35 Disconnection procedure. (1) (a) A notice of disconnection may not be issued until at least 20 days after the date of issuance of the bill.

(b) Manufactured home community water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of s. SPS 326.38.

(c) A manufactured home community operator or manufactured home community contractor shall postpone the disconnection of service, or reconnect the service if disconnected, for up to 21 days on the written recommendation of a licensed physician or notice from a public health, social services, or law enforcement official that identifies the medical or protective services emergency and specifies the period of time for postponement of the disconnection. This postponement is to enable the manufactured home community occupant to arrange for payment.

(d) During the period service is continued under the provisions of this subsection, the manufactured home community occupant is responsible for the cost of residential water and sewer service. However, no action to disconnect that service shall be undertaken until expiration of the period of continued service.

(e) If there is a dispute concerning an alleged medical emergency, either party may request an informal review by the department. During the informal review, residential water and sewer service shall be continued if the manufactured home community occupant has submitted a statement or notice as set forth in par. (c).

(2) (a) A manufactured home community operator or manufactured home community contractor shall not disconnect service unless written notice by first class mail is sent to the manufactured home community occupant or personally served upon the occupant at least 8 calendar days prior to the first date of the proposed disconnection except as provided in s. SPS 326.34 (2), (3), and (4). If the billing address is different from the service address, notice shall be posted at the service address not less than 5 days before disconnection. The notice shall contain the information set forth in s. SPS 326.36.

(b) If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the manufactured home community occupant and the manufactured home community operator or manufactured home community contractor agree to extend the 15-day time period. If disconnection is not accomplished on or before the 30th day after the original eight-day disconnection notice was issued, the manufactured home community operator or manufactured home community contractor shall issue a new eight-day disconnection notice prior to proceeding with the disconnection of water and sewer service.

(c) The manufactured home community operator or manufactured home community contractor shall make a reasonable effort to have a personal or telephone contact with the manufactured home community occupant prior to disconnection. If a contact is made, the manufactured home community operator or manufactured home community contractor shall review the reasons for the pending disconnection of service and explain what actions shall be taken by the manufactured home community occupant to avoid disconnection. The manufactured home community operator or manufactured home community contractor shall keep a record of the contacts and contact attempts.

(d) If a dispute cannot be resolved, the manufactured home community operator or manufactured home community contractor shall inform the manufactured home community occupant of the right to appeal to the department in accordance with s. SPS 326.38.

(3) Service shall not be disconnected on a day, or on the day immediately preceding a day, when the business offices of the manufactured home community operator or manufactured home community contractor are not available to the manufactured home community occupants for the purpose of transacting all business matters. If the manufactured home community operator or manufactured home community contractor is not available for all business matters, it shall be considered to be available if it provides personnel that are readily available to the manufactured home community occupant 24 hours per day to evaluate, negotiate, or otherwise consider the manufactured home community occupant's objection to the disconnection as provided under s. SPS 326.38, and proper service personnel are readily available to restore service 24 hours per day.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (1) (b), (2) (a), (d), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.36 Disconnection notice. (1) A disconnection notice shall contain all of the following information:

(a) The name and address of the manufactured home community occupant and the address of the service, if different.

(b) The reason for the proposed disconnection of service and a statement that service will be disconnected if one of the following does not occur:

1. The account is paid.
2. Other suitable arrangements are made.
3. Equipment changes are made.

(c) A statement that the manufactured home community occupant shall immediately contact the manufactured home community operator or manufactured home community contractor at the number listed if the manufactured home community occupant disputes the account considered delinquent, if any resident is seriously ill, or if there are other extenuating circumstances.

Note: Extenuating circumstances include things such as the presence of occupants who are any of the following: infants or young children, elderly persons, persons with disabilities, or persons who use life support systems or equipment.

(d) A statement that residential water and sewer service shall be continued for up to 21 days during serious illness on the written recommendation of a licensed physician.

(e) A statement that the manufactured home community occupant may appeal to the department if the grounds for the proposed disconnection or the amount of any charge remains in dispute after the manufactured home community occupant has pursued the available remedies with the manufactured home community operator or manufactured home community contractor.

(f) The date of the notice.

(g) The proposed date of disconnection.

(h) A phone number at which the manufactured home community operator or manufactured home community contractor can be contacted.

(i) A statement that the manufactured home community occupant may apply to accept responsibility for future bills and avoid disconnection of service as allowed under s. SPS 326.34 (7).

(j) A statement that disputing any matter does not relieve the manufactured home community occupant of the obligation of paying charges not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute that are later determined to be correct.

(2) If disconnection of service is to be made for default on a payment, the notice shall include an explanation of the acts of the

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manufactured home community occupant which are considered to constitute default.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (1) (i) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: am. (1) (intro,), r. (1) (b) 2., renum. (1) (b) 3., 4. to (1) (b) 2., 3., am. (1) (c), (i), (2) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.38 Dispute procedures. (1) If a manufactured home community occupant disputes a manufactured home community operator or manufactured home community contractor's request for a deposit, or advises the manufactured home community's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the manufactured home community operator or manufactured home community contractor shall do all of the following:

(a) Investigate the dispute promptly and completely.

(b) Advise the manufactured home community occupant of the results of the investigation.

(2) (a) After the manufactured home community occupant has pursued the available remedies with the manufactured home community operator or manufactured home community contractor, the manufactured home community occupant may request that the department informally review the disputed issue and recommend terms of settlement.

(b) A request for informal review may be made in any reasonable manner, including written, electronic or telephone request directed to the department. The department may request in writing or by telephone the manufactured home community operator or manufactured home community contractor to provide investigative information regarding the dispute.

(c) A manufactured home community operator or manufactured home community contractor shall respond to the department request for an investigation promptly. Based on information provided by the manufactured home community operator or manufactured home community contractor and the manufactured home community occupant, the department shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the department determination, and the basis for it, in writing. The department shall inform any manufactured home community occupant disputing an informal determination of the right to pursue a formal review.

(d) At least 7 business days shall elapse between the date the department telephones or mails notice of terms of settlement and disconnection.

(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the department. To avoid disconnection pending a formal review, the manufactured home community occupant shall request in writing a formal review by the department within 7 business days of the issuance of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the department telephones or provides written notice of terms of the settlement after informal review. If a party to a dispute requests written confirmation of the department decision, the 30-day period begins from the date of that mailing.

(b) The department shall base its formal determination on the request for formal review and the department's informal dispute file. Within 45 calendar days from the date that a request for formal review is made, the department shall draft a memorandum based on the information it has received from the manufactured home community operator or manufactured home community contractor and the manufactured home community occupant. A copy of the memorandum shall be provided to the parties no less than 15 business days prior to consideration by the department. The department shall inform both parties in writing of the date of consideration. Either party to the dispute may file a response to the department memorandum. A response shall be filed with the department no less than 2 business days prior to the date scheduled for consideration by the department. The department shall inform both parties in writing of its formal review decision.

(4) Either party to the dispute may request that the department reconsider its formal determination under this section. A request for reconsideration shall comply with s. 227.49, Stats., and shall be received by the department within 20 days after the date the department mailed the determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original dispute. The department may review and reaffirm its original decision, issue a new decision, or decide to hold a hearing on the matter for the gathering of additional information.

(5) (a) If the department decides under sub. (4) to conduct a hearing, the department may impose conditions on granting the hearing. If either party fails to meet a condition, the department may or may not hold a hearing on the dispute.

(b) The hearing shall conform to the procedures of ch. 227, Stats.

(c) The hearing shall be held not less than 10 days following mailing of the notice of hearing and a decision shall be rendered within 30 days following the conclusion of the hearing.

(6) Manufactured home community water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The manufactured home community operator or manufactured home community contractor shall inform the manufactured home community occupant that pursuing a disputed matter does not relieve the manufactured home community occupant of the obligation of paying charges that are not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute and later determined to be correct.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: am. (1) (intro.), r. (1) (c) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.39 Complaint procedures. Manufactured home community occupants may complain to the department concerning adequacy of water supply, or the general condition of the manufactured home community's water distribution system, sewer collection system or sewer treatment system.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

Part 4 - Customer Meters, Accuracy Requirements

SPS 326.40 Meters. (1) All meters used for measuring the quantity of water delivered to a manufactured home community occupant shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to the standard specified in s. PSC 185.65 (2).

(2) If water service is supplied by a manufactured home community operator or manufactured home community contractor on a metered basis, service may not be supplied to any manufactured home community occupant from facilities which are downstream from another manufactured home community occupant's meter.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.41 Meter testing facilities and equipment. Each manufactured home community operator or manufactured home community contractor billing for water and sewer service on a metered basis shall own or provide, through contract or oth-

erwise, adequate equipment and facilities to provide for testing of all of its water meters.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.42 Testing of manufactured home community occupant meters. (1) The test of any manufactured home community occupant's meter shall consist of a comparison of its accuracy with that of a standard of known accuracy. If the test standard consists of a previously calibrated reference or service meter, the test results for the manufactured home community occupant meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.

(2) Meters shall be tested before repair ("As Found") and after repair ("As Left"), if applicable.

(3) Meters not meeting the accuracy or other requirements of s. PSC 185.65 (2) shall be repaired or rebuilt to meet those requirements before further use.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.43 Test flows. The required test flow and normal test flow limits are as listed in s. PSC 185.65. The stated test flows apply for both "As Found" and "As Left" tests.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.44 Required tests of manufactured home community occupant meters. Meters shall be tested by the manufactured home community operator or manufactured home community contractor at each of the following times:

(1) Before use if the meter has not been tested or certified to be accurate.

(2) Upon manufactured home community occupant request in accordance with s. SPS 326.45.

(3) When damaged or otherwise suspected of being inaccurate.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-017: am. (intro.) Register August 2014 No. 704, eff. 9-1-14.

SPS 326.45 Requested test. (1) Except as provided in sub. (2), each manufactured home community operator or manufactured home community contractor shall promptly make an accuracy test of any metering installation upon request of a manufactured home community occupant.

(2) If less than one year has elapsed since the last meter test, the manufactured home community operator or manufactured home community contractor is not obligated to test the meter unless there is evidence that the meter is damaged or otherwise registering incorrectly.

(3) When a meter test is performed upon request of the manufactured home community occupant, an amount equal to 50% of the estimated cost of the meter test shall be advanced to the manufactured home community operator or manufactured home community contractor by the manufactured home community occupant. This amount shall be refunded if the test shows the meter to be over registering by more than 2%. The entire cost resulting from the meter test shall be the responsibility of the manufactured home community occupant if the results of the test show the meter to be under registering or accurate under s. PSC 185.65 (2).

(4) A report giving the results of the test shall be provided to the manufactured home community occupant and a complete original test record shall be kept on file by the manufactured home community operator or manufactured home community contractor for one year following the test date.

(5) Upon request, the test shall be made in the presence of the manufactured home community occupant during normal business hours.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.46 Remote outside meter system tests. The remote outside meter system, if used, shall be tested each time the associated meter is tested. If the total recorded consumption of the remote outside meter agrees with that of the base meter, no further testing of the remote outside meter system is required.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

Part 5 - Operating Requirements

SPS 326.47 Flushing mains. If practical, dead-end mains or other low-flow portions of distribution systems shall be flushed as needed to eliminate or minimize complaints from manufactured home community occupants arising from an objectionable condition of water due to lack of circulation.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.48 Interruptions of service. (1) Each manufactured home community operator or manufactured home community contractor shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the manufactured home community operator or manufactured home community contractor shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its employees, the manufactured home community occupants, and the general public.

(2) Reasonable notice shall be given to manufactured home community occupants of planned interruptions of service.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06.

SPS 326.49 Maintenance of water and sewer piping. (1) Thawing of a manufactured home community occupant's frozen water service or building sewer shall be at the manufactured home community occupant's expense unless either of the following apply:

(a) The freeze-up is a direct result of a disconnect initiated by the manufactured home community operator or manufactured home community contractor and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur.

(b) The freeze-up is a result of a deficiency in the manufactured home community water or sewer service piping.

(2) The cost of maintenance of water and sewer service piping shall be at the expense of the manufactured home community occupant if the manufactured home community occupant physically damages piping or discharges improper materials into the sewer.

Note: See ss. SPS 382.34 and 383.32 for information regarding the discharge of improper materials into a sewer.

History: CR 04-135: cr. Register February 2006 No. 602, eff. 3-1-06; CR 14-017: am. (1) (intro.) Register August 2014 No. 704, eff. 9-1-14.

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Chapter SPS 368

MANUFACTURED HOUSING REHABILITATION AND RECYCLING

SPS 368.10 Authority and purpose.
SPS 368.20 Definitions.
SPS 368.30 Eligible applicants.
SPS 368.32 Eligible activities.
SPS 368.34 Eligible property.
SPS 368.36 Eligible costs.
SPS 368.40 Applying for a grant from the department.
SPS 368.50 Evaluation criteria.
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SPS 368.70 Completions.

Note: Chapter Comm 156 was renumbered chapter SPS 456 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672; Chapter SPS 456 was renumbered chapter SPS 368 under s. 13.92 (4) (b) 1., Stats., Register November 2017 No. 743.

SPS 368.10 Authority and purpose. Under the authority in s. 101.934 (3), Stats., this chapter establishes a grant program for rehabilitation and recycling of manufactured housing.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 368.20 Definitions. In this chapter:

(1) "Abandoned manufactured home" means a manufactured home that is either of the following:

(a) Vacant or in need of extensive repair.

(b) An unreasonable danger to public health, safety, welfare or the environment.

(2) "Administrative costs" means the expenses incurred by a grantee in providing funds to or on behalf of participating households. This includes staff costs, office expenses, and costs for printing, mailing, travel, training, accounting, auditing and reporting.

(3) "Critical repair" means permanent, essential rehabilitation to an owner-occupied manufactured home, that is intended to ensure that the home is decent, safe, and sanitary.

(4) "Department" means the department of safety and professional services.

(5) "Eligible homeowner" means an individual who owns and resides in a manufactured home that is in need of critical repairs; and whose income, when combined with all other members of the household, does not exceed 80 percent of the median annual household income, as established by the US department of housing and urban development, in the county where the household is located.

(6) "Household" means one or more persons occupying a manufactured home.

(7) "Manufactured home" has the meaning given in s. 101.91 (2), Stats.

Note: Under section 101.91 (2) of the Statutes, "manufactured home" means either (1) a structure which is designed to be used as a dwelling with or without a permanent foundation, and which is certified by the federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425; or (2) a mobile home. Under section 101.91 (10) of the Statutes, "mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

(8) "MHRR" means manufactured housing rehabilitation and recycling.

(9) "Municipality" means any city, village, town, county or federally recognized American Indian tribe or band in this state.

(10) "Rehabilitation" means a permanent improvement to an owner-occupied manufactured home; including installation or replacement of windows, doors, roofing, plumbing, water heaters, heating systems, insulation, tie downs, footings and foundations.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08; correction in (4) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

SPS 368.30 Eligible applicants. The department shall accept applications for administration of funding under this chapter only from nonprofit organizations that are identified as tax exempt under section 501(a) of the Internal Revenue Code.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

SPS 368.32 Eligible activities. MHRR funds may only be used for the following activities:

(1) To assist eligible homeowners with critical repairs of their primary residence.

(2) To assist municipalities, organizations and persons involved in disposal of abandoned manufactured homes, and for the purpose of supporting environmentally sound disposal.

(3) To offset costs for administering an MHRR program.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

SPS 368.34 Eligible property. **(1)** For all eligible-homeowner activities, the property shall be a manufactured home that will serve as the owner's principal residence. The home shall be located either on land that is owned by the homeowner, or on land for which the homeowner has a written lease as defined in s. 710.15 (1) (ag), Stats.

Note: Section 710.15 (1) (ag) of the Statutes reads as follows: " 'Lease' means a written agreement between an operator and a resident establishing the terms upon which the mobile home or manufactured home may be located in the community or the resident may occupy a mobile home or manufactured home in the community."

(2) For all disposal activities, the property shall be an abandoned manufactured home.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

SPS 368.36 Eligible costs. **(1)** Any administrative costs, including project-related soft costs, may not exceed ten percent of the total housing activity funds requested, except payments for relocation services may be excluded from this ten-percent portion.

(2) Contracted administrative costs shall be eligible for MHRR funding only when incurred through a request-for-proposal process.

(3) The cost of critical repairs for an owner-occupied manufactured home is eligible for MHRR funding.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

SPS 368.40 Applying for a grant from the department. All applications for administration of funding under this chapter shall be in a format prescribed by the department and shall include proof of tax-exempt status.

Note: The format that is currently prescribed can be obtained from the department at MHRR, P.O. Box 8935, Madison, WI 53708-8935; and may be available by

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accessing the department's Web site at http://dsps.wi.gov and searching for the manufactured housing rehabilitation and recycling program.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

SPS 368.50 Evaluation criteria. The department may adjust an award amount from an amount requested in an application submitted under s. SPS 368.40, based on the following criteria:

(1) The applicant's capacity to complete the proposed activities.

(2) The technical expertise of the applicant's staff, with manufactured housing.

(3) Geographic coverage of activities.

(4) The applicant's performance and progress in any other housing program.

(5) Financial-audit results from any other housing program.

(6) The extent to which the applicant will direct program funding to actual repairs for homeowners who are most in need of the financial assistance, rather than to inspections, appraisals and administrative costs.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2017 No. 743.

SPS 368.60 Contracts. (1) Each recipient of a grant award from the department shall enter into a contract with the department for eligible activities.

(2) The department shall release the funds for an award upon signing of the contract by all parties, and submission of any required contract information.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

SPS 368.70 Completions. (1) Upon completion of any repairs to a manufactured home that are funded under this chapter, the home shall be connected to permanent utility hook-ups, and shall meet all applicable state and local building codes, rehabilitation standards and ordinances, and zoning ordinances.

(2) Abandoned manufactured homes shall be disposed of utilizing environmentally sound disposal practices.

History: CR 08-008: cr. Register August 2008 No. 632, eff. 9-1-08.

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