



UNIFORM DWELLING CODE COUNCIL MEETING
Room N208, 4822 Madison Yards Way, Madison, WI
Contact: Mindy Allen (608) 266-2112
December 10, 2018

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

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda

B. Approval of Minutes for September 7, 2018

C. Administrative Matters

1. Staff Updates
2. Department Updates
3. Applicability of Accessory Building FAQ

D. Legislative and Administrative Rule Matters – Review and Discussion

1. Update on Pending Rulemaking Projects
 - a. Scope Statement - Update to Chapters SPS 320 to 326 Due to Legislative and Federal Requirements
2. Update on Potential Rulemaking Projects
 - a. Council Recommendation Relating to SPS Table 320.24-1, ACI 332-2014 Standard
 - b. Council Recommendation Relating to SPS 320.10, Remote Video Inspections
 - c. Council Recommendation Relating to SPS 321.03(1)(h)3., Move Sub Covering Exceptions from Subd. (h)3. Under New Par. (i) and Reference in Section SPS 321.03(1)(a)
 - d. Council Recommendation Relating to SPS 321.225, Request to Revise Deck Code
 - e. Council Recommendation Relating to SPS 323, Request to Update HVAC Code
3. Repairs Made to Homes Originally Constructed Under the UDC – Presented by Robert Dupont, Alliance for Regulatory Coordination
4. Administrative Rule Revision Proposals from Council Members
 - a.SPS 321.04 (2) (c) 3. – Stairways and Elevated Areas
 - b.SPS 321.05 (3) (am) 1. c. – Safety Glass
 - c.SPS 321.035 (3) – Kitchens
 - d.SPS 321.06 (7) – Ceiling height
 - e.SPS 321.18 (2) – Concrete Foundation Walls

E. Discussion of Contractor Financial Responsibility Pursuant to s. 101.62(6), Stats.

- 1. Discussion and Consideration of Current Administrative Rules

F. Discussion of Building Inspector Complaints Pursuant to s. 101.62(5), Stats.

- 1. Explanation of Process to Review Building Inspector Complaints

G. Public Comments

CONVENE TO CLOSED SESSION to Review Complaints Received Against Credential Holders and to Consider Individual Histories or Disciplinary Data (s. 19.85 (1) (b), (f), Stats.); and to Confer with Legal Counsel (s. 19.85 (1) (g), Stats.).

H. Consulting with Legal Counsel

I. Deliberation of Items Added After Preparation of the Agenda

- 1. DLSC Matters
- 2. Motions
- 3. Appearances from Requests Received or Renewed

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the council’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**UNIFORM DWELLING CODE COUNCIL
MEETING MINUTES
SEPTEMBER 7, 2018**

PRESENT: Michael Coello, Abe Degnan (*arrived at 9:09 a.m.*), Mark Etrheim, Steven Gryboski (*via teleconference; excused at 11:38 a.m.*), Jesse Jerabek, Mike Martheler, W. Scott Satula, Mary Schroeder, Daniel Wald, Brian Wert, Timothy Wiberg (*via teleconference*)

STAFF: Melinda Allen, Administrative Rules Coordinator; Amy Millard, Bureau Director; Michael McNally, Section Chief; Robert Kanter, UDC Engineering Consultant-Advanced; Kate Stolarzyk, Bureau Assistant; and other Department staff

Michael Coello, Council Chair, called the meeting to order at 9:02 a.m. A majority of ten (10) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *OPEN SESSION: Item B. "Approval of Minutes of December 29th, 2017" change the date from the 29th to the 27th*

MOTION: Brian Wert moved, seconded by Mary Schroeder, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

MOTION: Jesse Jerabek moved, seconded by Scott Satula, to adopt the minutes of December 27, 2017 as published. Motion carried unanimously.

(Abe Degman arrived at 9:09 a.m.)

Election of Officers

Council Chair

NOMINATION: Mary Schroeder nominated Michael Coello for the Office of Council Chair.

Melinda Allen called for other nominations three (3) times.

Michael Coello was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Brian Wert nominated Mary Schroeder for the Office of Vice Chair.

Michael Coello called for other nominations three (3) times.

Mary Schroeder was elected as Chair by unanimous consent.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Building inspector complaint process

MOTION: Jesse Jerabek moved, seconded by Mary Schroeder, to task DSPS staff to provide a report of the current process of reviewing inspector complaints and to have DSPS legal staff create a set of guidelines or criteria for the Uniform Dwelling Code Council to review. Motion carried unanimously.

MOTION: Mary Schroeder moved, seconded by Mark Etrheim, to task DSPS staff to provide a report of the current process of contractor financial responsibility and to have DSPS legal staff create a set of guidelines or criteria for the Uniform Dwelling Code Council to review. Motion carried unanimously.

Consideration of Items for Scope Statement

SPS Table 320.24-1 – ACI 332-2014 Standard

MOTION: Abe Degnan moved, seconded by Scott Satula, to include item D3a of the agenda in a potential scope statement. Motion carried unanimously.

MOTION: Michael Coello moved, seconded by Scott Satula, to authorize Michael Coello to assist DSPS staff in drafting a clarification of code on item D3a of the agenda. Motion carried unanimously.

(Steven Gryboski was excused at 11:38 a.m.)

SPS 320.10 – Relating to request to add remote video inspection

MOTION: Brian Wert moved, seconded by Mary Schroeder, to include item D3b of the agenda in a potential scope statement. Motion carried unanimously.

SPS 321.03 (1) (h) 3. – Relating to request to move sub covering exceptions from subd. (h) 3. under new par. (i) and reference in section SPS 321.03 (1) (a)

MOTION: Scott Satula moved, seconded by Jesse Jerabek, to include item D3c of the agenda in a potential scope statement. Motion carried unanimously.

SPS 321.225 – Relating to proposed changes in deck code

MOTION: Brian Wert moved, seconded by Scott Satula, to include item D3e of the agenda in a potential scope statement. Motion carried unanimously.

SPS 323 – Relating to request to update HVAC code

MOTION: Brian Wert moved, seconded by Scott Satula, to include item D3g of the agenda in a potential scope statement. Motion carried unanimously.

MOTION: Abe Degnan moved, seconded by Daniel Wald, to authorize DSPS staff to draft scope statements to separately include items D3a, D3b, D3c, D3e, and D3g of the agenda. Motion carried unanimously.

MOTION: Mary Schroeder moved, seconded by Scott Satula, to add discussion and consideration of the Alliance for Regulatory Coordination to the agenda for the next meeting. Motion carried unanimously.

PUBLIC COMMENTS

MOTION: Abe Degnan moved, seconded by Mary Schroeder, to acknowledge and thank Joshua Rich for his presentation of Helen's Wish to the Council. Motion carried unanimously.

ADJOURNMENT

MOTION: Mary Schroeder moved, seconded by Mark Etrheim, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:39 p.m.

DRAFT

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mindy Allen, Administrative Rule Coordinator		2) Date When Request Submitted: November 27, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Uniform Dwelling Code Council			
4) Meeting Date: December 10, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? D. Legislative and Administrative Rule Matters – Review and Discussion 1.a. Scope Statement – Update to Chapters SPS 320 to 326 due to Legislative and Federal Requirements 3. Repairs made to homes originally constructed under the UDC – Presented by Robert DuPont, Alliance for Regulatory Coordination 4. SPS 321.04 (2) (c) 3. – Stairways and Elevated Areas 5. SPS 321.05 (3) (am) 1. c. – Safety Glass	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: D1. Department staff will provide an update on the pending Statement of Scope relating to updates to SPS 320 to 326 due to legislative and federal requirements. D3. Robert DuPont, Alliance for Regulatory Coordination, will present an issue relating to repairs made to homes originally constructed under the UDC. Mr. DuPont will present and then respond to questions or comments from Council members. Council members should review the related documents in the agenda packet. D4. and D5. Two items, relating to Stairways and Elevated Areas, and Safety Glass, have been submitted for Council review and discussion. Council members should review the related documents included in the agenda packet.			
11) Signature of person making this request Melinda R. Allen Supervisor (if required)		Authorization Date 11/27/2018 <hr/> 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.			

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapters SPS 320 to 325, and 326

Relating to: Update to Uniform Dwelling (One-and 2-family dwellings) Code and Manufactured Home Communities

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The primary objective of this rulemaking project is to update the administrative code to reflect changes made in recent legislation relating to the *Wisconsin Uniform Dwelling Code* (UDC) and *Manufactured Home Communities*.

The UDC chapters and other related code chapters will be updated to reflect legislative requirements as affected by 2017 Wisconsin Acts 59, 109, 240, 243, and 330.

- 2017 Wis. Act 59, Section 1319g, amended definitions of "dwelling" and "dwelling unit" to exclude a primitive rural hunting cabin under s. 101.61 (1), Stats. Provisions in chapter SPS 320 will be updated to reflect these changes.
- 2017 Wis. Act 59, Section 1319r, created a definition for "primitive rural hunting cabin" under s. 101.61 (3), Stats. Provisions in chapter SPS 320 will be updated to reflect this change.
- 2017 Wis. Act 59, Section 1324m, created a requirement under s. 101.63 (11), Stats., that mandates the Department develop and maintain publicly available computer software that provides information, tools, and calculations to ensure compliant plans with the UDC energy efficiency requirements. Provisions in chapter SPS 322 will be updated to reflect this change.
- 2017 Wis. Act 59, Section 1325g, created a provision under s. 101.65 (1g), Stats., that prohibits municipalities from exercising jurisdiction over the construction or inspection of primitive rural hunting cabins. Provisions in chapter SPS 320 will be updated to reflect this change.
- 2017 Wis. Act 59, Section 1325r, amended s. 101.82 (1), Stats., to exclude requirements for the electrical wiring in primitive rural hunting cabins. Provisions in chapter SPS 324 will be updated to reflect this change.
- 2017 Wis. Act 109 creates s. 101.652, Stats., relating to the responsibility to comply with the UDC for a manufactured home owner. Provisions in chapters SPS 321 and 326 will be updated to reflect this change.
- 2017 Wis. Act 240 amended chapter 101 of the statutes by eliminating the Building Inspector Review Board and the Contractor Certification Board and requiring the UDC Council to review complaints regarding the inspection of one-family or two-family dwelling construction. This act also amended s. 101.648 (1) (b), Stats., which allows a waiver of a dwelling construction standard. Provisions in chapter SPS 320 will be updated to reflect these changes.
- 2017 Wis. Act 243 amended s. 101.65 (1) (a), Stats., and created s. 101.65 (1c), Stats. Municipalities may not make or enforce an ordinance that does not comply with the UDC or is contrary to an order of the Department. Provisions in chapter SPS 320 will be updated to reflect these changes.
- 2017 Wis. Act 330 amended chapter 101 of the statutes, relating to the authority of the Department to inspect one- and 2-family dwellings. This legislation also amends provisions relating

to carbon monoxide detectors and fuel-burning appliances. Provisions in chapter SPS 320 and 321 will be updated to reflect these changes.

The Model Ordinance for Adoption of the *Wisconsin Uniform Dwelling Code* contained in Appendix A of the UDC, will also be updated to clarify municipal power for one- and 2-family dwellings pursuant to 2011 Wis. Act 21 and provide guidance regarding municipal authority over accessory buildings. In addition, the administrative Model Ordinance for Adoption of the UDC will be updated to reflect legislative requirements by a municipality exercising jurisdiction over permitting and inspecting enforcement of new camping units.

The proposed rule project will also update s. SPS 321.40, relating to the installation standards for new slab design for manufactured homes, to ensure consistency with the requirements in 24 CFR parts 3280 and 3285 of the federal Housing and Urban Development (HUD) regulations. Section 24 CFR part 3280 relates to manufactured home construction and safety standards. Section 24 CFR part 3285.1 (a) (1) requires states to implement manufactured home installation standards that provide protection that equals or exceeds the federal standard.

This project may include revisions to other related SPS chapters affected by the update and are included in this scope to assure clarity and consistency. Updates may also include minor revisions to clean up any non-substantive grammatical or other errors, correct technical issues, or amend provisions to conform to rule drafting style.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The *Uniform Dwelling Code*, chapters SPS 320 to 325, establishes statewide, uniform construction, energy efficiency, and inspection rules for one- and 2-family dwellings.

Section SPS 321.097 of the UDC specifies installation and maintenance requirements for carbon monoxide detectors in one- and 2-family dwellings constructed on or after June 1, 1980. The UDC also reflects the installation and maintenance requirements specified in s. 101.647 (2), (3) (a) and (b) and (6), Stats.

Chapter SPS 326 establishes standards for the regulation of new and existing manufactured home communities.

The code will identify code revisions necessary to comply with statutory changes affected by the recent legislation and federal regulations. Without revisions to the administrative rules, the code would not be compliant with the statutory and federal requirements.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.60, Stats., reads, in part, "...establish statewide construction standards and inspection procedures for one- and 2-family dwellings and to promote interstate uniformity in construction standards by authorizing the department to enter into reciprocal agreements with other states which have equivalent standards."

Section 101.63 (1), Stats., reads, in part, "Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof."

Section 101.63 (5), Stats., reads, "Review the rules adopted under this subchapter once every 3 years."

Section 101.64 (1) (f), Stats., reads, "Adopt rules prescribing procedures for approving new building materials, methods and equipment."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The Department estimates approximately 200 hours will be needed for staff to research, draft rules, process the rules through public hearings, legislative review, adoption, and to complete the required economic and housing analyses.

6. List with description of all entities that may be affected by the proposed rule:

The rulemaking project will affect any entity that is involved in the construction, remodeling, or inspection of one- and 2-family dwellings and manufactured homes, including designers, contractors, and inspectors.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Code of Federal Regulations (CFR) Title 24 – Housing and Urban Development, contains regulations in Chapter XX, Part 3280, relating to manufactured home construction and safety standards, and Part 3285, relating to manufactured home installation standards.

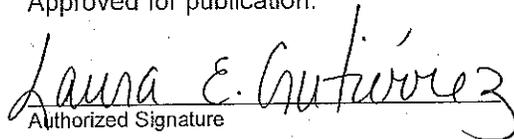
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the entities listed above.

Contact Person:

Mindy Allen, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
DSPSAdminRules@Wisconsin.gov, (608) 261-4463

Approved for publication:


Authorized Signature

11-12-18
Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the “[Suggest an Agenda Item](#)” page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed “Public Agenda Request” form and send.

First Name: Robert

Last Name: DuPont

Association/Organization: Alliance for Regulatory Coordination

Address Line 1: 418 Blue Moon Drive

Address Line 2: _____

City: Verona

State: WI

Zip: 53593

Phone Number: (608)712-2398

Email: robertgdupont@gmail.com

Subject: Repairs made to homes originally constructed under the UDC

Issue to Address: Code application to repairs. Please see attached materials:

- White Paper dated September 11, 2018, entitled “Promoting Safe Home Repairs Through Application of the Wisconsin Uniform Dwelling Code”;
- ARC request for changes to the UDC concerning repairs;
- Comparison of requirements under current UDC and ARC requested code changes; and
- List of UDC code sections that conflict regarding code application to repairs.

Submitted to the DSPS on November 14, 2018, for the UDC Council Meeting set for December 10, 2018.

Alliance for Regulatory Coordination

Requested Changes to the Wisconsin Uniform Dwelling Code Concerning Repairs

November 14, 2018

SPS 320.04 (2m) should be created to read:

(2m) REPAIRS. Those repaired portions, elements, systems or components of dwellings covered by this code shall conform and be maintained in accordance with the rules of this code as the rules exist on one of the following:

(a) The date the Wisconsin uniform building permit was issued for that portion, element, system or component. *[This provision requires ongoing code compliance without mandating compliance with editions of the UDC that are adopted after the date of the building permit.]*

(b) The date construction was initiated for that portion, element, system or component, where par. (a) does not apply. *[This provision addresses repairs to additions or alterations where no permit was required for the addition or alteration, as allowed under section SPS 20.09 (2)(b).]*

(c) The date repair is initiated. *[This provision allows use of contemporary products and methods recognized under the current code, at the discretion of the permit applicant.]*

[The entire recommendation above parallels section SPS 361.03 (10) of the Wisconsin Commercial Building Code.]

SPS 320.05 (3) should be repealed

~~**(3) REPAIRS.** The provisions of this code do not apply to repairs or maintenance to dwellings or dwelling units, or to the repair of electrical, plumbing, heating, ventilating, air conditioning and other systems installed therein. *[The policy of this repealed section would be replaced with the policy shown in the recommended new section SPS 320.04 (2m), shown at the top of this page.]*~~

SPS 320.07 (61) should be amended to read:

(61) ~~“Repair” means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment~~ reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or to correct damage. *[This amended definition would no longer contain the qualifiers of “original soundness” and “equivalent fixture, system or equipment”. Such qualifiers within a regulatory definition are problematic because they create a void, or undefined situation, when those qualifiers are not satisfied. This recommended change matches the definition of “repair” found in the 2018 edition of the International Residential Code and International Building Code; both developed by the International Code Council.]*

Below are the requested changes in context with surrounding UDC code sections.

SPS 320.04 Applications.

(1) NEW DWELLINGS.

(a) This code applies to all dwellings, dwelling units and foundations for dwelling units, for which the building permit application was made or construction commenced on or after the effective date of this code.

(b) All dwellings covered under par. (a) shall meet the requirements of ch. SPS 321.

(c)

1. The installation of heating, air conditioning, plumbing or electrical systems is not required.

2. If any of the systems under subd. 1. are installed, the systems and their installation shall comply with this code.

3. If a heating or air conditioning system is installed, the dwelling shall comply with ch. SPS 322.

(2) ADDITIONS AND ALTERATIONS. Additions and alterations to dwellings covered by this code shall comply with all provisions of this code at the time of permit application or the beginning of the project, if no permit is required.

(2m) REPAIRS. Those repaired portions, elements, systems or components of dwellings covered by this code shall conform and be maintained in accordance with the rules of this code as the rules exist on one of the following:

(a) The date the Wisconsin uniform building permit was issued for that portion, element, system or component.

(b) The date construction was initiated for that portion, element, system or component, where par. (a) does not apply.

(c) The date repair is initiated

(3) BED AND BREAKFAST ESTABLISHMENTS. The following portions of a bed and breakfast establishment shall comply with the provisions of this code:

(a) The third floor when used for other than storage.

(b) A structural addition, for which no use other than as a bed and breakfast establishment is proposed.

(4) CHANGE OF USE. A building previously used for another purpose, such as a barn or garage, shall comply with this code upon conversion to residential use.

(5) REUSE OF A DWELLING OR FOUNDATION.

(a) *Existing dwelling or manufactured home placed on a different foundation.* Where an existing dwelling or manufactured home is placed on a different foundation, the new foundation is considered an addition or alteration to the existing dwelling or manufactured home.

Note: The applicability of this code to an addition or alteration to an existing dwelling or manufactured home is determined by the original date of construction of the dwelling or manufactured home and is not altered by any movement of the structure.

(b) *New dwelling or manufactured home.* A new dwelling or manufactured home placed on a new or existing foundation shall meet the permitting, construction and inspection requirements of a new dwelling or manufactured home.

(6) SEPARATED BUILDINGS. For a building to be considered a separate single-family dwelling or a separate 2-family dwelling within the scope of this code, regardless of ownership or occupancy arrangements, all of the following conditions shall be met:

(a) No structural members other than a common footing may be shared between any 2 dwellings.

Note: Two separated, insulated foundation walls may share the same structural footing.

(b) The adjoining exterior walls of the separate dwellings shall each have exterior coverings meeting the requirements of s. SPS 321.24.

(c) The adjoining exterior walls, including foundations, of the separate dwellings shall each meet the energy requirements under ch. SPS 322, irrespective of any adjacent dwelling.

(d) Both sides of any 2 adjoining walls, floors, ceilings and attics between dwellings shall meet the dwelling separation requirements of s. SPS 321.08 (1) for 2 dwellings on the same property less than 5 feet apart.

Note: 1. Flashing is acceptable to connect the roofs between dwelling units. See ch. SPS 325 Appendix A for further information.

2. A building of 3 or more dwelling units without the separations specified in this section is a commercial building and shall meet the requirements set forth in chs. SPS 361 to 366.

SPS 320.05 Exemptions.

(1) EXISTING DWELLINGS. The provisions of this code shall not apply to dwellings and dwelling units, the construction of which was commenced prior to the effective date of this code, or to additions or alterations to such dwellings.

Note: The provisions of chs. SPS 320 to 325 may be adopted by a municipality to apply to any additions or alterations to existing dwellings.

(2) MULTIFAMILY DWELLINGS. The provisions of this code shall not apply to residences occupied by 3 or more families living independently or occupied by 2 such families and used also for business purposes.

~~**(3) REPAIRS.** The provisions of this code do not apply to repairs or maintenance to dwellings or dwelling units, or to the repair of electrical, plumbing, heating, ventilating, air conditioning and other systems installed therein.~~

(4) ACCESSORY BUILDINGS. With the exception of s. SPS 321.08 (1), the provisions of this code do not apply to detached garages or to any accessory buildings detached from the dwelling.

(5) DETACHED DECKS. The provisions of this code do not apply to detached decks provided the deck does not serve an exit from the dwelling.

(6) FARM BUILDINGS. The provisions of this code do not apply to the buildings used exclusively for farm operations and not for human habitation.

(7) INDIAN RESERVATIONS. The provisions of this code do not apply to dwellings located on Indian reservation land held in trust by the United States.

(8) MANUFACTURED AND MODULAR HOMES. The provisions of this code do not apply to manufactured homes and modular homes used exclusively for display purposes.

(9) MOTOR HOMES AND RECREATIONAL VEHICLES. The provisions of this code do not apply to motor homes and recreational vehicles that are, or have been, titled through the department of transportation.

Note: Section 340.01 (33m) and (48r), Stats., read as follows:

(33m) "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(48r) "Recreational vehicle" means a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length.

Note: In accordance with Wis. Stat. s. 342.05 (1), the owner of a (recreational) vehicle, whether or not such vehicle is operated on any highway of this state, shall make application for certificate of title for the vehicle with the department of transportation. Examples of recreational vehicles are: travel trailer, 5th wheel and "park model". Recreational vehicles are normally constructed to the standards: ANSI/NFPA 1192, Standard for RVs, and NFPA 70, National Electrical Code. Recreational vehicles require a towbar (hitch), chassis, axles and wheels for transportation. At the installation site, the chassis and axles shall remain on the unit, with the towbar (hitch) and wheels left at the site. Otherwise the unit, including a park model, is subject to the UDC.

(10) CAMPING UNITS. The provisions of this code do not apply to camping units subject to the provisions of ch. SPS 327.

SPS 320.07 (61)

(61) "Repair" means the ~~act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment~~ reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

Comparison of Requirements Under Current UDC and ARC Requested Code Changes for a Home Constructed in 2017

Item Needing Repair	Requirements of UDC Section SPS 320.05(3)	2017 UDC requirements in effect if changed as requested by the ARC
Roofing	No standard applicable – Note the conflict with Section SPS 321.28(6), Reroofing.	Section SPS 321.28 Weather Protection for Roofs
Siding	No standard applicable – anything can be used.	Section SPS 321.24 Exterior Covering
Window	No standard applicable – Note the conflict with Section SPS 322.36(5), Replacement fenestration.	Section SPS 321.05 Natural Light, Ventilation and Safety Glazing Chapter SPS 322 Energy Conservation
Foundation	No standard applicable – anything can be used.	Section SPS 321.18 Foundations
Egress Door	No standard applicable – deadbolt with keyed inside operation can be used.	Section SPS 321.03 (7) Doors Used for Exiting Chapter SPS 322 Energy Conservation
Egress stair	No standard applicable – stair risers can be uneven.	Section SPS 321.04 Stairways and Elevated Areas
Fire separation and dwelling unit separation	No standard applicable – holes are allowed to remain.	Section SPS 321.08 Fire Separation and Dwelling Unit Separation
Handrail and guard	No standard applicable – rails and guards can be left off.	Section SPS 321.04 (3) Handrails and Guards
Heating equipment	No standard applicable – Note the conflict with Section SPS 322.46, Replacement furnace and boiler efficiencies.	Chapter SPS 322 Energy Conservation Chapter SPS 323 Heating, Ventilating and Air Conditioning

Note: Section SPS 320.07 (61) says: “Repair” means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.

UDC Sections that Conflict Regarding Code Application to Repairs

Section SPS 320.05 (3) REPAIRS. The provisions of this code do not apply to repairs or maintenance to dwellings or dwelling units, or to the repair of electrical, plumbing, heating, ventilating, air conditioning and other systems installed therein.

The UDC sections below conflict with the UDC section above.

Section SPS 321.28 (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.

Section SPS 322.36 (5) REPLACEMENT FENESTRATION. Where an existing fenestration unit is replaced with a new fenestration unit, including sash and glazing, the replacement unit shall meet the U-factor requirements of this chapter.

SPS 322.46 Replacement furnace and boiler efficiencies.

(1) A replacement furnace in existing construction may meet only the prevailing federal efficiency standard provided the duct distribution system is sealed and tested at 0.02 inches water gage across the entire system, including the manufacturer's air handler enclosure, to have air leakage less than 10 percent of the furnace manufacturer's rated air flow across the blower at high speed.

Note: 0.02 inches water gage is equal to approximately 25 pascals.

(2) A replacement boiler in existing construction may meet only the prevailing federal standard provided there is no installed circulation pump larger than 1/20 horsepower and no circulation pump runs continuously.

Promoting Safe Home Repairs Through Application of the Wisconsin Uniform Dwelling Code

September 11, 2018

The Alliance for Regulatory Coordination recommends changing the Wisconsin Uniform Dwelling Code to more fully address repairs. We recommend using provisions similar to the Wisconsin Commercial Building Code.

Background

In January 2018, the Wisconsin Department of Safety and Professional Services posted on their web site a question and answer regarding repairs to dwellings. In answer to the question: "...does the Uniform Dwelling Code apply to repairs to dwellings?" the Department said "...Wis. Admin. Code Section SPS 320.05(3) exempts repairs from the Uniform Dwelling Code. A municipality is unable, due to this provision, from applying the Uniform Dwelling Code to a repair."

The DSPS answer refers to UDC Section SPS 320.05 (3), which reads:

Section SPS 320.05 (3) REPAIRS. *The provisions of this code do not apply to repairs or maintenance to dwellings or dwelling units, or to the repair of electrical, plumbing, heating, ventilating, air conditioning and other systems installed therein.*

Discussion

Electrical and Plumbing Code Provisions

Unfortunately, the UDC is not well coordinated with the Wisconsin Electric Code and Wisconsin Plumbing Code; since both require that repairs must comply with applicable code provisions.

The Confusing UDC Definition of Repair

The term "Repair" as defined in UDC Section SPS 320.07 (61), contains two important qualifiers, both related to application of the UDC to repairs. Those qualifiers are underlined in the following reprint of the UDC definition.

SPS 320.07 (61) *"Repair" means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.*

Within the definition of "repair", the UDC invokes its own standards of "soundness" for that which is being restored. The UDC also invokes its own standards relative to the replacement of existing fixtures, systems or equipment. To determine whether something has been restored to original soundness, or whether the fixtures, systems or equipment are equivalent, one must apply the UDC standards.

Code definitions generally do not contain such qualifiers because they lead to logic problems. What would we call an act or process that does not restore something to original soundness, or does not replace with equivalent fixture, system or equipment? Are those acts not regulated?

The Confusing UDC Provisions for Permits

The UDC requires permit applications, for repairs, be filed with municipalities and counties that require such permits by ordinance. The UDC also requires all permit applications be reviewed by a certified UDC inspector, and requires inspection of all dwellings for which a permit has been issued. Those requirements are shown in the following reprint, with salient points underlined.

Section SPS 320.09 (2) (b) Additions, alterations and repairs. (partial reprint)

1. When required by local ordinance, permit applications for additions, alterations and repairs shall be filed with municipalities and counties in accordance with their adopted ordinances.

Section SPS 320.09 (2) (c) General requirements.

1. The permit application shall be reviewed by a certified UDC inspector.

2. A permit may be issued only after approval of the requirements under this section by a certified UDC inspector.

3. Dwellings for which a permit has been issued shall be inspected in accordance with s. SPS 320.10.

These requirements reflect a valid regulatory purpose for permits and inspections concerning repairs to UDC dwellings. That purpose relates to the qualifiers of “original soundness”, and “equivalent”, as contained in the definition of the term “Repair”, shown earlier. If there truly are no UDC standards that can be applied to dwelling repairs, the above-mentioned UDC provisions related to local permit and inspection processes would be unnecessary and local permits and inspections for repairs to UDC homes would be useless.

Recommendation

The Alliance for Regulatory Coordination recommends changing the UDC to include text similar to what is contained in the Wisconsin Commercial Building Code as it relates to application of that code to repairs. Also, we recommend changing the UDC definition of the term “repair” to remove the problematic qualifiers identified earlier.

We ask the Wisconsin Department of Safety and Professional Services to promulgate these changes with input from the Uniform Dwelling Code Council and other interested parties.

Clarity of the Commercial Building Code

Repairs are addressed clearly and fully in the Wisconsin Commercial Building Code as shown in the following reprint.

SPS 361.03 (10) REPAIRS. *Those portions, elements, systems or components of existing buildings and structures repaired shall conform and be maintained in accordance with the rules of this code as the rules exist on one of the following:*

(a) The date plans for that portion, element, system or component was approved by the department or authorized representative.

(b) The date the local building permit was issued for that portion, element, system or component, if plan submission and approval was not required.

(c) The date construction was initiated for that portion, element, system or component, where pars. (a) and (b) do not apply.

(d) The date repair is initiated.

The Alliance for Regulatory Coordination is a consortium of 17 organizations involved in building design, construction and regulatory services. Alliance membership consists of business, labor, advocacy, professional and governmental groups; numbering thousands of members, all committed to promoting more coordinated and efficient regulatory services for citizens and businesses of Wisconsin.

Learn more about the ARC at: www.4ARC.org.



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First Name: Daniel

Last Name: Wald

Association/Organization: Member-UDC Council

Address Line 1: 1804 North Hume Ave. apt #7

Address Line 2: _____

City: Marshfield

State: WI

Zip: 54449

Phone Number: (715) 660-6278

Email: danwald44@gmail.com

Subject: Stairways and Elevated Areas, SPS 321.04

Issue to Address: Clarification in 321.04 (2) 3- Winder treads in series. It says "in a stairway provided both of the following condition area met:" There are 3 items (a,b,c)



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Zip: 54449

Phone Number: (715) 660-6278

Email: danwald44@gmail.com

Subject: Safety Glass, SPS 321.05 (3)c

Issue to Address: Simplifying the verbiage of what is required to be safety glass. "The plane of the glazing is within 30 degrees of the plane of the door when the door is in the closed position." This is interpreted differently from one person to another. The IRC has much simpler language. Also, there is nothing about an intervening wall such as the IRC.

Uniform Dwelling Code Council Meeting 12/10/18

Code Change Proposals

PROPOSAL #1

PROPOSED AMENDMENT:

Amend SPS 321.035(3) to read as follows:

(3) *Kitchens.* (a) **Except as provided under par. (b), a minimum 30" wide clear pathway or aisle shall be provided throughout the kitchen.**

~~There shall be at least 30 inches of clearance 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) Knobs and handles on cabinets, doors and appliances may encroach in the minimum width requirement of the pathway or aisle.

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 31¼-inches in width in order to provide accessibility for people with disabilities.

Reasoning: The current language in the code is confusing. If read correctly, the code requires the 30" separation at locations only involving an appliance. It appears that the intent of the code is to provide a 30" clearance between all cabinets, regardless of the appliance location. The proposed amendment also provides for a 30" clearance in a kitchen between a door opening and a cabinet or appliance for maneuvering clearance at the doorway.

PROPOSAL #2

PROPOSED AMENDMENT:

Add new section SPS 321.06(7) to read as follows:

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.

(7) A clear pathway or aisle, meeting the minimum dimensions of a hallway as described in s. SPS 321.035(2) and s. SPS 321.06, shall be provided at a door, door opening or hallway leading to the portion of the room with a ceiling height of at least 7 feet.

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.

Reasoning: The code is silent on the ceiling height at a door, door opening or hallway at the point of entry into a habitable room with a sloped ceiling. Additionally, SPS 321.06(1)(a) permits portions of "rooms" to have sloped ceilings. Effectively, the code permits a room entry point that leads directly into a sloped ceiling which encroaches into the minimum required ceiling height (see photos). The proposed amendment provides for a clear pathway or aisle leading into a habitable room to the portion of the room having a ceiling height of at least 7 feet. The proposed amendment further provides that the clear pathway or aisle be sized to comply with the minimum dimensions required for a hallway.



SECOND FLOOR LAYOUT



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INSULATION

PROPOSAL #3

PROPOSED AMENDMENT:

Amend SPS 321.18(2) to read as follows:

(2) CONCRETE FOUNDATION WALLS. (a) *General structural requirements.* Except as provided in par. (b), unless designed through structural analysis, **concrete foundation walls shall be designed to comply with the most restrictive provisions of Table 321.18-B or ACI 332-14** ~~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.

Reasoning: There is much confusion about the adoption of ACI Standard 332-14 and how it applies to poured concrete foundation walls. ACI 332-14 became effective on January 1, 2016 as an adopted Standard under SPS Table 320.24-1. In most cases, ACI 332-14 has more restrictive requirements not found in SPS Table 321.18-B. The proposed amendment adds clarity to the code and gives clear direction to the user that there are other more restrictive requirements that may apply to poured concrete foundation walls.

Respectfully submitted:

W. Scott Satula
Member, Uniform Dwelling Code Council