

## Chapter SPS 361

### ADMINISTRATION AND ENFORCEMENT

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**Note:** Chapters Comm 50 to 64 and Appendices A and B as they existed on June 30, 2002 were repealed and new chapters Comm 61 to 65 and Appendix A and B were created effective July 1, 2002. Chapter Comm 61 was renumbered chapter SPS 361 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

**Note:** Chapters SPS 361 to 366 are affected by 2017 Wisconsin Acts 59, 198, 243, 317, 329, 330, and 331. Future rule-making will update chs. SPS 361 to 366 to reflect this legislation.

#### Subchapter I — Scope and Application

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 16-094: am. Register April 2018 No. 748 eff. 5-1-18.

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

**Note:** "Place of employment" is defined under s. 101.01 (11), Stats.

**Note:** "Public building" is defined under s. 101.01 (12), Stats.

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

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

(a) A temporary building or structure used exclusively for construction purposes, not exceeding 2 stories in height, and not used as living quarters.

(b) 1. Buildings or structures located on Indian reservation land that are held either in trust by the United States, or in fee by the tribe or a tribal member.

2. Buildings or structures which are located on off-reservation Indian land that is held in trust by the United States — and which are held either in trust by the United States, or in fee by the tribe or a tribal member.

(c) Buildings and portions of buildings that are exempted by federal statutes or treaties.

(d) Portions of buildings leased to the federal government provided all of the following conditions are met:

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

2. The statement recorded with the register of deeds is recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located.

3. The owner of the building submits a copy of the recorded document to the department or its authorized representative.

(e) Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90 percent of the commodities were planted or produced on the farm premises.

(f) A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a child caring institution having a capacity for 8 or fewer children, all as defined in s. 48.02, Stats.

(g) A one- or 2-family dwelling in which a public or private day care center for 8 or fewer children is located.

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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: cr. (5) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. (3) (b), am. (3) (d) 1. and 2., Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am. (1), (2), (3) (intro.), (d) 1., (h), r. (4), renum. (5) to (4) and am., Register April 2018 No. 748 eff. 5-1-18.

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

(b) The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

(c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. SPS 362.3600 (2),

in lieu of corresponding, otherwise applicable requirements of chs. SPS 361 to 366.

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

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

(b) Where rules of the department specify conflicting requirements, types of materials or methods of construction, the most restrictive rule shall govern, except as provided in pars. (a) and (c).

**Note:** If the most restrictive of two or more conflicting requirements is not readily apparent, a determination of which is more restrictive can be obtained from the department.

(c) Where a rule prescribes a general requirement and another rule prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

(4) **DEPARTMENT AUTHORITY.** Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or standard.

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

**Note:** 2013 Wisconsin Act 270 established a uniform commercial code. Municipalities with ordinances enacted before May 1, 2013 and approved by the department shall remain in effect. A complete list of department-approved municipal ordinances is available on the department's website at dsps.wi.gov.

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

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

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

3. a. The department may grant a municipal variance only where all of the conditions in subsd. 3. b. and c. are demonstrated.

b. The municipality demonstrates that the variance is necessary to protect the health, safety, and welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

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

d. Prior to making a determination on a municipal variance, the department shall solicit within the municipality and consider the statements of any interested persons as to whether the variance should be granted.

e. This subdivision shall be strictly construed in accordance with the goal of promoting statewide uniformity.

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

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

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

**Note:** Chapter SPS 361, subch. VI contains requirements for approval of building products and alternate standards.

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

(a) Pursuant to s. SPS 361.30, the date plans for the building, structure or addition are approved by the department or authorized representative.

(b) The date the local building permit is issued, if plan submission and approval is not required under s. SPS 361.30.

(c) The date construction is initiated, where pars. (a) and (b) do not apply.

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

(a) Pursuant to s. SPS 361.30, the date plans for the alteration or modification are approved by the department or authorized representative.

(b) The date the local building permit is issued, if plan submission and approval is not required under s. SPS 361.30.

(c) The date the alteration is initiated, where pars. (a) and (b) do not apply.

(9) **REPLACEMENTS.** All building systems or components of existing buildings and structures to be replaced, where the replacement involves a building element or component relating to subject matters regulated by chs. SPS 361 to 366 shall conform and be maintained in accordance with the rules of chs. SPS 361 to 366 as the rules exist on one of the following:

(a) Pursuant to s. SPS 361.30, the date plans for the replacement are approved by the department or authorized representative.

(b) The date the local building permit is issued, if plan submission and approval is not required under s. SPS 361.30.

(c) The date the replacement is initiated, where pars. (a) and (b) do not apply.

(10) **REPAIRS.** All portions, elements, systems or components of existing buildings and structures repaired shall conform and be maintained in accordance with the rules of chs. SPS 361 to 366 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.

(11) **CHANGE OF OCCUPANCY OR USE.** Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space com-

plies with the requirements of chs. SPS 361 to 366 for the new division or group of occupancies, as these requirements exist on one of the following dates:

(a) Pursuant to s. SPS 361.30, the date when plans for the change in occupancy or use are approved by the department or authorized representative.

(b) The date a local building permit is issued, if plan submittal and approval is not required under s. SPS 361.30.

(c) The date construction is initiated, where pars. (a) and (b) do not apply.

(d) The date an occupancy permit is issued, where pars. (a) to (c) do not apply.

**(12) TEMPORARY USE.** A municipal fire or building code official may permit a building or structure to be used temporarily by the public, subject to all of the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

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

(c) The official may require additional safety requirements for a temporary use as a tradeoff for any safety provisions that may be lacking.

(d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

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

(b) Existing bleachers, grandstands, and folding and telescopic seating shall comply with IBC section 1029.1.1.

**(14) INTERNATIONAL FIRE CODE.** The 2015 IFC does not apply to chs. SPS 361 to 366 except as follows:

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

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

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

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

**Note:** A copy of the 2015 IFC may be viewed or acquired at [codes.iccsafe.org](http://codes.iccsafe.org).

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

(a) All requirements that specify submittal and approval of construction documents, shop drawings or acceptance tests and records.

(b) All requirements that specify employing special inspectors or obtaining special inspections or structural observations.

(c) All requirements that mandate obtaining approval, acceptance or other direction from a building or fire code official.

**Note:** This paragraph does not delete options to obtain approval from the Department or its authorized agents for specific circumstances that differ from conditions which are more generally prescribed in the above-listed codes.

(d) All requirements that specify providing information to a building or fire code official, unless that official requests the information.

(e) All requirements that address construction in flood hazard areas.

(f) All requirements that address construction of detached one- or two-family dwellings and any references to the IRC.

(g) All requirements that specify obtaining a permit or certificate of occupancy.

**Note:** For an example of a Department-written rule that specifically applies one or more of the requirements referenced above, see s. SPS 362.1700, which specifically applies the special inspections and determinations in IBC sections 1711 to 1716.

**Note:** The Department and other state agencies may have additional rules that affect the design, construction, maintenance and use of public buildings and places of employment, including chs. SPS 305, Licenses, Certifications, and Registrations; SPS 307, Explosives and Fireworks; SPS 314, Fire Prevention; SPS 316, Electrical; SPS 318, Elevators, Escalators and Lift Devices; SPS 340, Gas Systems; SPS 341, Boilers and Pressure Vessels; SPS 343, Anhydrous Ammonia; SPS 345, Mechanical Refrigeration; SPS 375 to 379, Buildings Constructed Prior to 1914; SPS 381 to 387, Plumbing; SPS 390, Public Swimming Pools; and SPS 391, Sanitation. The Department's Division of Industry Services administers all of these listed codes.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. (6) (c), (7) (c), (13) (a) 1. and 6. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. (3), (5), (6) (intro.), (7) (intro.), (8) (intro.), (9) (intro.), (10) (b), (13) (a) 1. and 6., cr. (10) (a) 4. and (12) (b), renum. (12) to be (12) (a) and am., Register December 2004 No. 588, eff. 1-1-05; CR 05-113: cr. (4) (b) 6. Register December 2006 No. 612, eff. 4-1-07; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (14) (a) to (c), r. (14) (d) and (e), renum. (14) (f) to be (d) and am., cr. (15). Register August 2011 No. 668, eff. 9-1-11; correction in (1) (a), (c), (7) (a), (b), (8) (a), (b), (9) (a), (b), (11) (a), (b), (14) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-016: am. (14) (a) Register October 2015 No. 718, eff. 11-1-15; CR 16-094: am. (1) (a), (c), (2), (3) (a), (5) (a) 1., 2., (5) (b) 1., 2., 3., 4., cr. (5) (b) 5., am. (6), (7) (intro.), (8) (intro.), (9) (intro.), (10) (intro.), (11) (intro.), (12) (b), (13), (14), (15) (intro.), (f), Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.04 Definitions.** In chs. SPS 361 to 366:

**(1)** "Authorized representative" means any certified municipality or county as specified in s. SPS 361.60, and any appointed agent under s. 101.12 (3g), Stats.

**(1g)** "Compliance assurance program" means a detailed system documenting the methods used to ensure modular multifamily housing, modular multifamily building systems, and building system components are manufactured in accordance with department-approved plans and chs. SPS 361 to 366.

**(1r)** "Crematory" means a building or portion of a building within which a cremation chamber is located.

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

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

**Note:** Section 101.61 (1), Stats., reads in part: " 'Dwelling unit' means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others."

**(3m)** "Home-based business" means any business, profession, trade, or employment conducted in a person's dwelling unit,



which may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

- (a) Explosives, fireworks, or repair of motor vehicles.
- (b) More than 25% of the habitable floor area of the dwelling unit.

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

(4) "HVAC system" means a heating, ventilating, or air conditioning system or a component thereof that is permanently installed to provide control of environmental conditions within buildings.

(5) "IBC" or "International Building Code" means the *International Building Code*<sup>®</sup>, as adopted under s. SPS 361.05 and modified in chs. SPS 361 to 366.

(6) "ICC Electrical Code" means ch. SPS 316.

(7) "IEBC" or "International Existing Building Code" means the *International Existing Building Code*<sup>®</sup>, as adopted under s. SPS 361.05 and modified in chs. SPS 361 to 366.

(8) "IECC" or "International Energy Conservation Code" means the *International Energy Conservation Code*<sup>®</sup>, as adopted under s. SPS 361.05 and modified in chs. SPS 361 to 366.

(9) "IFC" and "International Fire Code" mean the *International Fire Code*<sup>®</sup>.

(10) "IFGC" or "International Fuel Gas Code" means the *International Fuel Gas Code*<sup>®</sup>, as adopted under s. SPS 361.05 and modified in chs. SPS 361 to 366.

(11) "IMC" or "International Mechanical Code" means the *International Mechanical Code*<sup>®</sup>, as adopted under s. SPS 361.05 and modified in chs. SPS 361 to 366.

(12) "IPC" and "International Plumbing Code" mean chs. SPS 381 to 387.

(13) "IPSC" and "International Private Sewage Code" mean chs. SPS 381 to 387.

(13g) "IRC" or "International Residential Code" means the *International Residential Code*<sup>®</sup>.

(13r) "Mausoleum" means a public building, structure, or part of a building or structure that is used or intended to be used for the burial of human remains.

(14) "Multifamily dwelling" has the meaning given in s. 101.971 (2), Stats.

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

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

**Note:** Many of the model building codes created by the International Code Council (ICC) and adopted by the Department of Safety and Professional Services may be viewed free of charge on the ICC website. To access these codes go to codes.iccsafe.org and click on "I-Codes."

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: (4) renum. from Comm 62.0202 (1) (j), am. (1), renum. (3) and (4) to be (5) and (6), cr. (3) Register December 2004 No. 588, eff. 1-1-05; CR 05-113: am. (6) Register December 2006 No. 612, eff. 4-1-07; CR 06-120: renum. (4) to (6) to be (14), (4) and (15) and am. (15), cr. (7), renum. Comm 62.0202 (1) (c), (d) and (e) to (j) to be Comm 61.04 (5), (6) and (8) to (13) and am. (5) and (8) to (11), Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (4), am. (15), Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2), (5), (6), (7), (8), (10), (11), (12), (13), (15) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 16-094: am. (intro.), cr. (1g), (1r), am. (3), cr. (3m), am. (5), (7), (8), (10), (11), cr. (13g), (13r), r. (15), cr. (15m), (16) Register April 2018 No. 748, eff. 5-1-18; 2017 Wis. Act 198: am. (1) Register April 2018 No. 748, eff. 5-1-18.

### SPS 361.05 Adoption of the International Codes.

(1) IBC. The *International Building Code*<sup>®</sup> – 2015, subject to the modifications specified in this chapter and ch. SPS 362 is incorporated by reference into chs. SPS 361 to 366.

(2) IECC. The *International Energy Conservation Code*<sup>®</sup> – 2015, subject to the modifications specified in this chapter and ch. SPS 363 is incorporated by reference into chs. SPS 361 to 366.

(3) IMC. The *International Mechanical Code*<sup>®</sup> – 2015, subject to the modifications specified in this chapter and ch. SPS 364 is incorporated by reference into chs. SPS 361 to 366.

(4) IFGC. The *International Fuel Gas Code*<sup>®</sup> – 2015, subject to the modifications specified in this chapter and ch. SPS 365 is incorporated by reference into chs. SPS 361 to 366.

(5) IEBC. The *International Existing Building Code*<sup>®</sup> – 2015, subject to the modifications specified in this chapter and ch. SPS 366 is incorporated by reference into chs. SPS 361 to 366.

**Note:** A copy of the *International Building Code*<sup>®</sup>, *International Energy Conservation Code*<sup>®</sup>, *International Mechanical Code*<sup>®</sup>, *International Fuel Gas Code*<sup>®</sup>, and *International Existing Building Code*<sup>®</sup> is on file in the offices of the Department and the Legislative Reference Bureau. Copies of the International Codes may be purchased from the International Code Council<sup>®</sup>, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, (708) 799-2300, Website [www.iccsafe.org](http://www.iccsafe.org).

**Note:** The references in chs. SPS 362 to 366 to individual ICC code sections typically are to a particular paragraph or set of paragraphs within a referenced ICC section, and are not intended to affect any subsequent subdivisions of the specified section unless stated otherwise. For example, the directive in s. SPS 362.0907 (1) to substitute certain language for IBC section 907.1 is not intended to mean that IBC sections 907.1.1 through 907.1.2 are also being changed.

**Note:** Many of the model codes created by the International Code Council (ICC) and adopted by the Department of Safety and Professional Services may be viewed free of charge on the ICC website at [codes.iccsafe.org](http://codes.iccsafe.org) and select the version adopted under s. SPS 361.05.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-109: cr. (5) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: am. (1) to (4), r. and recr. (5), Register February 2008 No. 626, eff. 3-1-08; corrections made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; CR 10-103: am. (1) to (5) Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2), (3), (4), (5) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1), (2), (3), (4), (5), Register April 2018 No. 748, eff. 5-1-18.

**SPS 361.06 Fees.** Fees for petitions for variance, product approvals, notice registrations, plan examination and approvals, and for inspections of buildings, and structures shall be submitted as specified in ch. SPS 302. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

## Subchapter II — Responsibilities, Appeals, Petitions and Penalties

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

**Note:** Pursuant to s. 101.11 (2) (a), Stats., no employer or owner, or other person shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.

**Note:** Section 101.12 (3) (h), Stats., prohibits local issuance of permits or licenses for construction or use of public buildings or places of employment until required drawings and calculations have been examined and approved by the department.

**Note:** Section 145.195 (1), Stats., prohibits local issuance of a building permit for construction of any structure requiring connection to a private onsite wastewater treatment system unless a system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install such a system have been obtained.

(2) DESIGN. (a) Pursuant to ch. 443, Stats., a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under ss. 443.14 and 443.15, Stats.

(b) Pursuant to ch. 443, Stats., a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system, or a plumbing system, for a public building, structure or place of employment shall be designed by an architect, engineer or a designer of engineering systems, except as provided under ss. 443.14 and 443.15, Stats.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 16-094: am. (1), Register April 2018 No. 748, eff. 5-1-18.

**SPS 361.21 Appeals.** (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), 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.

**Note:** "Local order" is defined under s. 101.01 (8), Stats.

**Note:** See also s. 101.02 (7) (c), Stats.

(3) **CONTESTED CASE HEARING.** In addition to any other right provided by law, any interested person may file a written request for a contested case hearing, as specified in s. 227.42, Stats.

(4) **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 00-179; cr. Register December 2001 No. 552, eff. 7-1-02.

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

**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 which 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. The SBD-9890 form is available at the Department's Web site at [www.dsps.wi.gov](http://www.dsps.wi.gov) through links to Division of Industry Services forms.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094; am. (intro.), Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.23 Penalties.** Penalties for violations shall be assessed in accordance with ss. 101.02 (12) and (13) (a), and 101.978, Stats.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02.

### Subchapter III — Plan Review and Related Functions

**SPS 361.295 Administrative coordination.** Pursuant to ss. 101.02 (13) (b) and 101.12 (3) (h), Stats., if plans are required to be submitted to the department for review under s. SPS 361.30, a municipality may not issue a building permit to commence construction or use of the building until the plans have been approved by the department or its agent.

**History:** EmR0904; emerg. cr. eff. 3-2-09, except (2) eff. 7-1-09; CR 08-110; cr. Register September 2009 No. 645, eff. 10-1-09; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-010; renun. (1) to section 361.295, r. (2) Register August 2014 No. 704, eff. 9-1-14.

**SPS 361.30 Plan review and approval.** (1) **TYPES OF BUILDINGS.** (a) Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.

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

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

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

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

**Note:** The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not prohibit a municipality from requiring the submission, review and approval of plans by the municipality nor does it supersede the necessity of obtaining local building permits prior to the commencement of the project.

**Table 361.30-1**  
**Buildings Exempt from Plan Review**

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

(2) **TYPES OF STRUCTURES.** Plans for all of the following types of structures shall be submitted and approved by the department or authorized representative prior to commencement of the project:

(a) An assembly seating facility to be located within a public building or place of employment.

(b) An assembly seating facility more than 5 rows in height and not located within a public building or place of employment.

(c) A mausoleum.

(d) A crematory.

(3) **TYPES OF BUILDING COMPONENTS.** (a) Except as provided in sub. (4), building component or system plans shall be submitted to and approved by the department or authorized representative prior to installation of the component or system, for each of the following type components or systems:

1. Pre-manufactured and pre-engineered structural components.

2. Heating, ventilating and air conditioning systems.

3. Fire protection systems.

(b) Component or systems plans shall be submitted in one of the following manners:

1. Included with the plans under sub. (1) (a).

2. Submitted as a separate plan for the component or system.

(4) **EXCLUSION FOR MINOR ALTERATIONS.** (a) This section does not apply to minor alterations where the building official agrees the nature of the work is such that review and approval of construction documents is not necessary to achieve compliance with chs. SPS 361 to 366.

(b) The submission and approval of fire protection system plans is not required for a project involving the alteration or addition of the following components:

1. Twenty or fewer sprinkler heads to an existing automatic fire sprinkler system.

2. Twenty or fewer alarm devices to an existing fire alarm system.

(5) **CALCULATING TOTAL BUILDING VOLUME.** Total building volume shall be determined by calculating the cubic footage of space enclosed within the outer surfaces of the building's outside or enclosing walls and the space between the upper most surface of the roof and the underside of the lowest floor of a building. The outer surface of structures or portions of structures without enclosed walls shall be established by projecting vertical planes from the outer surface of exterior supports or columns. The total building volume shall be calculated on structures with interior supports by establishing a vertical plane projected from the farthest roof projection. Roof overhangs less than 24 inches from a vertical wall may not be included in the calculation. Total building volume shall include the cubic footage of space in dormers, penthouses, vaults, pits, enclosed porches, and other enclosed appendages to the building.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139; cr. (2) (c), r. and rec. Table 61.30-3 Register June 2002 No. 558, eff. 7-1-02; CR 04-016; am. (1) (b) 1., 2. b. and Table 61.30-3, cr. (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120; am. Table 1 and 2, cr. (2) (d), Register February 2008 No. 626, eff. 3-1-08; CR 10-103; am. (1) (a), r. (1) (b) 2., 3., Table 61.30-2 and

Table 61.30-3, renum. (1) (b) 1. to be (1) (b) and (4) to be (4) (a), cr. (4) (b), Register August 2011 No. 668, eff. 9-1-11; r. and recr. (3) Register August 2011 No. 668, eff. 1-1-12; correction in (1) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: r. and recr., Register April 2018 No. 748 eff. 5-1-18; CR 16-094: am. (1) (a), r. and recr. (1) (b), am. Table 361.30-1, (2) (a), (b), (c), (d), am. (4) (a), cr. (5), Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.31 Plans.** (1) **SIGNING AND SEALING.** (a) Except as provided in par. (b), construction documents submitted to the department or its authorized representative for review shall be prepared, signed and sealed in accordance with ch. 443, Stats., and s. A-E 2.02.

(b) Sprinkler construction documents that are required by s. SPS 361.33 to be at an installation site shall comply with one of the following:

1. Be signed and sealed in accordance with s. A-E 2.02 by an architect, engineer or fire protection systems designer who is registered by the department.

2. Be signed, including license number, and dated by an automatic fire sprinkler contractor who is responsible for the installation of the sprinklers and who is licensed by the department.

**Note:** Pursuant to s. A-E 2.02 (4) and (5) read:

"A-E 2.02 (4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional geological, professional engineering, design or land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

"(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder."

**Note [2]:** Nothing in chs. SPS 361 to 366 is intended to prohibit the submission and acceptance of plans and construction documents in an electronic or digital media.

3. Be signed, including license number, and dated by the master plumber who is responsible for the installation of a NFPA 13D multipurpose piping system and who is licensed by the department.

**Note:** Plans for a multipurpose piping system must be submitted under s. SPS 382.20 to determine compliance for the non-fire protection aspects of the system.

(2) **CONTENTS AND INFORMATION.** (a) 1. Construction documents submitted to the department or its authorized representative for review shall be dimensioned and drawn to scale.

2. The scale used for the construction documents shall be indicated on the documents.

(b) 1. Except as provided in subd. 2., at least 4 sets of construction documents shall be submitted to the department or authorized representative for review.

2. a. At least one set of construction specifications shall be submitted to the department or authorized representative for review.

b. One complete set of plans may be submitted, provided it is accompanied with 3 copies of the cover sheet for the complete set, and provided all 4 cover sheets comply with sub. (1) (a).

(c) All construction documents submitted to the department or authorized representative for review shall be permanent copies of the original documents and the copies shall be bound into sets in a manner that enables the documents to be reviewed without removing the binding.

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

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

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

3. The title and edition of an alternate model building code used in the plan as allowed under s. SPS 361.51 (8) shall be submitted to the department or its authorized representative.

(3) **APPLICATION FOR APPROVAL.** (a) A plan review application form shall be included with the construction documents and information submitted to the department for examination and approval. Pursuant to s. SPS 302.07 (3), the department shall review and make a determination on an application for plan review under this chapter within 15 business days.

**Note:** The Department forms required in this chapter are available at the Department's website at [www.dps.wi.gov](http://www.dps.wi.gov) through links to Division of Industry Services forms.

**Note:** Under s. 145.195, Stats., "No county, city, town or village may issue a building permit for construction of any structure requiring connection to a private domestic sewage treatment and disposal system unless a system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install such a system have been obtained." See ch. SPS 383 for applicable regulations.

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

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

**Note:** The plan examination and approval by the department does not constitute an approval to proceed with construction prior to obtaining any permits or approvals that are required by a local unit of government.

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

2. All revisions and modifications to the plans shall be approved in writing by the department or its authorized representative prior to the work involved in the revision or modification being carried out.

(b) A revision or modification to a plan, drawing or specification shall be signed and sealed in accordance with s. SPS 361.31 (1).

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: renum. (3) (intro.) to (b) to be (3) (a) to (c) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. (2) (b) 2. to be (2) (b) 2. a., cr. (2) (b) 2. b. Register December 2004 No. 588, eff. 1-1-05; CR 06-119: am. (3) (a) Register July 2007 No. 619, eff. 8-1-07; CR 10-103: cr. (1) (b) 3. Register August 2011 No. 668, eff. 9-1-11; correction in (1) (b) made under s. 13.92 (4) (b) 7. Stats., Register August 2011 No. 668; correction in (1) (b) (intro.), 1., 2., 3., (3) (a), (4) (b) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 16-094: am. (2) (d), (e), cr. (2) (e) 3., am. (3) (b), (c), (4) (a) 1., Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.32 Permission to start construction.** (1) A building owner may request and the department or its authorized representative may grant permission to start construction for the footings and foundations upon submission of construction documents under s. SPS 361.31.

(2) A building owner who has been granted permission to start construction of the footings and foundations may proceed at the owner's own risk without assurance that a conditional approval for the building will be granted.

(3) The department shall review and make a determination on an application for permission to start construction of the footings and foundations within 3 business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 361.33 Evidence of plan approval.** Where plan approval is required by chs. SPS 361 to 366, one set of plans bearing the stamp of conditional approval and a copy of the specifications shall be kept at the building site. The plans and specifica-



tions shall be open to inspection by the department or its authorized representative.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.36 Expiration of plan approval and extension of plan approval. (1) EXPIRATION OF PLAN APPROVAL.** (a) *Building shell.* Except as provided in par. (f) and sub. (2) (b), plan approval by the department or its authorized representative for new buildings and building additions shall expire 2 years after the approval date indicated on the approved building plans if the building shell is not closed in within those 2 years.

(b) *Occupancy.* Except as provided in sub. (2), plan approval by the department or its authorized representative for new buildings and building additions shall expire 3 years after the approval date indicated on the approved building plans if the building is not ready for occupancy within those 3 years.

(c) *Alterations.* Except as provided in sub. (2), plan approval by the department or its authorized representative for interior building alterations shall expire one year after the approval date indicated on the approved building plans if the alteration work is not completed within that year.

(d) *HVAC construction only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for heating, ventilating, or air conditioning construction that does not include any associated building construction shall expire one year after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within that year.

(e) *Fire protection systems only.* Except as provided in sub. (2), plan approval by the department or its authorized representative for a fire protection system that does not include any associated building construction shall expire 2 years after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within those 2 years.

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

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

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

**Note:** According to s. 66.0413, Stats., the local governmental body or building inspector may order the razing of buildings or portions thereof, where there has been a cessation of normal construction for more than 2 years.

(b) Upon request to the secretary, the expiration dates in sub. (1) (a) and (b) may be extended at the discretion of the secretary for a one-time, 2-year period provided all of the following:

1. The approved plan is for multifamily dwelling containing less than 11 dwelling units.
2. The original plan was submitted for department review prior to January 1, 2011.
3. The request is submitted prior to expiration of the original approval.

**Note:** According to s. 66.0413, Stats., the local governmental body or building inspector may order the razing of buildings or portions thereof, where there has been a cessation of normal construction for more than 2 years.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. (2) to be (2) (a) and am., cr. (2) (b), Register February 2008 No. 626, eff. 3-1-08; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1) (f), cr. (1) (g), am. (2) (a), Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.37 Department limitation.** A conditional approval of a plan by the department may not be construed as an assumption of any responsibility on the part of the department for the design or construction of the project.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 361.39 Registration of cross connection control assemblies.** Cross connection control assemblies to be installed in water-based fire protection systems shall be registered with the department in accordance with ch. SPS 382.

**History:** CR 02-002: cr. Register April 2003 No. 568, eff. 5-1-03; CR 04-016: am. Register December 2004 No. 588, eff. 1-1-05; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

## Subchapter IV — Supervision and Inspections

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

(b) 1. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one of the following conditions:

- a. The building contains less than 50,000 cubic feet total volume.
  - b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.
2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.

**(2) DUTIES.** Supervision of construction is a professional service, as distinguished from superintending of construction by a contractor, and means the performance, or the supervision thereof, of reasonable on-the-site observations to determine that the construction is in substantial compliance with the approved plans and specifications.

**(3) NAME OF SUPERVISING ARCHITECT, ENGINEER OR DESIGNER.** (a) Prior to the start of construction, the owner of the building or structure shall designate in writing to the authority that issued plan approval the name and Wisconsin registration number of the architect, engineer or designer retained to supervise construction of the building or structure.

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

**(4) COMPLIANCE STATEMENT.** Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has

been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the department.

**Note:** The Department forms required in this chapter are available at the Department's website at [www.dps.wi.gov](http://www.dps.wi.gov) through links to Division of Industry Services forms.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. (1) (b) 1. a. and b. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. from Comm 61.50 Register December 2004 No. 588, eff. 1-1-05; CR 10-103: am. (1) (a) Register August 2011 No. 668, eff. 9-1-11; correction in (1) (b) 1. made under s. 13.92 (4) (b) 7. Stats., Register August 2011 No. 668; CR 16-094: am. (1) (a), renum. (3) to (3) (a), cr. (3) (b), Register April 2018 No. 748 eff. 5-1-18.

**SPS 361.41 Inspections. (1) ON-SITE.** (a) When required, on-site inspections shall be conducted within 5 business days following a request by the applicant or an authorized representative.

(b) Construction may proceed if the inspection has not been completed by the end of the fifth business day following the day of notification or as otherwise agreed between the applicant and the municipality or authorized inspection agency.

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

**Note:** See s. 101.14, Stats., and ch. SPS 314 for requirements relating to fire inspections and fire prevention.

**(2) IN-PLANT.** (a) *General.* Manufacturers of manufactured buildings shall contract with the department or an independent inspection agency to conduct in-plant inspections to assure that the manufactured buildings are in compliance with the plans approved by the department. All inspections shall be performed by a certified commercial building inspector.

(b) *Wisconsin insignia for manufactured buildings.* Pursuant to s. 101.75, Stats., a Wisconsin insignia shall be installed on a manufactured dwelling unit approved by the department and inspected at the manufacturing plant. Each Wisconsin insignia shall be assigned and affixed to a specific manufactured multifamily dwelling, in the manner approved by the department, before the dwelling is shipped from the manufacturing plant. The serial number shall be located on the manufacturer's data plate.

(c) *Manufacturer's responsibilities.* 1. 'Insignia records.' The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias indicating the number of Wisconsin insignias which have been affixed to manufactured buildings, building components, or groups of components; which Wisconsin insignias have been applied to which manufactured building or building component; and the disposition of any damaged or rejected Wisconsin insignias. The records shall be maintained by the manufacturer or by the independent inspection agency for at least 10 years. A copy of the records shall be sent to the department upon request.

2. 'Lost or damaged insignia.' a. If Wisconsin insignias become lost or damaged, the department shall be notified immediately in writing by the manufacturer or dealer.

b. If a Wisconsin insignia becomes damaged, the insignia shall be returned to the department with the fee specified in ch. SPS 302 to obtain a new insignia.

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

2. Upon suspension or revocation of the approval, no further insignias may be attached to any manufactured building or type of manufactured building with respect to which the approval was suspended or revoked.

3. Upon suspension or revocation of the approval, all insignias allocated to the manufacturer shall be returned to the department no later than 30 days from the effective date of the suspension or revocation.

**(3) MAUSOLEUM.** Within 30 days after receiving written notice from a cemetery authority that the construction or conversion of a mausoleum has been completed, the department or authorized representative shall inspect the mausoleum and provide written notification of violations. Except as provided in s. 157.12 (2) (b), Stats., mausoleum spaces may not be sold prior to approval by the department or its authorized representative.

**Note:** Sale of mausoleum spaces is permitted prior to departmental approval in accordance with other requirements of the Department.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: renum. (2) (e) to be (3) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. from Comm 61.51 Register December 2004 No. 588, eff. 1-1-05; correction in (2) (c) 2. b. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: renum. (1) to (1) (c) and am., cr. (1) (a), (b), am. (2) (d) 1., (3), Register April 2018 No. 748 eff. 5-1-18.

## Subchapter V — Approval and Inspection of Modular Multifamily Dwellings and their Components

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

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

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

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

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

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

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

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

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



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

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

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

**History:** CR 16-094; cr., Register April 2018 No. 748 eff. 5-1-18.

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

**Note:** An application form is available from the department's Division of Industry Services website at [dps.wi.gov](http://dps.wi.gov).

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

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

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

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

**(3) NOTIFICATION OF APPROVAL OR DENIAL OF PLANS AND SPECIFICATIONS.** (a) *Conditional approval.* 1. 'Department review.' If the department determines that the plans, specifications, and application for approval submitted for a modular multifamily building system or a building system component substantially conform to the provisions of chs. SPS 361 to 366, the department shall issue a conditional approval. A conditional approval issued by the department may not constitute an assumption of any liability for the design or construction of the manufactured building.

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

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

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

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

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

person submitting the application for approval and one copy shall be retained by the department.

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

**(5) INSPECTIONS.** Manufacturers shall contract with an independent inspection agency to conduct in-plant inspections to assure that the manufactured modular multifamily building system and the building system components are in compliance with the plans and specifications approved by the department and that the manufacturer has established a compliance assurance program, as required under s. SPS 361.46 (2). All inspections, for the purpose of administering and enforcing chs. SPS 361 to 366, shall be performed by a Wisconsin certified commercial building inspector

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

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

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

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

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

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

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

**Note:** A construction compliance certificate form is available from the department's Division of Industry Services website at [dps.wi.gov](http://dps.wi.gov).

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

(f) *Right to Install.* Modular multifamily housing, modular multifamily building systems, and building system components that bear the Wisconsin insignia may be manufactured, offered for

sale, and installed anywhere in Wisconsin where the installation site complies with the other provisions of chs. SPS 361 to 366.

History: CR 16–094: cr., Register April 2018 No. 748 eff. 5–1–18.

**SPS 361.48 Suspension and revocation of approval.** The department shall suspend or revoke its approval of a modular multifamily building system or building system component if it determines that the standards for construction or the manufacture and installation of a modular multifamily building system or modular multifamily building system component do not meet the standards established under chs. SPS 361 to 366 or that those standards are not being enforced as required by chs. SPS 361 to 366. The procedure for suspension and revocation of approval shall be as follows:

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

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

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

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

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

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

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

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

(8) **APPEAL ARGUMENTS.** Appeal arguments shall be submitted to the department in writing in accordance with s. 101.02, Stats., unless otherwise ordered. The department shall review and make a determination on an appeal of notification of suspension or revocation of approval in accordance with s. 101.02, Stats.

History: CR 16–094: cr., Register April 2018 No. 748 eff. 5–1–18.

**SPS 361.485 Effect of suspension and revocation.**

(1) **BEARING OF INSIGNIA.** Upon suspension or revocation by the

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

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

History: CR 16–094: cr., Register April 2018 No. 748 eff. 5–1–18.

**Subchapter VI — Product and Standard Review and Approval**

**SPS 361.50 Building product approvals.** (1) **VOLUNTARY APPROVAL.** (a) Materials, equipment, and products regulated under chs. SPS 361 to 366 may receive a written approval from the department indicating code compliance.

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

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

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

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

2. Tests, compilation of data, and calculations shall be conducted by a qualified independent third party.

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

(b) The department may require the submission of any information deemed necessary for review.

(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department in accordance with s. SPS 361.31.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the project shall be attached to the submitted plans and approved plans.

b. The letter shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. If a supervising professional is not required for the project by s. [SPS 361.40](#), a person responsible for construction of the project shall be designated in writing by the owner.

5. The supervising professional or person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person approved by the department, at time intervals as specified by the department, but not less than once a year. An inspection report shall be written.

2. The department may assess a fee for each inspection.

(f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

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

**(4) REVIEW, APPROVAL AND REVOCATION PROCESSES.** (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, the determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of chs. [SPS 361 to 366](#).

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

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party that provided any information on which the approval was based, or as a result of material, equipment or product failure.

2. The department may reexamine an approved material, equipment or product and issue a revised approval at any time.

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

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. [SPS 302](#).

**(5) UNGRADED OR USED PRODUCTS.** (a) 1. Except as provided in subd. 2., ungraded or used building products may be used or reused as long as the materials possess the essential properties

necessary to achieve the level of performance required by chs. [SPS 361 to 366](#) for the intended use.

2. Ungraded or used products may not be utilized, if specifically prohibited under a specific referenced standard.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. from Comm 61.60 and am. (3) (d) 4. Register December 2004 No. 588, eff. 1-1-05; correction in (3) (d) 1., 4., (4) (h), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1) (a), (b) 1., (2) (a), (b) 1., (3) (a), (g), (4) (b) 2., (c), (f), (5) (a) 1., (b), Register April 2018 No. 748 eff. 5-1-18.

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

(2) (a) Except as provided in sub. (8), the department may issue an approval for the use of the alternate standard or model building code upon written request and receipt of a fee in accordance with s. [SPS 302.31](#).

(b) The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees and documents required to complete the review.

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

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

(5) If the department determines that the alternate standard is not equivalent to or more stringent than the referenced standard, the request for approval shall be denied in writing.

(6) The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based.

(7) The department may reexamine an approved alternate standard and issue a revised approval at any time.

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

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

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

(b) A plan that includes the use of an alternate model building code submitted for plan review under this subsection is exempt from fee and approval requirements under subs. (2) to (7) and petition for variance requirements under s. [SPS 361.22](#).

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



**Note:** Nothing in this subsection is intended to prohibit a municipality from contracting with a third-party inspection agency to perform plan review for plans submitted using alternate model building codes.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; reprinted to correct omission of (5) Register November 2002 No. 563; CR 04-016: renum. from Comm 61.61 Register December 2004 No. 588, eff. 1-1-05; CR 16-094: am. (title), (1), (2) (a), (3), (4), cr. (8) Register April 2018 No. 748 eff. 5-1-18.

### Subchapter VII — First Class City and Certified Municipality Approvals

#### SPS 361.60 Certified municipalities and counties.

(1) **GENERAL.** This section establishes the manner under which cities, villages, towns and counties may examine building plans and inspect buildings under s. 101.12 (3) (a), (am), (b) and (g), Stats.

(2) **CONDITIONS OF PARTICIPATION.** (a) Before assuming the responsibilities of examining building plans and providing inspection services, cities, villages, towns and counties shall comply with all of the following:

1. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.
2. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.
3. Adopt chs. SPS 361 to 366 in their entirety by ordinance.
4. Forward to the department a copy of the ordinance adopting chs. SPS 361 to 366 and any subsequent revisions to that ordinance.
5. Forward to the department any information requested by the department relative to the qualifications and ability to perform examination of plans and inspection of buildings.

6. Receive from the department certification to perform plan examination and building inspection.

(b) While certified, a municipality or county shall comply with all of the following:

1. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.
2. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.
3. Forward to the department any revisions to the ordinance adopting chs. SPS 361 to 366.
4. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

(c) Second class cities intending to perform the expanded plan examination and inspection specified in sub. (5) (b) shall comply with pars. (a) 1. to 6. and (b) 3. and 4., sub. (7) (b), and all of the following:

1. Employ at least one person who complies with all of the following:
  - a. Is registered under ch. 443, Stats., as an architect or professional engineer.
  - b. Is a certified commercial building inspector.
  - c. Performs or directly supervises the plan examinations specified in sub. (5) (b).
2. Provide a report at least quarterly to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

(d) 1. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures specified in sub. (5) (c), a municipality or county shall comply with pars. (a) 1. to 6. and (b) 3. and 4., except the plan examination requirements do not apply, and the department may delegate the inspection authority in a written manner other than a certification.

2. To assume the building inspection responsibility but not the plan examination responsibility for the buildings and structures that exceed the limits specified in sub. (5) (c), a municipality or county shall comply with subd. 1. and all of the following:

- a. Obtain authorization for these inspections from the department.
  - b. Use an inspection process that is based on the inspection process used by the department.
  - c. Retain inspection records in a manner that is accessible to the department.
  - d. Forward to the department any information requested by the department relative to the inspection of buildings.
3. A municipality or county may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.

(e) The department shall review and make a determination on a notification received under par. (a) 1. within 20 business days of that receipt.

(f) The department may revoke the certification or delegation of authority for any municipality or county where the plan examiners or inspectors do not meet the standards specified by the department or where other requirements of this section are not met.

**Note:** For any certified municipality or county, the department may review the competency of plan examiners on a regular basis, and review the correspondence and inspection reports, to determine if uniformity in code application decisions is being maintained, and to determine if the standards specified by the department are being met. Regular meetings and correspondence may be maintained between a certified municipality or county and the department in order to discuss and resolve any problems.

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

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

(b) *County.* 1. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions shall apply to all municipalities within that county which have not assumed those functions pursuant to sub. (2).

2. Ordinances enacted by a county under sub. (2) establishing county plan examination and building inspection functions may not prevent or prohibit any municipality within that county from assuming those functions pursuant to sub. (2) at any time.

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

(5) **PLAN EXAMINATION.** (a) *First class cities.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. SPS 361.30, except state-owned buildings and structures, to be constructed within the limits of a first class city shall be submitted to that city, if that city has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2).

(b) *Second class cities performing expanded plan examination.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. SPS 361.30, except state-owned buildings and structures, to be constructed within the limits of a second class city shall be submitted to either the department or to that city, if that city has assumed the responsibilities of examining those plans and inspecting those buildings and structures in accordance with sub. (2) (c). Second class cities performing these examinations are not subject to the plan examination limits specified in par. (c).

(c) *Other municipalities and counties.* Drawings, specifications and calculations for all the types of buildings and structures specified in s. SPS 361.30, except state-owned buildings and structures, to be constructed within the limits of a municipality or county that is not included in pars. (a) and (b) shall be submitted to either the department or to that municipality or county if the municipality or county has assumed the responsibilities of plan examination and building inspection in accordance with sub. (2) and if the plans are for any of the following:

1. A new building or structure containing less than 50,000 cubic feet of total volume.

2. a. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.

b. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

3. An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.

**Note:** CR 16-094 amended subd. 3 to conform to s. 101.12 (3) (b), Stats. However, the statute was amended by 2017 Wis. Act 198. The Department will enforce s. 101.12 (3) (b), Stats., and not the language contained in subd. 3.

(d) *Project waiver.* 1. A certified municipality or county may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.

2. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality or county, in which case plans and specifications shall be submitted to the certified municipality or county for review and approval.

(e) *Plan submission procedures.* 1. a. A building permit application shall be included with the plan submitted to the municipality or county having jurisdiction for examination.

b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. 101.12 (3g), Stats., shall include the department's plan approval application form specified in s. SPS 361.31, unless a municipally supplied form is submitted.

2. At least 2 sets of complete building plans and one copy of specifications shall be submitted to the municipality or county having jurisdiction for examination.

3. a. Building plans submitted to a municipality or county for examination shall include the information specified in subd. 3. b. and s. SPS 361.31.

b. Plans that are submitted to a municipality under par. (c) by use of the volumes specified in par. (c) 1. to 3. shall include calculations showing the total volume.

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

5. Except as provided in subds. 6. to 9., plans and specifications for all components of a project, including but not limited to trusses, precast concrete, laminated wood, or heating, ventilating and air conditioning, shall be submitted to the same office.

6. For an individual building in a multiple-building complex, the submitter may choose whether to submit plans and specifications to a municipality or county having jurisdiction for examination, or to any of the department's offices, even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to peti-

tions, application forms, preliminaries, staff notes and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality or county, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.

7. For multiple-tenant or -owner buildings, including but not limited to shopping centers or office buildings, the plans and specifications for the initial tenant or owner in each space, and the alteration plans and specifications for changing a previously approved space may be submitted either to the municipality or county or to a department office, provided the requirements in s. SPS 361.31 (2) (d) are met.

8. Decisions as to whether plans and specifications for building additions may be submitted to offices other than where the previous approvals occurred shall be handled between the municipality or county, department and submitter on a case-by-case basis. These submittals shall comply with s. SPS 361.31 (2) (e).

9. Departmental review of plans and specifications under this subsection does not satisfy any need for municipal review of these plans and specifications for conformance with local requirements adopted under s. SPS 361.03 (4) that are in addition to or more stringent than chs. SPS 361 to 366, and 375 to 379.

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

a. The plans shall be stamped "CONDITIONALLY APPROVED," signed and dated by a certified commercial building inspector.

b. One set of the conditionally approved plans, and all calculations and correspondence shall be retained in their original form or as readable microfilm- or electronic-based copies for at least 4 years by the municipality or county, and all other approved plans shall be returned to the submitter or their representative.

c. A notice of conditional approval shall be provided, in writing, to the submitter and the building owner stating all conditions of approval. A copy of the notice shall be provided to the department of health services for health care facilities, and to the department of corrections for jails and places of detention.

2. All non-code-complying and other conditions stated in the conditional approval notice shall be corrected or met before or during construction, and before occupancy of the building.

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

1. The plans shall be stamped "NOT APPROVED," signed and dated by a certified commercial building inspector.

2. One set of the not-approved plans shall be retained by the municipality or county and all other plans shall be returned to the submitter or their representative.

3. A notice of the not-approved plans shall be provided in writing, to the submitter and the building owner stating the reasons for the denial.

(h) *Liability.* A conditional approval of a plan by a municipality or county may not be construed as an assumption of any responsibility on the part of the municipality, the certified commercial building inspector or the department for the design or construction of the building.

(6) **INSPECTION.** Inspections shall be conducted by a municipality or county to ascertain whether or not the construction or installation of buildings and structures conforms to the condition-

ally approved plans, the notice of conditional approval, and chs. SPS 361 to 366 in accordance with all of following:

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

(b) A written report of each inspection shall be prepared. The report shall include the name of the certified commercial building inspector.

(c) A copy of each inspection report shall be furnished to the owner and plan submitter.

(d) A copy of each inspection report shall be permanently maintained in the municipal files or county files.

(e) The inspection report shall indicate all items of non-compliance noted during the inspection.

(f) If non-complying items are not corrected, orders to correct shall be issued in accordance with local ordinances.

**Note:** Certified municipalities are authorized to perform the inspections specified in s. SPS 361.41.

**(7) FEES.** (a) Municipalities and counties having jurisdiction of plan examination and building inspection may set by ordinance the fees for plan examination and building inspection services.

(b) A second class city that is certified to perform the expanded plan examination specified in sub. (5) (b) shall submit to the department the fees specified in s. SPS 302.31 (1) (g).

**Note:** A list of municipalities and counties providing plan examination and building inspection under this section is available at the Department's website at [www.dsps.wi.gov](http://www.dsps.wi.gov) through links to Division of Industry Services programs.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. from Comm 61.70 and am. (5) (e) 1. b. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (2) (a) 2. to 4., renum. (2) (a) 5. to 7. to be 2. to 4., Register February 2008 No. 626, eff. 3-1-08; corrections in (2) (c) (intro.) and (d) 1. made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; correction in (5) (f) 1. c. made under s. 13.92 (4) (b) 6., Stats., Register September 2009 No. 645; CR 09-104: renum. (2) (a) 3., 4., (b) 3. to be (2) (a) 5., 6., (b) 4. and am., cr. (2) (a) 3., 4., (b) 3., (e), am. (2) (c) (intro.), (d) 1., renum. (2) (e) to be (2) (f) Register December 2010 No. 660, eff. 1-1-11; correction in (4), (5) (a), (b), (c) (intro.), (e) 1. b., 3. a., 7., 8., 9., (7) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (5) (e) 1. b. made under s. 13.92 (4) (b) 7., Stats., Register August 2017 No. 740; CR 16-094: am. (2) (a) 3., 4., (2) (b) 3., (c) 2., (3) (a), (4), (5) (c) 3., (e) 4., (f) 1. (intro.), (g) (intro.), (6) (intro.), (a), Register April 2018 No. 748 eff. 5-1-18; 2017 Wis. Act 198: am. (5) (e) 1. b. Register April 2018 No. 748, eff. 5-1-18.



## Chapter SPS 362

## BUILDINGS AND STRUCTURES

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		SPS 362.3600	Appendices.

**Note:** Chapter Comm 62 as it existed on June 30, 2002 was repealed and a new chapter Comm 62 was created, **Register December 2001 No. 552**, effective July 1, 2002. Chapter Comm 62 was renumbered chapter SPS 362 under s. 13.92 (4) (b) 1., Stats., **Register December 2011 No. 672**.

**Note:** Chapters SPS 361 to 366 are affected by 2017 Wisconsin Acts 59, 198, 243, 317, 329, 330, and 331. Future rule-making will update chs. SPS 361 to 366 to reflect this legislation.

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

**Note:** The sections in this chapter are generally numbered to correspond with the section numbering in the IBC, e.g., s. SPS 362.0202 corresponds to IBC section 202.

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

**Note:** IBC section 101.2 addresses the scope of the IBC. For the scope of the Wisconsin Commercial Building Code, see s. SPS 361.02. Three or more attached townhouses, as referenced in an exception under IBC section 101.2, are included within the scope listed in s. SPS 361.02. Detached one- and two-family dwellings, as likewise referenced in an exception under IBC section 101.2, and elsewhere in the IBC, are not included within the scope listed in s. SPS 361.02, but are regulated in Wisconsin by chs. SPS 320 to 325, in accordance with subch. II of ch. 101, Stats.

**History:** CR 00-179: cr. **Register December 2001 No. 552**, eff. 7-1-02; CR 01-139: renum. (1) and (2) to be Comm 62.0100 and Comm 62.0115 **Register June 2002 No. 558**, eff. 7-1-02; CR 04-016: am. **Register December 2004 No. 588**, eff. 1-1-05; CR 06-120: am. **Register February 2008 No. 626**, eff. 3-1-08; **CR 16-094: am., Register April 2018 No. 748** eff. 5-1-18.

**SPS 362.0202 Definitions. (1) ADDITIONS.** These are department definitions for this chapter in addition to the definitions in IBC section 202:

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

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

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

**(2) SUBSTITUTIONS.** Substitute the following definitions for the corresponding definition in IBC section 202:

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

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

**Note:** Section 145.01 (2), Stats., reads as follows: “‘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.”

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

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

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

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

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

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

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

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

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

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

- (a) Explosives, fireworks, or repair of motor vehicles.
- (b) More than 25% of the habitable floor area of the dwelling unit.

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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: renum. (1) (b) to be (2) (c) and renum. (1) (c) to (k) to be (1) (b) to (j) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. (1) (a), renum. (1) (b) to (j) to be (1) (c) to (j) and Comm 61.04 (4), cr. (1) (b) and (3), r. and cr. (2) (b) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) (intro.) and (3), renum. (1) (c), (d) and (e) to (j) to be Comm 61.04 (5), (6) and (8) to (13) and am. (5) and (8) to (11) Register February 2008 No. 626, eff. 3-1-08; correction made in (2) (c) under s.

13.92 (4) (b) 7., Stats., Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (1), (2) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. (1) to (1) (intro.), (a) and am., cr. (1) (b), (c), renum. (2) to (2) (intro.), (a) and am., cr. (2) (b) to (i), am. (3), Register April 2018 No. 748 eff. 5-1-18; correction in (2) (h) made under s. 35.17, Stats.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0307 Pyrophoric materials.** This is a department informational note to be used under IBC section 307.4: Note: See ch. SPS 314 for additional requirements for pyrophoric materials.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0310 Use and occupancy classification.** This is a department informational note to be used under IBC section 310.2: Note: See s. SPS 361.02 Notes for statutory definitions of adult family home and community-based residential facility. See s. SPS 361.04 for definitions of dwelling unit and multifamily dwelling.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to be (2), cr. (1) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1), renum. (2) to be Comm 62.0310 Register February 2008 No. 626, eff. 3-1-08.

**SPS 362.0400 Special detailed requirements based on use and occupancy.** These are department rules in addition to the requirements in IBC chapter 4:

**(1) FIREWORKS, BLACK POWDER AND EXPLOSIVE MATERIALS.** Fireworks, black powder and explosive materials shall be stored and isolated in accordance with ch. SPS 314.

**Note:** Pursuant to s. 167.10 (6) (d), Stats., no wholesaler, dealer or jobber may store fireworks within 50 feet of a dwelling.

**(2) RECYCLING SPACE.** An owner of a building shall provide a separate room or designated space within or adjacent to the building for the separation, temporary storage and collection of recyclable materials that are likely to be generated by the building occupants, under any of the following conditions:

- (a) The construction of a new building.

**Note:** See Appendix for guidelines for recommended designated areas.

**Note:** The collection and temporary storage of recyclable materials that are flammable or combustible is regulated by ch. SPS 314. Storage of liquids that are flammable or combustible is regulated by ch. ATPC 93. Owners of buildings where these materials are stored should consult those chapters for isolation, removal, and storage standards.

**(3) LUNCHROOMS.** A space for eating lunches shall be provided in all places of employment where there is exposure to injurious dusts, toxic material and industrial poisons. Such space shall be physically separate from any location where there is exposure to toxic materials. Toilet rooms shall not be permitted to serve as lunchrooms.

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

**(5) NO-SMOKING SIGNS.** No-smoking signs shall include the international “No Smoking” symbol consisting of a pictorial burning cigarette enclosed in a red circle with a red bar across the cigarette.

**(6) LIVE LOADS POSTED.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 100 pounds per square foot, such design live loads shall be conspicuously posted by the owner in

that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1), r. (2) (b) and (c) Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 1., Stats., Register February 2008 No. 626; CR 09-104: cr. (5) Register December 2010 No. 660, eff. 1-1-11; CR 10-103: renum. (6) from Comm 62.1603 (5) and am. Register August 2011 No. 668, eff. 9-1-11; correction in (1), (4) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (4), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0401 Chapter ATCP 93 compliance.** This is a department informational note to be used under IBC section 401.1: Note: See ch. ATCP 93 for additional requirements relating to motor fuel dispensing facilities and repair garages and to the storage, handling, processing and transporting of flammable, combustible and hazardous liquids.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; correction in (title) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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

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

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 16-094: renum. 362.0412 to 362.0412 (1) and am., cr. (2) Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0415 Hazardous materials.** (1) Substitute the definition in s. SPS 362.0202 (2) (g) for the corresponding definition in IBC section 415.2: "Immediately dangerous to life and health (IDLH)."

(2) This is a department rule in addition to the requirements in IBC section 415: A magazine for detonators in quantities of 100 or less shall have sides, bottoms and doors constructed of not less than number 12-gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached so they cannot be removed from the outside. One steel padlock, which need not be protected by a steel hood, having at least 5 tumblers and a case-hardened shackle of at least 3/8 inch diameter shall be provided for locking purposes.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to (1), cr. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. (2) Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am. (1) Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr. Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0504 Building height and number of stories.** The following is a department exception to the requirements in IBC section 504: The requirements in IBC section 504 do not apply to buildings and structures listed under SPS 362.0903 (18) (b) 2.

**History:** CR 16-094: cr. Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0506 Allowable building area.** Substitute the following for the requirements in IBC Table 506.2 for I-3 occupancies of Type IIA construction: The allowable area for a single story sprinkled building shall be 60,000 square feet. The allowable area for a multistory sprinkled building shall be 45,000 square feet.

**Note:** This substitution corrects an error that appears in IBC Table 506.2.

**History:** CR 16-094: cr. Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0509 Incinerator rooms.** In IBC section 509, Table 509, "incinerator rooms" does not include a crematory as defined in SPS 361.04 (1r).

**History:** CR 16-094: cr. Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0603 Allowable materials.** Substitute the following wording for application 18 in IBC section 603.1: Sprayed fire-resistant materials and intumescent and mastic fire-resistant coating, determined on the basis of fire-resistance tests in accordance with Section 703.2.

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1), renum. (2) to be Comm 62.0603 and am. Register February 2008 No. 626, eff. 3-1-08.

**SPS 362.0702 Definitions.** Substitute the definition in s. SPS 362.0202 (2) (e) for the corresponding definition listed in IBC section 202: "Fire separation distance."

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. 362.0702 (intro.) to 362.0702 and am., r. (1) to (4) Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0705 Exterior Walls.** (1) CONNECTIONS BETWEEN BUILDINGS. This is a department exception to the requirements in IBC section 705.1: This section does not apply to connections between buildings that are in compliance with IBC section 3104.

(2) PROJECTIONS. Substitute Table 362.0705-2 for IBC Table 705.2.

**Table 362.0705-2**  
**Minimum Distance of Projection**

Fire Separation Distance (FSD)	Minimum Distance From Line Used to Determine FSD
0 feet to 2 feet	Projections not permitted
Greater than 2 feet to 3 feet	24 inches
Greater than 3 feet to less than 30 feet	24 inches plus 8 inches for every foot of FSD beyond 3 feet or fraction thereof
30 feet or greater	40 inches

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: renum. from Comm 62.0704 and am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. 362.0705 to 362.0705 (1), cr. (2) and Table, Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0706 Fire wall identification.** These are department rules in addition to the requirements in IBC section 706:

(1) PURPOSE. Pursuant to s. 101.135, Stats., the purpose of this section is to establish uniform standards for the identification of fire walls on the exterior of buildings.

(3) SIGN REQUIREMENTS. (a) *General.* The sign shall consist of 3 circles arranged vertically on the exterior wall, marking the location of the fire wall and centered on the fire wall. The circles shall either be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.

(b) *Size of circle.* Each circle shall be the same size. The diameter of the circle shall be at least 1 1/2 inches, but no greater than 2 inches.

(c) *Spacing.* The circles shall be spaced an equal distance apart. The distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be no more than 12 inches.

(d) *Color.* The color of the circle shall be red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: renum. from Comm 62.0705 and am. (intro.) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: r. (2), Register April 2018 No. 748 eff. 5-1-18.



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

**History:** CR 16-094; cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0717 Ducts and air-transfer openings.**

(1) **SMOKE DAMPER ACTUATION.** This is an additional method in addition to the methods listed in IBC section 717.3.3.2: Method 6: Where a single listed duct smoke detector is installed inside the duct or outside the duct with sampling tubes protruding into the duct in the supply air ductwork downstream of the air handling equipment, including air filters, and ahead of any branch ductwork and return air duct smoke detectors are installed inside the duct or outside the duct with sampling tubes protruding into the duct within 5 feet (1524 mm) of each return air smoke damper, all supply and return smoke dampers shall be closed when any of the duct smoke detectors in the supply or return air ducts are in alarm. Other than in mechanical smoke control systems, dampers shall be closed upon fan shutdown when local smoke detectors require a minimum velocity to operate.

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

**History:** CR 16-094; renum. (1) to (2) and am., cr. (1) Register April 2018 No. 748 eff. 5-1-18.

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

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

**History:** CR 10-103; cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094; renum. 362.0721 to 362.0722 and am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0901 Fire protection systems.** (1) **MODIFICATIONS.** Substitute the following informational note for the requirements in IBC section 901.3: Note: Chapter SPS 314 has requirements relating to shutting down or impairing fire sprinkler systems. Chapter SPS 361 has requirements relating to availability of sprinkler documents and to submittal and approval of plans prior to altering, modifying, or removing sprinkler systems.

(2) **FIRE HOSE THREADS.** These are department informational notes to be used under IBC section 901.4: Note: Section 213.15, Stats., regulates fire hose threads and fittings and reads as follows: "All fire hose fittings, apparatus fittings, 1.5 and 2.5 inches in diameter purchased or procured by a fire department or fire company shall be of the national standard hose thread as adopted by the national fire protection association. No fire department shall utilize hose and equipment not in conformance with the requirement that all threads shall be national standard hose thread as adopted by the national fire protection association. Any person offering for sale nonstandard hose couplings, fittings or apparatus fittings may be fined not less than \$100 nor more than \$500."

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

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02.

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

(1) "Automatic sprinkler system" or "automatic fire sprinkler system."

(2) "Fire area."

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103; am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094; am. (intro.), (1), (2), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.0903 Automatic fire sprinkler systems.**

(1) **GROUP A-1.** Substitute the following wording for condition 3 in IBC section 903.2.1.1: None of the stories in which the fire area is located include a level of exit discharge.

(2) **GROUP A-2.** Substitute the following wording for condition 3 in IBC section 903.2.1.2: None of the stories in which the fire area is located include a level of exit discharge.

(3) **GROUP A-3.** Substitute the following wording for condition 3 in IBC section 903.2.1.3: None of the stories in which the fire area is located include a level of exit discharge.

(4) **GROUP E.** Substitute the following wording for the requirements in IBC section 903.2.3:

(a) Except as provided in par. (b), an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet in area.

2. Throughout every story of educational buildings that is located below a story which includes the lowest level of exit discharge.

(b) An automatic sprinkler system is not required in any fire area, or in any story that is located below a story which includes the lowest level of exit discharge, where every classroom throughout the building has at least one exterior exit door at ground level.

(5) **GROUP R.** Substitute the following wording for the requirements in IBC section 903.2.8:

(a) Except as provided in pars. (b) to (cm), an automatic sprinkler system installed in accordance with IBC section 903.3 shall be provided throughout all buildings with a Group R fire area.

(b) An automatic sprinkler system installed in a multifamily dwelling may conform with sub. (10) provided the multifamily dwelling complies with all of the following:

1. The multifamily dwelling does not contain more than 20 dwelling units.

**Note:** See s. 101.971 (2), Stats., for the definition of "multifamily dwelling".

**Note:** See s. 101.14 (4m), Stats., for requirements relating to automatic fire sprinkler systems for a multifamily dwelling.

2. The multifamily dwelling is not more than 2 stories above grade plane in height.

3. The multifamily dwelling is not served by either a community water system or a municipal water system as defined under s. NR 811.02.

**Note:** Under s. NR 811.02 "community water system means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units or 10 or more condominium units shall be considered a community water system unless information is provided by the owners indicating that 25 year-round residents will not be served."

**Note:** Under s. NR 811.02 "municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing."

(cm) An automatic sprinkler system installed in a building with a Group R-3 fire area may conform with sub. (10) provided the Group R-3 use complies with all of the following:

1. The Group R-3 use is limited to a single-room bunkhouse type sleeping unit.

2. The fire area does not exceed 1,500 square feet.

3. The fire area is not more than one story above grade plane in height.

4. The fire area has an occupant load of 10 or less.

5. The Group R–3 use is not served by either a community water system or a municipal water system as defined under s. NR 811.02.

**Note:** Under s. NR 811.02, “community water system” means a public water system which serves at least 15 service connections used by year–round residents or regularly serves at least 25 year–round residents. Any water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units or 10 or more condominium units shall be considered a community water system unless information is provided by the owners indicating that 25 year–round residents will not be served.”

**Note:** Under s. NR 811.02, “municipal water system” means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.”

**(6) STUDENT HOUSING.** These are department rules in addition to the requirements in IBC section 903.2.8:

(a) *Definition.* In this paragraph, “private student residential building” has the meaning as given under s. 101.14 (4) (b) 1m., Stats.

**Note:** Section 101.14 (4) (b) 1m., Stats., reads: “In this paragraph, “private student residential building” means a privately owned and operated residential building that has a capacity of at least 100 occupants, that is occupied by persons at least 80 percent of whom are enrolled in an institution of higher education, and that has attributes usually associated with a student residence hall or dormitory such as a food service plan or occupancy by a resident advisor.”

(b) *Existing housing.* 1. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every residence hall and dormitory greater than 60 feet in height, the initial construction of which was begun before January 7, 2006, that is owned or operated by an institution of higher education, other than a residence hall or dormitory owned or operated by the Board of Regents of the University of Wisconsin System.

2. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every private student residential building greater than 60 feet in height, the initial construction of which was begun before January 7, 2006.

3. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every student residential facility operated by a fraternity, sorority or other organization authorized or sponsored by an institution of higher education, the initial construction of which was begun before January 7, 2006.

(c) *New housing.* 1. An automatic fire sprinkler system shall be provided throughout every residence hall and dormitory, the initial construction which is begun on or after April 26, 2000, that is owned or operated by the Board of Regents of the University of Wisconsin System.

2. An automatic fire sprinkler system shall be provided throughout every residence hall and dormitory, the initial construction which is begun on or after January 7, 2006, that is owned or operated by an institution of higher education, other than a residence hall or dormitory owned or operated by the Board of Regents of the University of Wisconsin System.

3. An automatic fire sprinkler system shall be provided throughout every student residential facility, operated by a fraternity, sorority or an organization authorized or sponsored by an institution of higher education, the initial construction of which is begun on or after January 7, 2006.

4. An automatic fire sprinkler system shall be provided throughout every private student residential building, the initial construction of which is begun on or after January 7, 2006.

**(7) BUILDINGS OVER 60 FEET IN HEIGHT.** This is a department rule in addition to the requirements in IBC section 903.2.11.3:

(a) Except as provided in par. (b), pursuant to s. 101.14 (4) (b) 1r., Stats., automatic fire sprinkler systems shall be installed throughout buildings and structures that are more than 60 feet in height.

(b) An automatic fire sprinkler system is not required to be provided in any of the following buildings or structures or portions of buildings or structures that are more than 60 feet in height:

1. Airport control towers.

2. Open parking structures complying with IBC section 406.3.

3. Telecommunications equipment spaces used exclusively for telecommunications equipment, associated electrical power distribution equipment and standby engines, provided that those spaces or areas are equipped throughout with an automatic fire detection system in accordance with IBC section 907.2 and are separated from the remainder of the building with fire barriers consisting of 1–hour fire–resistance–rated walls and 2–hour fire–resistance–rated floor/ceiling assemblies.

4. Special industrial occupancies complying with the criteria outlined in IBC section 503.1.1.

5. Occupancies of Group F–2 when omission of the automatic fire sprinkler system is approved in accordance with s. SPS 361.22.

**(8) EXEMPT LOCATIONS.** Substitute the following wording for exempt location 2 in IBC section 903.3.1.1.1: Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the department.

**(9) BALCONIES.** Substitute the following wording for the requirements in IBC section 903.3.1.2.1: Sprinkler protection complying with NFPA 13 shall be provided for exterior balconies, decks and ground–floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members, and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

**(10) NFPA 13D SPRINKLER SYSTEMS.** (a) Substitute the following wording for the requirements in IBC section 903.3.1.3: Where allowed, automatic sprinkler systems in townhouses and multi–family dwellings shall be installed throughout in accordance with NFPA 13D, except as provided in par. (b).

(b) 1. The requirements in NFPA 13D section 6.3.2 are not included as part of chs. SPS 361 to 366.

2. Fire department connections are prohibited in multi–purpose piping systems.

**Note:** Multi–purpose piping systems must conform with the applicable provisions of the Plumbing Code, chs. SPS 381 to 387.

**(11) TESTING AND MAINTENANCE.** Substitute the following informational note for the requirements in IBC section 903.5: Note: See ch. SPS 314 for requirements for inspection, testing, and maintenance of fire sprinkler systems

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

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

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

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

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

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

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

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

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

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

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

- The fire area does not exceed 12,000 square feet.
- The occupant load of the fire area does not exceed 300.
- The fire area is located on a floor with exit discharge at grade.

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

- The building is used for assembly purposes no more than 180 cumulative days per calendar year.
- The fire area does not exceed 12,000 square feet.
- The occupant load of the fire area does not exceed 300.
- The fire area is located on a floor with exit discharge at grade.

3. A Group A-3 occupancy place of religious worship, or an accessory to a place of worship as specified in IBC section 303.1.4, that is not already exempt under IBC section 903.2.1.3 when all of the following apply:

- The building is used for a place of worship no more than 180 cumulative days per calendar year.
- The fire area does not exceed 12,000 square feet.
- The occupant load of the fire area does not exceed 300.
- The fire area is located on a floor with exit discharge at grade.

4. A single story Group R occupancy cabin or camp lodge building, or a building or space that is used for assembly purposes at a camp when all of the following apply:

- The building or space is used no more than 180 cumulative days per calendar year.
- The fire area does not exceed 12,000 square feet.
- The occupant load of the fire area does not exceed 300.
- The fire area is located on a floor with exit discharge at grade.
- All sleeping rooms have a direct exit to the exterior.

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

- The occupant load shall be displayed in accordance with IBC section 1004.3.
- All open flames, including smoking, shall be prohibited in the building and within 50 feet or less from the building, except for flame equipment used to reheat or maintain food temperatures.
- A smoke detection and fire alarm system shall be installed in accordance with IBC section 907.

4. Portable fire extinguishers shall be installed in accordance with IBC section 906.

5. A municipal fire and building inspection position statement shall be submitted to the department on an approved form indicating the municipality's review and approval of the proposed building design. The position statement shall be completed by the fire code official if there is no commercial building inspector for the jurisdiction.

**Note:** Position statement forms are available from the department's website at [dpsps.wi.gov](http://dpsps.wi.gov).

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. (2) to (5) to be (6), (7), (11) and (12), cr. (2) to (5), (8) to (10) and (13) Register December 2004 No. 588, eff. 1-1-05; CR 04-043: cr. (1m) Register December 2004 No. 588, eff. 1-1-05; emerg. renum. (6) to be (6) (a) and am. (6) (a) (intro.), cr. (6) (intro.) and (b), eff. 3-4-06; CR 06-040: renum. (6) to be (6) (a) and am. (6) (a) (intro.), cr. (6) (intro.) and (b), r. (7) Register September 2006 No. 609, eff. 10-1-06; CR 06-120: r. (1m) and (12), r. and recr. (5) and (6), cr. (6m), (11), (13) and (14), am. (8) to (10), renum. (11) and (13) to be (12) and (15) Register February 2008 No. 626, eff. 3-1-08; corrections in (6) (a) and (d) and (11) (a) made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; CR 10-103: r. (1), (6) (b), Table 62.0903, (6m) b) 1. and 2., (8) to (10) and (14) (b), r. and recr. (5) (c), cr. (5) (d), (10) (b), renum. (2) to (5) to be (1) to (4), (6) (intro.), (a), (c) and (d) to be (5) (intro.), (a), (b) and (c), (6m) (intro.) (a), (b) 3. to 5. and (c) to be (6) (intro.) (a), (b) 1. to 3. and (c), (11) to (13) to be (7) to (9), (14) to be (10), (15) to be (11) and am. (4) (intro.), (5) (intro.), (b) (intro.), (c) 3. (intro.) and 3. b., (6) (intro.), (7) (intro.), (b) 4. and (9), Register August 2011 No. 668, eff. 9-1-11, r. and recr. (5) (c) Register August 2011 No. 668, eff. 7-1-14; correction in (7) (b) 5. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; 2015 Wis. Act 330 s. 20: am. (6) (b) 1., (c) 1., 2. Register April 2016 No. 724, eff. 5-1-16; CR 16-094: am. (5) (b) 1., r. (5) (c), renum. (5) (d) to (5) (cm), am. (10) (b) 1., cr. (12) to (18), Register April 2018 No. 748 eff. 5-1-18; correction in (5) (a) made under s. 13.92 (4) (b) 7., Stats., Register April 2018 No. 748.

**SPS 362.0904 Alternative automatic fire-extinguishing systems.** (1) **GENERAL.** Substitute the following wording and informational note for the requirements in IBC section 904.1: Automatic fire-extinguishing systems, other than automatic sprinkler systems, shall be designed and installed in accordance with the provisions of IBC section 904 and the applicable referenced standards.

(2) **ADDITIONAL REQUIREMENTS.** These are department rules in addition to the requirements in IBC section 904:

(b) *Manual-wet sprinkler systems.* 1. Where allowed. A manual-wet sprinkler system may not be installed in a building unless all of the following conditions are met:

- There is no municipal water system available to serve the property.
- There is no provision under chs. SPS 361 to 366 that requires the building or a portion of the building to have an automatic fire sprinkler system.
- The municipality where the building is to be located has an adopted ordinance that requires the installation of manual-wet sprinkler systems and requires these systems to meet the provisions of this subsection.

2. **General requirements.** a. A building protected with a manual-wet sprinkler system shall be considered un-sprinklered under all other code provisions.

b. Each manual-wet sprinkler system shall be provided with a fire department connection. The fire department connection shall be installed in an accessible location acceptable to the fire chief.

c. All above ground piping of the manual-wet sprinkler system shall be labeled as a "manual-wet sprinkler system." Labels shall be placed at the fire department connection; at all valves and hose outlets; and on the piping at intervals of not more than 25 feet and at each side where the piping passes through a wall, floor or roof.

d. The manual-wet sprinkler system design and installation shall comply with the automatic fire sprinkler system requirements of NFPA 13 or NFPA 13R, as applicable, except that the system comprised of the pilot line, fire department connection and fire department apparatus is considered as the approved water supply for the system.



e. A manual-wet sprinkler system shall be supplied with water through the fire department connection using fire department apparatus.

f. The plumbing well, water service and pressure tank shall be of a size and capacity to supply the hydraulically most remote sprinkler with the required waterflow and pressure for a minimum of 10 minutes.

g. A pilot line shall be connected from the manual-wet sprinkler system to the plumbing water supply system at the well pressure tank. The pilot line shall be of a size that is adequate to supply the hydraulically most remote sprinkler in the system.

h. The connection of a manual-wet sprinkler system to a plumbing water supply system shall be protected against backflow conditions in accordance with ch. SPS 382.

i. The actuation of any sprinkler in the system shall operate the waterflow indicating device, which shall initiate a fire alarm within the building.

j. Upon actuation of the building fire alarm, a fire alarm signal shall be sent automatically to the fire department providing fire protection to the building.

3. Installer qualifications. The installation or alteration of a manual-wet sprinkler system shall be performed by a licensed individual as specified for the installation of an automatic fire sprinkler system under subch. V of ch. SPS 305.

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

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

**Note:** The requirements in IBC sections 904.13, 904.13.1, and 904.13.2 are similar to those contained in the 2012 edition of the Life Safety Code. Section DHS 132.82 (1) and the medicare conditions of participation for long-term care facilities under 42 CFR 483 require all nursing homes to meet the 2012 edition of the Life Safety Code.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139; am. (2) (b) 8. Register June 2002 No. 558, eff. 7-1-02; CR 04-016; renum. (intro.), (1) and (2) to be (2) (intro.), (a) and (b), and r. and recr. (2) (b) 2. c., cr. (1) Register December 2004 No. 588, eff. 1-1-05; correction in (2) (b) 2. h., 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094; cr. (1) (title), (2) (title), r. (2) (a), am. (2) (b) 1. b., cr. (2) (c), (3), Register April 2018 No. 748 eff. 5-1-18.

### SPS 362.0907 Fire alarm and detection systems.

(1) GENERAL. Substitute the following wording and informational note for the requirements in IBC section 907.1: IBC section 907 covers the application and installation of fire alarm systems and their components. Note: See ch. SPS 314 for requirements for performance and maintenance of fire alarm systems and their components.

(2) SMOKE ALARMS. These are department informational notes to be used under IBC section 907.2.11:

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

(2m) ELEVATOR EMERGENCY OPERATION. Substitute the following wording for the requirements in IBC section 907.3.3: Except as provided in s. SPS 362.0907 (5) (a) and (b), fire alarm initiating devices installed for elevator emergency operation shall be installed in accordance with ch. SPS 318 and NFPA 72.

(3) PROTECTIVE COVERS. Substitute the following wording for the requirements in IBC section 907.4.2.5: The building official is authorized to require the installation of listed manual fire alarm box protective covers to prevent malicious false alarms or provide

the manual fire alarm box with protection from physical damage. The protective cover shall be transparent or red in color with a transparent face to permit visibility of the manual fire alarm box. Each cover shall include proper operating instructions. Protective covers shall not project more than that permitted by IBC section 1003.3.3.

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

(5) INSTALLATION AND MONITORING. The following are department exceptions to the requirements in IBC section 907.6:

(a) The requirements in NFPA 72 section 21.3.3 do not apply to elevator pits.

(b) The requirements in NFPA 72 section 21.3.7 (2) are not included as part of chs. SPS 361 to 366.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016; renum. (1) to (3) to be (2) to (4), cr. (1) Register December 2004 No. 588, eff. 1-1-05; CR 06-120; renum. (3) and (4) to be (5) and (6), cr. (3), (4) and (7) Register February 2008 No. 626, eff. 3-1-08; CR 10-103; r. (2) to (4), renum. (5) to (7) to be (2) to (4) and am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094; cr. (2m), am. (4), cr. (5), Register April 2018 No. 748 eff. 5-1-18; correction in (5) (b) under s. 35.17, Stats., Register April 2018 No. 748.

### SPS 362.0909 Smoke control systems. (1) INSPEC-

TION AND TEST REQUIREMENTS. Substitute the following wording for the requirements in IBC section 909.3: In addition to the ordinary inspection and test requirements that buildings, structures and parts thereof are required to undergo, smoke control systems subject to the provisions of IBC section 909 shall undergo inspections and tests sufficient to verify the proper commissioning of the smoke control design in its final installed condition. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to such inspections and tests. Such commissioning shall be in accordance with generally accepted engineering practice and, where possible, based on published standards for the particular testing involved.

(2) INSPECTIONS FOR SMOKE CONTROL. Substitute the following wording for the requirements in IBC section 909.18.8: Smoke control systems shall be tested by a qualified agency.

(3) SCOPE OF TESTING. Substitute the following wording for the requirements in IBC section 909.18.8.1: Inspections shall be conducted in accordance with the following:

(a) During erection of ductwork and prior to concealment for the purposes of leakage testing and recording of device location.

(b) Prior to occupancy and after sufficient completion for the purposes of pressure-difference testing, flow measurements, and detection and control verification.

(4) QUALIFICATIONS. Substitute the following wording for the requirements in IBC section 909.18.8.2: Inspection agencies for smoke control shall have expertise in fire protection engineering, mechanical engineering and certification as air balancers.

(5) REPORTS. Substitute the following wording for the requirements in IBC section 909.18.8.3: A complete report of testing shall be prepared. The report shall include identification of all devices by manufacturer, nameplate data, design values, measured values and identification tag or mark. The report shall be reviewed by the responsible registered design professional and, when satisfied that the design intent has been achieved, the responsible registered design professional shall seal, sign and date the report.

(6) REPORT FILING. Substitute the following wording for the requirements in IBC section 909.18.8.3.1: A copy of the final

report shall be maintained and made available to the building official upon request.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02, CR 06-120: renum. (5) and (6) to be (6) and (7), cr. (5) Register February 2008 No. 626, eff. 3-1-08.; CR 10-103: r. (7) Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.0915 Carbon monoxide detection.** Substitute the following wording for the requirements in IBC section 915:

(1) DEFINITIONS. In this section:

(a) "Dwelling unit" has the meaning as given in s. 101.61 (1), Stats.

**Note:** Section 101.61 (1), Stats., reads: "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(b) "Fuel-burning appliance" has the meaning given in s. SPS 362.0202 (2) (f).

(c) "Residential building" has the meaning as given in s. 101.149 (1) (b), Stats.

**Note:** Section 101.149 (1) (b), Stats., reads: "Residential building" means a tourist rooming house, a bed and breakfast establishment, or any public building that is used for sleeping or lodging purposes. "Residential building" does not include a hospital or nursing home.

(d) "Sealed combustion appliance" has the meaning given in s. SPS 362.0202 (2) (i).

(e) "Sleeping area" has the meaning as given in s. 101.145 (1) (b), Stats.

**Note:** Section 101.145 (1) (b), Stats., reads: "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

(2) INSTALLATION. (a) 1. Listed and labeled carbon monoxide alarms or detectors shall be installed at locations specified in s. 101.149 (2), Stats., and maintained in accordance with s. 101.149 (3), Stats., in buildings, including buildings existing on October 1, 2008, which are residential buildings or include residential buildings, and contain fuel-burning appliances, except as provided in subd. 5.

2. The installation of carbon monoxide alarms or detectors in accordance with s. 101.149 (2) and (3), Stats., shall be throughout the entire building where a portion of the building includes a residential building.

3. The installation of carbon monoxide alarms or detectors in adjacent units required under s. 101.149 (2) (a) 3., Stats., shall apply to those units located on the same floor level.

4. The 75-foot installation limit specified under s. 101.149 (2) (a) 5., Stats., shall be measured from the door of the unit along the hallway leading from the unit.

5. The installation of carbon monoxide alarms or detectors is not required in buildings if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. SPS 361.30, provided the building does not have an attached enclosed garage and either of the following circumstances applies:

a. All of the fuel-burning appliances in the building are of a sealed-combustion type that are covered by the manufacturers' warranties against defects.

b. All of the fuel-burning appliances in the building are of sealed-combustion type that are inspected in accordance with sub. (3) or rules promulgated by the department of agriculture, trade and consumer protection under s. 97.625 (1) (am), Stats.

6. a. For the purposes of s. 101.149 (2) (a) 4., Stats., "room" means an enclosed area affording space for any other human activity besides just servicing mechanical equipment, including fuel-burning appliances.

b. For the purposes of s. 101.149 (2) (a) 4., Stats., where a fuel-burning appliance is located within a closet or other enclosure affording space only for the appliance and any other mechanical equipment, a carbon monoxide alarm or detector shall be installed either within or outside of the enclosure. Installation

may be within the enclosure only if specifically permitted by the manufacturer of the alarm or detector. Installation outside of the enclosure shall be within 75 feet of the appliance in a space adjacent to the enclosure and on the same floor as the appliance.

(b) 1. Carbon monoxide alarms shall conform to UL 2034.

2. Carbon monoxide alarms shall be listed and labeled identifying conformance to UL 2034.

3. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall conform to UL 2075.

(c) Carbon monoxide alarms to be installed in a building shall be wired to the building's electrical service and include battery secondary power supplies, if either of the following conditions applies:

1. Plans for the construction of the building were submitted for review under s. SPS 361.30 on or after October 1, 2008.

2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. SPS 361.30.

(d) Carbon monoxide alarms to be installed within a dwelling unit shall be interconnected so that activation of one alarm will cause activation of all alarms within the dwelling unit, if either of the following conditions applies:

1. Plans for the construction of the building were submitted for review under s. SPS 361.30 on or after October 1, 2008.

2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. SPS 361.30.

(3) INSPECTION OF SEALED COMBUSTION APPLIANCES. (a) The owner of a building or their agent shall arrange the inspection of sealed combustion appliances and the vents and chimneys serving the appliances under sub. (2) (a) 5. b.

(b) Pursuant to sub. (2) (a) 5. b., the inspection of the sealed combustion appliances, vents and chimneys shall be for the purpose of determining carbon monoxide emission levels.

(c) Pursuant to sub. (2) (a) 5. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed at least once a year.

(d) For the purpose of sub. (2) (a) 5. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed by an individual who holds a certification issued under s. SPS 305.71 as an HVAC qualifier.

(e) If upon inspection, the carbon monoxide emissions from a fuel burning appliance, vent or chimney are not within manufacturer's specifications, the appliance may not be operated until repaired or carbon monoxide alarms or detectors are installed in accordance with s. 101.149 (2) and (3), Stats.

(4) ORDERS. Pursuant to s. 101.149 (6) (b), Stats., the department may issue orders for a violation of the provisions of this section.

(5) PENALTIES. Violation of the provisions of this section shall be subject to the penalties provided under s. 101.149 (8), Stats.

**Note:** Section 101.149 (8), Stats., reads:

(8) PENALTIES. (a) If the department of safety and professional services or the department of agriculture, trade and consumer protection determines after an inspection of a building under this section or s. 97.625 (1g) that the owner of the building has violated sub. (2) or (3), the respective department shall issue an order requiring the person to correct the violation within 5 days or within such shorter period as the respective department determines is necessary to protect public health and safety. If the person does not correct the violation within the time required, he or she shall forfeit \$50 for each day of violation occurring after the date on which the respective department finds that the violation was not corrected.

(b) If a person is charged with more than one violation of sub. (2) or (3) arising out of an inspection of a building owned by that person, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture under par. (a).

(c) Whoever violates sub. (4) is subject to the following penalties:

1. For a first offense, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both.

2. For a 2nd or subsequent offense, the person is guilty of a Class I felony.

**History:** EmR0826: emerg. cr. eff. 10-1-08; CR 08-085: cr. Register May 2009 No. 641, eff. 6-1-09; corrections in (3) (a) to (d) and (4) made under s. 13.92 (4) (b) 2. and 7., Stats., Register May 2009 No. 641; CR 09-104: cr. (2) (a) 6. Register December 2010 No. 660, eff. 1-1-11; CR 10-103: am. (2) (a) 1., (3) (d) Register

August 2011 No. 668, eff. 9-1-11; correction in (2) (a) 5., (c) 1., 2., (d) 1., 2., (3) (d) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (2) (a) 5. b. made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 734; CR 16-094: renum. 362.1210 to 362.0915 and am. (title), (intro.), (1) (b), (d), (2) (a) 5. b., Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

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

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

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

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

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

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

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

**History:** CR 16-094: cr. (title), (4), (5), renum. 362.1014 to (1) and am., renum. 362.1015 to (2) and am., renum. 362.1021 to (3) and am., Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1010 Doors, gates, and turnstiles.**

**(1) CLEAR DOOR OPENINGS FOR NONACCESSIBLE STALLS.** This is a department exception to the requirements in IBC section 1010.1.1: The clear door opening for a nonaccessible toilet stall,

shower stall, or other similar compartment, may be less than 32-inches wide.

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

**(3) PANIC AND FIRE EXIT HARDWARE.** Substitute the following wording for the requirements relating to electrical rooms in IBC section 1010.1.10:

(a) An electrical room that contains equipment rated 800 amperes or more, and contains overcurrent devices, switching devices, or control devices, and contains a personnel door intended for entrance to and egress from the working space less than 25 feet from the nearest edge of the working space, the door shall be equipped with panic hardware or fire exit hardware and open in the direction of egress.

(b) An electrical room that is over 6 feet wide and contains equipment rated 1,200 amperes or more, and contains overcurrent devices, switching devices or control devices, and contains an exit or exit access door, the door shall be equipped with panic hardware or fire exit hardware and open in the direction of egress.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. 362.1008 to 362.1010 and am. (1), (2), cr. (3), Register April 2018 No. 748 eff. 5-1-18.

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

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

**History:** CR 14-020: cr. Register August 2014 No. 704, eff. 9-1-14; CR 16-094: renum. 362.1009 to 362.1011 and am., cr. (2), Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1015 Guards.** Substitute the following wording for the requirements, but not the exception in IBC section 1015.2: Guards shall be located along the open side of walking surfaces, balconies, mezzanine, stairs, ramps, landings, roofs, and similar surfaces intended to be used by building occupants or the public where the change in elevation is more than 30 inches (762 mm) to the floor or roof below or more than 30 inches (762 mm) measured vertically to the grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with IBC section 1607.8.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

(1) The spaces are not occupied for hazardous uses.

(2) The spaces are not occupied for the incidental uses listed in IBC Table 508.2.



(3) The spaces are arranged so as to not obstruct access to the required exits.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: renum. from Comm 62.1017 and am. (intro.) Register August 2011 No. 668, eff. 9–1–11; CR 16–094: renum. 362.1018 to 362.1020 and am., Register April 2018 No. 748 eff. 5–1–18.

**SPS 362.1029 Spaces under bleachers and grandstands.** The requirements in IBC section 1029.1.1.1 are not included as part of chs. SPS 361 to 366.

**History:** CR 16–094: cr., Register April 2018 No. 748 eff. 5–1–18; (title) created under s. 13.92 (4) (b) 2, Register April 2018 No. 748.

**SPS 362.1101 Design of Type A and B units.** These are department rules in addition to the requirements in IBC section 1101.2 and ICC/ANSI A117.1 sections 1003 and 1004:

(1m) **CIRCUIT BREAKERS.** Circuit breakers, when provided for use by tenants in occupancies with dwelling and sleeping units, shall comply with ICC/ANSI A117.1 section 309.2 and 309.3.

(2m) **DOORS AND DOORWAYS.** A renter of a dwelling unit may request the landlord to install lever door handles on any doors inside the dwelling unit or install single-lever controls on any plumbing fixtures used by the renter. These controls shall be provided and installed by the landlord at no additional cost to the renter.

**Note:** These requirements are based on language from s. 101.132 (2) (a) 4., Stats.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: am. (2) (a), cr. (2) (c) Register August 2011 No. 668, eff. 9–1–11; CR 16–094: am. (title), r. (1) (title), renum. (1) (a), (b) to (1m), (2m), r. (2), Register April 2018 No. 748 eff. 5–1–18.

**SPS 362.1103 Scoping requirements — limited access spaces.** Substitute the following wording for the requirements in IBC section 1103.2.7:

(1) Storage spaces that do not include permanent workstations, are infrequently accessed by employees, and are not open to the general public are not required to be accessible.

(2) Nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, freight elevators, very narrow passageways, or tunnels are not required to be accessible.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08, CR 10–103: r. (1), renum. (2) to be Comm 62.1103, Register August 2011 No. 668, eff. 9–1–11; correction under s. 13.92 (4) (b) 1. and 2., Stats., Register August 2011 No. 668, eff. 9–1–11; CR 16–094: am. (intro.), Register April 2018 No. 748 eff. 5–1–18.

**SPS 362.1104 Accessible route.** This is a department limitation to the exception in IBC section 1104.4, Exception 1.: Government-owned or -operated facilities that are outside the scope of IBC section 1104.3.2.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 16–094: r. (1) (title), renum. (1) to 362.1104, r. (2), Register April 2018 No. 748 eff. 5–1–18; correction under s. 13.92 (4) (b) 7., Stats., Register April 2018 No. 748.

**SPS 362.1107 Dwelling units and sleeping units.**

(1) **GROUP I.** (a) *Group I–1.* Substitute the following wording for the requirements, but not the exception, in IBC section 1107.5.1.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(b) *Group I–2 nursing homes.* Substitute the following wording for the requirement, but not the exception, in IBC section 1107.5.2.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(c) *Group I–2 hospitals.* Substitute the following wording for the requirement, but not the exception, in IBC section 1107.5.3.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(2) **GROUP R.** (a) *Group R–1.* Substitute the following wording for the requirement, but not the exception, in IBC section 1107.6.1.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(b) *Group R–2.* 1. ‘Apartment houses, monasteries and convents.’ Substitute the following wording for the requirement, but not the exception, in IBC section 1107.6.2.1.2: Where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

2. ‘Boarding houses, dormitories, fraternity houses and sorority houses.’ Substitute the following wording for the requirement, but not the exception, in IBC section 1107.6.2.2.2: Where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(c) *Group R–3.* Substitute the following wording for the requirement, but not the exception, in IBC section 1107.6.3: In Group R–3 occupancies where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(d) *Group R–4.* Substitute the following wording for the requirement, but not the exception, in IBC section 1107.6.4.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

(3) **SITE IMPRACTICALITY.** (a) *Petition for variance.* This is a department rule in addition to the requirements in IBC section 1107.7.4: In accordance with s. 101.132 (2) (b) 4. and (c) 2., Stats., the owner may use the petition for variance procedure specified in s. SPS 361.22 to request a reduction in the number of Type A or Type B dwelling units due to site impracticality.

**Note:** The Department may grant a variance in accordance with ch. SPS 303 which 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. The SBD–9890 form is available at the Department’s Web site at [www.dps.wi.gov](http://www.dps.wi.gov) through links to Division of Industry Services forms.

(b) *Condition.* Substitute the following wording for condition 1 under IBC section 1107.7.4: Not less than 50% of the units required by IBC section 1107.7.1 on the site are Type A or Type B units.

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

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: cr. (2) (c), am. (title), (1) (a) to (c), (2) (a), (3) (a), (3) (b) (title), renum. (2) (c) to be (2) (d) Register August 2011 No. 668, eff. 9–1–11; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16–094: cr. (4), Register April 2018 No. 748 eff. 5–1–18.

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

(b) *Exceptions.* 1. ‘Small parking facilities.’ Accessible parking spaces required by IBC section 1106.1 are not required to be

signed when the total number of parking spaces provided is four or less.

2. 'Employee and resident parking.' Accessible parking facilities identified for use only by employees of any building or facility or by tenants in Group R-2 occupancies may be identified with signs other than the s. [Trans 200.07](#) signs.

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

(b) This is a department informational note to be used under IBC section 1111.3. Note: Refer to s. [SPS 362.0400 \(5\)](#) for requirements for no-smoking signs.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) (title), (2) (title), (a) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum 362.1110 to 362.1111 and am. (1) (a), (2) (a), (b), Register April 2018 No. 748 eff. 5-1-18.

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

(1) Occupancies specified in s. [SPS Table 364.0402](#).

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1204 Interior environment.** Substitute the following wording for the requirements and exception in IBC section 1204.1: Interior spaces intended for human occupancy shall conform to the IMC.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. Comm 62.1203 to be Comm 62.1204 and am. Register February 2008 No. 626, eff. 3-1-2008.

**SPS 362.1206 Court drainage.** Substitute the following wording and informational note for the requirements in IBC section 1206.3.3: The bottom of every court shall be properly graded and drained.

**Note:** See ch. [SPS 382](#) for requirements for storm water piping.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. Comm 62.1205 to be Comm 62.1206 and am. Register February 2008 No. 626, eff. 3-1-08.

**SPS 362.1210 Toilet rooms. (1m) PRIVACY AND ACCESS.** This is a department rule in addition to the requirements in IBC section 1210: Every toilet room shall be enclosed and separated from other areas of the building in a manner that will ensure privacy of the users of the toilet rooms. Restriction of access to toilet rooms, such as by use of key locks or other similar devices, is prohibited, except this subsection does not apply to the following:

(a) Toilet rooms for a service or filling station that are accessed from the exterior may be key locked.

(b) A self-service filling station that has a key- or card-operated fuel dispensing device which can be used while the station is unattended by an employee is not required to have toilet rooms available during the unattended periods.

(c) Single-occupant toilet rooms may have privacy locks.

(d) Compartments are not required for water closets in prison or jail cells.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. Comm 62.1209 to be Comm 62.1210 and am. (intro.) Register February 2008 No. 626, eff. 3-1-08; CR 16-094: r. (intro.), renum. (1) to (1m) (intro.) and am., r. (2) (title), renum. (2) (a), (b), (c) to (1m) (a), (b), (c), cr. (2m), renum. 362.2900 (3) (b) 3. to 362.1210 (1m) (a) 4., Register April 2018 No. 748 eff. 5-1-18; renum. (1m) (a) 4. to (1m) (b) 2. under s. 13.92 (4) (b) 1. Register April 2018 No. 748.

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

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

(3m) This is a department rule in addition to the requirements in IBC section 1405.14.1: Polystyrene sheathing may be utilized as the required backing material for vinyl siding provided all of the following characteristics and conditions are met:

(a) The sheathing is extruded, rigid and cellular.

(b) The sheathing is type IV, as specified in ASTM C578.

(c) The sheathing has a thickness of at least one inch.

(d) The sheathing is installed with an on-center stud spacing of 16 inches or less.

(e) The mean roof height of the building is 40 feet or less.

(f) The building wall has a wind exposure category of B or C, as established in IBC section 1609.4; and the building is not sited on the upper half of an isolated hill or escarpment meeting conditions 1, 2, and 3 in IBC section 1609.1.1.1.

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (2) (c) 3. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum (1) and (2) to (2m) and (3m) and am., cr. (1m), Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1505 Roof covering classification.** The requirements in Footnote a. in IBC Table 1505.1 are not included as part of chs. [SPS 361](#) to [366](#).

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to be (1), cr. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am. Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1506 Roof covering materials.** Substitute the following wording for the requirements in IBC section 1506.3: Roof covering materials shall conform to the applicable standards listed in IBC chapter 15.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 362.1507 Roof slope. (1)** This is a department exception to the requirements in IBC section 1507.12.1: Thermoset single-ply membrane roofs may have a design slope of less than 2 percent, if permitted by the manufacturer's literature or listing criteria.

(2) This is a department exception to the requirements in IBC section 1507.13.1: Thermoplastic single-ply membrane roofs may have a design slope of less than 2 percent, if permitted by the manufacturer's literature or listing criteria.

(3) This is a department exception to the requirements in IBC section 1507.14.1: Sprayed polyurethane foam roofs may have a design slope of less than 2 percent, if permitted by the manufacturer's literature or listing criteria.

(4) This is a department exception to the requirements in IBC section 1507.15.1: Liquid-applied roofs may have a design slope of less than 2 percent, if permitted by the manufacturer's literature or listing criteria.

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05.

**SPS 362.1603 Roof snow load.** Substitute the following wording for the requirements in IBC section 1603.1.3: The ground snow load,  $P_g$ , shall be indicated. In areas where the ground snow load,  $P_g$ , exceeds 10 pounds per square foot, the fol-

lowing additional information shall also be provided, regardless of whether snow loads govern the design of the roof:

- (1) Flat-roof snow load,  $P_f$
- (2) Snow exposure factor,  $C_e$ .
- (3) Snow load importance factor,  $I$ .
- (4) Thermal factor,  $C_t$ .
- (5) Any sloped-roof snow load,  $P_s$ .
- (6) Any unbalanced, drift or sliding snow loads.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. (1) and (2) to be (3) and (4), cr. (1) and (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renum. (1) to (4) to be (2) and (4) to (6), cr. (1) and (3) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (title), (1), (3), (4), (6), renum. (2) to be Comm 62.1603, (5) to be Comm 62.0400 (6) Register August 2011 No. 668, eff. 9-1-11.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to be (1), cr. (2) Register December 2004 No. 588, eff. 1-1-05; CR 10-103: r. (title), (1), renum. (2) to be Comm 62.1604 Register August 2011 No. 668, eff. 9-1-11; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. Register April 2018 No. 748 eff. 5-1-18.

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

**Table 1607.1**  
**Minimum Uniformly Distributed Live Loads**  
**and Minimum Concentrated Live Loads<sup>g</sup>**  
(Partial Table)

Occupancy or Use	Uniform (psf)	Concentrated (lbs.)
25. Residential		
Uninhabitable attics without storage <sup>i</sup>	5	
Uninhabitable attics with storage <sup>i, j, k</sup>	20	
Habitable attics	40	—
Hotels and Group R-2		
Private rooms and corridors serving them	40	
Public rooms and corridors serving them	100	

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

- i. The attic area is accessible by a pull-down stairway or framed opening in accordance with IBC section 1209.2, and
- ii. The truss shall have a bottom chord pitch less than 2:12.
- iii. Bottom chords of trusses shall be designed for the greater of actual imposed dead load or 10 psf, uniformly distributed over the entire span.

(2) TRUCK AND BUS GARAGES. Substitute the following wording for the requirements in IBC section 1607.7.3: Minimum live loads for garages having trucks or buses shall be as specified in IBC section 1607.7.3, but may not be less than 50 pounds per square foot, unless other loads are specifically justified and approved by the department. Actual loads shall be used where they are greater than the loads specified in the table.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to (3), cr. (1), (2), (4) and (5) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. (1) and Table 1607.1, r. (4) and (5) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1), Table 1607.1, r. (2), renum. (3) to be (2) and am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am. (1), (Table), (2), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1608 Snow loads.** (1) UNBALANCED SNOW LOADS. This is a department alternative to the requirements in IBC section 1608.1: Unbalanced snow loads on a hip or gable roof may be calculated in accordance with the following equation:

$$S = S_s(I_s)(C_b C_w C_s C_a)$$

Where:

- S = Alternate unbalanced roof snow load
- $S_s$  = Ground snow load from IBC Figure 1608.2
- $I_s$  = Importance factor from IBC section 1608.1 [ASCE 7, Table 7-4]
- $C_b$  = Basic roof snow load factor of 0.8
- $C_w$  = Wind exposure factor of 1.0
- $C_s$  = Slope factor; see Tables 362.1608-1 and 362.1608-2
- $C_a$  = Accumulation factor; see Table 362.1608-3

**Table 362.1608-1**  
**Non-Slippery Roof<sup>a</sup>**

Roof Slope, $\alpha$	Factor, $C_s$
$\alpha \leq 30^\circ$	1.0
$30^\circ < \alpha \leq 70^\circ$	$(70^\circ - \alpha) / 40^\circ$
$70^\circ < \alpha$	0

<sup>a</sup> Such as with shingles.

**Table 362.1608-2**  
**Unobstructed Slippery Roof<sup>a</sup>**

Roof Slope, $\alpha$	Factor, $C_s$
$\alpha \leq 15^\circ$	1.0
$15^\circ < \alpha \leq 60^\circ$	$(60^\circ - \alpha) / 45^\circ$
$60^\circ < \alpha$	0

<sup>a</sup> Where snow and ice can slide completely off, such as with steel.

**Table 362.1608-3**  
**Accumulation Factor**

Roof Slope, $\alpha$	Factor, $C_a$
$\alpha \leq 15^\circ$	N/A. Analysis for balanced loading only.
$15^\circ < \alpha \leq 20^\circ$	$0.25 + \alpha / 20^\circ$
$20^\circ < \alpha \leq 90^\circ$	1.25

(2) EXISTING ROOFS. These are department rules in addition to the requirements in IBC section 1608.1:

- (a) *Buildings on the same property.* 1. Where an existing roof, regardless of the date of its construction, is horizontally within 20



feet of a proposed, taller structure on the same property, IBC section 1608.1 or an alternate recognized engineering method shall be applied to the existing roof, to address any drifting or sliding of snow onto the existing roof, as caused by the taller structure.

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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: cr. (3) and (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1) and (2), renum. (3) and (4) to be (1) and (2) and am. (1) (intro.), (2) (intro.) and (a) 1. Register February 2008 No. 626, eff. 3-1-08; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (2) (a), (b), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1611 Roof drains.** This is a department informational note to be used under IBC section 1611.1: Note: See ch. SPS 382 for requirements to not connect a secondary roof-drain system to a primary roof-drain system, and to discharge a secondary roof-drain system to the ground surface.

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05.

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (1), (2), renum. (3) to be Comm 62.1613 Register August 2011 No. 668, eff. 9-1-11.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1802 Definitions.** In addition to the definitions in IBC section 1802.1, the following term has the meaning given in s. SPS 362.0202 (1): “Neutral plane.”

**History:** CR 10-103: renum. from Comm 16.1808 (1) and am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1803 Deep foundations.** Item 5 in IBC section 1803.5.5 is not included as part of this code.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.1804 Ground improvement.** These are department rules in addition to the requirements in IBC section 1804:

(1) **DESIGN OF GROUND IMPROVEMENT.** Ground improvement for support of foundations or floor slabs shall be designed by an architect or engineer who is registered by the department.

(2) **ALLOWABLE FOUNDATION PRESSURE OF IMPROVED GROUND.** The allowable foundation pressure for improved ground shall incorporate a minimum safety factor of 3 with respect to a bearing capacity failure within the composite improved ground.

(3) **SETTLEMENT OF STRUCTURES SUPPORTED ON IMPROVED GROUND.** The improved ground shall be designed and constructed for a maximum anticipated total settlement of one inch and a maximum

anticipated differential settlement of three fourths of an inch, unless it can be shown that the predicted total and differential settlement will not cause any of the following:

(a) Harmful distortion of the structure.

(b) Instability in the structure.

(c) Any element to be loaded beyond its capacity.

(4) **DESIGN CONFIRMATION TESTING.** The registered design professional responsible for the design of the ground improvement shall determine the scope of field testing required to confirm the design, shall supervise the testing, and shall write a report indicating whether the test results confirm the design. At the discretion of that design professional, testing may be limited to a modulus load test to measure deformation behavior of a single ground improvement element. The design of the ground improvement shall be modified as appropriate based on the results of the confirmatory testing.

(5) **QUALITY CONTROL OBSERVATIONS AND TESTING.** The registered design professional responsible for the design of the ground improvement, or a technician working under supervision of that professional, shall observe construction of the ground improvement, perform quality control testing, and upon completion of work, prepare a report stating whether the ground improvement meets the intent of the approved construction documents. A copy of the report shall be provided to the registered design professional in responsible charge of the project, and to the building official if requested.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

**SPS 362.1805 Basement floor base course.** This is a department rule in addition to the requirements in IBC section 1805.4.1: A required base course shall be placed on a geotextile fabric that is designed to limit migration of silt and fine sand into the base course.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to (1), cr. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. (2) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.1806 Presumptive load-bearing values for saturated soils.** This is an additional department footnote for IBC Table 1806.2: Footnote c. Values to be multiplied by 0.5 for saturated soils.

**History:** CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.1807 Shallow post foundations.** This is a department alternative to the requirements in IBC section 1807.3.2: The design criteria in ANSI/ASAE EP 486.1 may be used in lieu of the design criteria in IBC section 1807.3.2.

**History:** CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.1808 Foundations.** Substitute the following wording for the requirements in IBC section 1808.7.5: Alternate setbacks and clearances are permitted, subject to the approval of the department.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.1809 Frost-protected shallow foundations.** (1) This is a department rule in addition to the requirements in IBC section 1809.5: Where a frost-protected shallow foundation is relied upon for a heated or semi-heated structure, permanent, legible notices shall be posted near the thermostats of all building heating appliances that indicates all of the following:

(a) That the structure is designed using a frost-protected-shallow foundation.

(b) The minimum monthly average temperature that the structure must be maintained at to avoid frost damage to the foundation.

(2) This is a department exception in addition to the exception in IBC 1809.5: Floating slabs used with non-masonry, unheated,

single-story buildings in Risk Category I that are less than 12,000 square feet are exempt from the requirements for frost protection.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. (intro.), (1), (2) to (1) (intro.), (a), (b), cr. (2), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.1810 Deep foundations. (1) DOWNDRAW.**

This is a department rule in addition to the requirements in IBC section 1803.5.5: Investigations and reports for deep foundations shall include analysis of whether downdrag is anticipated. Where downdrag is anticipated, the report shall include a determination of the position of the deep foundation's neutral plane, an estimate of the soil settlement at the neutral plane, and a determination of the maximum load at the neutral plane.

**(2) DETERMINATION OF ALLOWABLE LOADS.** Substitute the following wording for the requirements in IBC section 1810.3.3:

(a) The allowable axial and lateral loads on deep foundations shall be determined by an approved formula, load tests or static analysis.

(b) The factor of safety to be used for deep foundation design shall depend on the extent of field testing performed to verify capacity.

(c) If the ultimate capacity is assessed solely by static analysis, a minimum factor of safety of 3.0 shall be applied to the ultimate capacity to determine allowable load capacity.

(d) If only static analysis and dynamic field testing are performed, a minimum factor of safety of 2.5 shall be applied to the ultimate capacity to determine allowable load capacity.

(e) 1. If one or more static load tests are performed, in addition to a static analysis, a minimum factor of safety of 2.0 shall be applied to the ultimate capacity to determine allowable load capacity, except as provided in subd. 2.

2. A minimum factor of safety of 1.5 may be used for structures in occupancy category I, provided all of the following conditions are met:

a. The deep foundations are required only to control settlement.

b. The deep foundations are not required to prevent a bearing capacity failure.

c. A static load test, a static analysis and dynamic field testing have been performed.

**(3) DRIVING CRITERIA.** This is a department rule in addition to the requirements in IBC section 1810.3.3.1.1: Driving criteria for deep foundations shall be submitted prior to installing the foundations, if requested by the building official.

**(4) APPROVED FORMULAS.** This is a department informational note to be used under IBC section 1810.3.3.1.1:

**Note:** The Department has approved the following two dynamic driving formulas, when used within the parameters prescribed below.

1. Washington State Department of Transportation formula:  
$$R_n = 6.6F_{eff}WH \ln(10N)$$

Where:

$R_n$  is the ultimate axial compression capacity in kips.

$F_{eff}$  is an efficiency factor based on hammer and pile type.

$W$  is the hammer weight in kips.

$H$  is the drop height of the hammer in feet.

$N$  is the average penetration resistance at the end of driving, in blows per inch.

Acceptable  $F_{eff}$  values are:

0.55 for all pile types driven with an air or steam hammer.

0.37 for open-ended diesel hammers for concrete and timber piles.

0.47 for open-ended diesel hammers for steel piles.

0.35 for closed-ended diesel hammers for all pile types.

2. Corrected FHWA-Modified Gates Equation:

$$R_u = [(1.75)(eE_p)^{0.5} (\log(10N_b) - 100) (F_o) (F_s) (F_p) (F_h)]$$

Where:

$R_u$  is the ultimate axial compression capacity in kips.

$e$  is the hammer efficiency.

$E_p$  is the hammer energy in foot-pounds.

$N_b$  is the final penetration resistance in blows per inch.

$F_o$  is an overall correction factor.

$F_s$  is a correction factor for soil type.

$F_p$  is a correction factor for pile type.

$F_h$  is a correction factor for hammer type.

Acceptable hammer-efficiency values are:

0.75 for drop hammers.

0.85 for other hammers, or an efficiency recommended by the hammer manufacturer.

Acceptable correction factors are:

Overall  $F_o$ : 0.94.

Soil  $F_s$ : 1.00 for mixed soil profile.

0.87 for sandy soil profile.

1.20 for clayey soil profile.

Pile  $F_p$ : 1.00 for closed-ended pipe.

1.02 for open-ended pipe.

0.80 for H-Section piles.

Hammer  $F_h$ : 1.00 for open-ended diesel.

0.84 for closed-ended diesel.

1.16 for air or steam single-acting.

1.01 for air or steam double-acting.

1.00 for hydraulic.

If at least 1 static load test is performed to field-check the penetration resistance criteria calculated by the above dynamic formulas, a minimum safety factor of 2.5 must be applied to the ultimate axial compression capacity calculated by the dynamic formula to determine the allowable pile load. If only dynamic testing (including signal matching) is performed to field-check the penetration resistance criteria determined by the dynamic formula, a minimum safety factor of 2.75 must be applied to the ultimate axial compression capacity calculated by the dynamic formula to determine the allowable pile load. If no field testing is performed to check the penetration resistance criteria calculated by the dynamic formula, a minimum safety factor of 3.0 must be applied to the ultimate axial compression capacity calculated by the dynamic formula to determine the allowable pile load.

The above formulas are predicated on the following three conditions: (1) static load testing and/or dynamic testing being performed on pile(s) driven in uniform site soil conditions, (2) test pile(s) being driven with the same hammer and cushion used for installation of production piles, and (3) test pile(s) being of the same type and section used for production piles. If any of the three conditions is not met, additional field testing is required. With static load testing and/or dynamic testing, penetration resistance criteria calculated by the dynamic formula must be modified as appropriate based on the results of the field testing. A site must be defined as a project site, or a portion of it, where subsurface conditions can be characterized as geologically similar in terms of subsurface stratigraphy, including the sequence, thickness, geologic history, engineering properties and groundwater aspects.

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

**(6) HELICAL PILES.** This is a department informational note to be used under IBC section 1810.3.3.1.9: Note: See sub. (2) for factors of safety that supersede the criteria in this section. For example, under sub. (2) (c), (d) and (e), this factor may be 3, 2.5 or 1.5, respectively.

**(7) DEEP FOUNDATIONS IN SUBSIDING AREAS.** Substitute the following wording for the requirements in IBC section 1810.3.4:

(a) Where deep foundations are installed through subsiding fills or other subsiding strata and derive support from underlying firmer materials, consideration shall be given to the downward drag load that may be imposed on the deep foundations by the subsiding upper strata.

(b) Where the influence of subsiding fills is considered as imposing loads on the deep foundation, the allowable stresses

specified in this chapter are permitted to be increased where satisfactory substantiating data are submitted.

(c) The position of the deep foundation's neutral plane shall be determined, and the settlement of the soil at the level of the neutral plane shall be estimated. The maximum load in the deep foundation, which occurs at the neutral plane, shall be determined.

(8) **DESIGN CRACKING MOMENT.** Substitute the following equation for IBC equation 18-11:  $\phi M_n = 3(f'_c)^{0.5}(S_m)$ .

(9) **DRIVEN TIMBER PILES.** Substitute the following wording for the requirements in IBC section 1810.4.1.5: Any sudden decrease in driving resistance of an end-supported timber pile shall be investigated with regard to the possibility of damage. If the sudden decrease in driving resistance cannot be correlated to load-bearing data, the pile shall be removed for inspection or rejected, or shall be assigned a reduced capacity commensurate with the loss of end-bearing in lieu of removing or rejecting the pile.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (3) (e), cr. (6) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renun. Comm 62.1807 to be Comm 62.1808 and am. (1), (2), (3) (intro.), (4) (intro.), (5) (intro.) and (a) and (6) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: (title), (1), (2), (7) renun. from Comm 62.1808, (title), (2), (3), (5) and am., (9) renun. from Comm 62.1809 and am.; cr. (3) to (6), (8) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am. (5), Register April 2018 No. 748 eff. 5-1-18.

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

achieved.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renun. Comm 62.1914 to be Comm 62.1913 and am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renun 362.1913 to 362.1908 and am., Register April 2018 No. 748 eff. 5-1-18.

### SPS 362.2109 Empirical design of masonry.

(1) **BEARING ON MASONRY.** This is a department rule in addition to the requirements in IBC section 2109.1: Lintels shall be considered structural members and shall be designed in accordance with the applicable provisions of IBC chapter 16.

(2) **JOINTING.** These are department rules in addition to the requirements in IBC section 2109:

(a) *Expansion and shrinkage.* Joints commensurate with lateral stability requirements shall be installed in all exterior masonry to allow for expected growth of clay products and shrinkage of concrete products.

(b) *Vertical jointing.* Vertical movement joints shall be provided at a spacing in compliance with Table 362.2109.

**Note:** To accomplish the intended purpose, joints should be located at critical locations, such as changes in building heights, changes in framing systems, columns built into exterior walls, major wall openings, and changes in materials.

(c) *Horizontal jointing.* Where supports such as shelf angles or plates are required to carry the weight of masonry above the foundation level, a pressure-relieving joint shall be provided between the structural support and any masonry that occurs below this level. The joint width shall be such as to prevent any load being transmitted from the support to any element directly below. All mortar and rigid materials shall be kept out of this joint. This type of joint shall be provided at all such supports in a concrete frame structure where clay masonry is exposed to the weather.

**Table 362.2109**  
**Maximum Spacing of Exterior Masonry Movement Joints**  
**Between Unrestrained Ends<sup>†</sup> (Feet)**

Loading Conditions	Type of Material	Openings (Percent of Total Wall Area)			
		0 to 20		More than 20	
		Joint to Joint	Joint to Corner	Joint to Joint	Joint to Corner
Load-bearing	Clay units	140	70	100	50
	Concrete units	60	30	40	20
Nonload-bearing walls	Clay units	100	50	60	40
	Concrete units	50	25	30	20

<sup>†</sup>Jointing required is a minimum and is not intended to prevent minor cracking. The distances given for maximum spacing of joints are for a single wall plane. For composite walls, the maximum spacing of joints shall be governed by the masonry material type used in the exterior wythe.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: r. (2), Table 62.2109-1, renun. (3) to be (2), Table 62.2109-2 to be Table 62.2109 and am. (2) (b) Register August 2011 No. 668, eff. 9-1-11; correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 362.2204 Welded Connections.** This is a department informational note to be used under IBC section 2204.1: Note: The rules pertaining to registration of structural welders are specified in ch. SPS 305.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 362.2211 Steel trusses spanning 60 feet or greater.** The requirements in IBC section 2211.3.3 are not included as part of chs. SPS 361 to 366.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renun. 362.2210 to 362.2211 and am., Register April 2018 No. 748 eff. 5-1-18; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register April 2018 No. 748.

**SPS 362.2303 Wood trusses spanning 60 feet or greater.** The requirements in IBC section 2303.4.1.3 are not included as part of chs. SPS 361 to 366.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renun. to be (2), cr. (1) Register December 2004 No. 588, eff. 1-1-05; CR

06-120: r. and recr. (1), am. (2), cr. (3) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register April 2018 No. 748.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.2409 Glass and glazing for elevators.** This is a department informational note to be used under IBC section 2409: Note: See ch. SPS 318 [ASME A17.1] for additional glass and glazing requirements relating to elevators. Those requirements include a prohibition against elevator hoistway windows that give a false appearance of a floor level.

**History:** CR 06-120: cr. Register February 2008, No. 626, eff. 3-1-08.



**SPS 362.2503 Gypsum board and plaster.** The requirements in IBC section 2503.1 are not included as part of this code.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02.

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

**History:** CR 16-094; cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.2701 Electrical code.** This is a department informational note to be used under IBC section 2701.1: Note: As defined in s. SPS 361.04 (6), "ICC Electrical Code" means ch. SPS 316.

**History:** CR 01-139; cr. Register June 2002 No. 558, eff. 7-1-02.

**SPS 362.2900 Additional criteria for toilets.** These are department rules in addition to the requirements in IBC chapter 29:

(1) **PLUMBING FIXTURE ALTERNATIVES.** (a) *Water closets.* 1. Systems or devices recognized under ss. SPS 391.10 and 391.11 may be substituted for water closets required under IBC chapter 29.

2. Privies recognized under ch. SPS 391 may be substituted for water closets required under IBC chapter 29 in any of the following situations:

a. A building accommodating a seasonal occupancy when occupancy of the building does not extend for more than 3 of the 4 seasons.

b. A building accommodating a school or an assembly that is operated by and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.

c. As approved by the department.

3. Portable restrooms recognized under ch. SPS 391 may be substituted for water closets required under IBC chapter 29 for buildings accommodating events or temporary occupancies not exceeding 12 consecutive days or as approved by the department.

(b) *Lavatories.* Waterless antiseptic cleansing provisions may be substituted for lavatories required under IBC chapter 29 where systems or devices under par. (a) 2. are substituted for water closets. Where water-based water closets or urinals are used, water-based lavatories shall be provided in numbers to accommodate the number of people served by the water closets and urinals.

(2) **PERMANENT OUTDOOR TOILETS.** (a) A permanent outdoor toilet room shall be provided with a suitable approach such as a concrete, gravel or cinder walk.

(b) All windows, ventilators, and other openings for a permanent outdoor toilet room shall be screened to limit the entrance of flies, and all doors shall be self closing.

(3) **URINALS.** Urinals shall be placed against walls at least 6 feet 8 inches high.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139; am. (2) Register June 2002 No. 558, eff. 7-1-02; CR 04-016; am. (2), cr. (4) (b) 3. Register December 2004 No. 588, eff. 1-1-05; CR 06-120; r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 08-055; am. (1) Register February 2009 No. 638, eff. 3-1-09; correction in (1) (a) 1., 2., 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094; r. and recr., Register April 2018 No. 748 eff. 5-1-18; CR 16-094; renum. (3) (a) to (3) and am., r. (3) (b) 1., 2., renum. (3) (b) 3. to 362.1210 (1m) (a) 4., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.2901 Plumbing code.** This is a department informational note to be used under IBC section 2901.1: Note: As defined in s. SPS 361.04 (12) and (13), "IPC and International Plumbing Code" and "IPSC and International Private Sewage Code" mean chs. SPS 381 to 387.

**History:** CR 01-139; cr. Register June 2002 No. 558, eff. 7-1-02.

**SPS 362.2902 Plumbing fixtures. (1) MINIMUM NUMBER OF FIXTURES.** (a) *Exceptions.* These are department exceptions to the requirements in IBC section 2902.1:

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

2. Where drinking fountains are required, other reasonable alternatives are acceptable, as approved by the department.

3. For child day care facilities, bathtubs or showers are not required where other personal hygiene washing arrangements are provided that satisfy the licensing requirements of the Wisconsin department of health services.

4. For day nurseries and child day care facilities, children under the age of 30 months need not be considered as a part of the occupant load used to determine the minimum number of water closets.

5. Service sinks may be omitted for any occupancy where privies have been substituted for water closets under s. SPS 362.2900 (1) (a) 2.

(b) *Additional fixtures.* These are department informational notes to be used under IBC sections 2902.1 and 2902.2: Note: Additional plumbing fixtures may be required for employees by the U.S. department of labor, occupational safety and health act (OSHA) regulations.

Note: Additional plumbing fixtures may be required by the department of health services for restaurants, mobile home parks, camping grounds, camping resorts, recreational camps and educational camps.

Note: Chapter SPS 390 also has requirements for minimum numbers of sanitary fixtures for a public swimming pool, as based on the pool area. For some buildings, the minimum number of sanitary fixtures determined in that manner may be larger than the minimum number determined in accordance with this section. Compliance with this section does not relieve an owner from complying with ch. SPS 390.

Note: Chapter SPS 391 has requirements for equal speed of access to toilets for each gender, at facilities where the public congregates that do not fall under the scope of this chapter.

(c) *Substitutions in IBC Table 2902.1.* 1. Substitute the following wording for the water closets heading in IBC Table 2902.1: Water closets<sup>e</sup> (see s. SPS 362.2902 (1) (a) 1. for urinals).

2. Substitute the following wording for the drinking fountains heading in IBC Table 2902.1: Drinking fountains (see s. SPS 362.2902 (1) (a) 2.).

3. In IBC Table 2902.1, substitute the following wording for the required minimum number of water closets for females in type A-4 and A-5 occupancies: 1 per 37 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500.

4. Substitute the following wording for the required number of bathtubs or showers in storage occupancies in IBC Table 2902.1: See the *International Plumbing Code*.

5. Substitute the following wording for the required number of bathtubs or showers in factory and industrial occupancies in IBC Table 2902.1: See the *International Plumbing Code*.

(d) *Addition to IBC Table 2902.1.* This is an additional department footnote for IBC Table 2902.1: Footnote e. Wherever more than 500 people congregate and more than the required minimum number of water closets or urinals are provided for males, twice as many of those additional toilet facilities shall be provided for females.

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

(2) (a) *Lavatories for toilet rooms.* This is a department rule in addition to the requirements in IBC section 2902.1: At least one

lavatory shall be provided in each toilet room or in a gender-designated lounge adjacent to the toilet room. If a multiple-use lavatory is provided, 24 lineal inches of wash sink, or 20 inches measured along the edge of a circular basin will be considered equivalent to one lavatory.

(b) This is a department exception to the requirements in IBC section 2902.2: Separate facilities may not be required in all occupancies when the number of fixtures is provided as required under IBC Table 2902.1 in individual user toilet rooms.

(4) PUBLIC FACILITIES. This is a department exception to the requirements in IBC section 2902.3: Toilet rooms may be omitted in a small retail or mercantile building where all of the following requirements are met:

(a) No more than 25 occupants are accommodated.

(b) Other restrooms are conveniently located and available to the patrons and employees during all hours of operation.

(c) The omission is approved in writing by the local unit of government.

(d) A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

(5) LOCATION OF RESTAURANT TOILET ROOMS. This is a department informational note to be used under IBC section 2902.3:

**Note:** Additional requirements for restaurant toilet rooms may be applied by the Department of Health Services.

(6) PAY FACILITIES. Substitute the following wording for the requirements in IBC section 2902.3.4 All toilet facilities shall be free of charge.

**Note:** Section 146.085, Stats., prohibits charging a fee for the use of toilet facilities and imposes a fine of \$10 to \$50 for violations.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. (2) Register June 2002 No. 558, eff. 7-1-02; CR 02-002: cr. (1) (c) Register April 2003 No. 568, eff. 5-1-03; CR 04-016: r. and recr. (1) (a), am. (1) (c) 1. and 2., renum. (1) (c) 3., 4., and (4) to (7) to be (1) (c) 4., 5., and (6) to (9), cr. (1) (c) 3., (d), (4) and (5) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) (c) 1. and (d), r. and recr. (1) (c) 3., r. (3), (4) and (8), renum. (5) to (7) and (9) to be (3) to (5) and (6) and am. (4) (intro.), (5) and (6) Register February 2008 No. 626, eff. 3-1-08; CR 08-055: cr. (1) (a) 5. Register February 2009 No. 638, eff. 3-1-09; correction in (1) (a) 3. made under s. 13.92 (4) (b) 6., Stats., Register February 2009 No. 638; correction in (1) (a) 5., (c) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (4) (intro.), (5), (6) made under s. 13.92 (4) (b) 7., Stats., Register September 2014 No. 705; CR 16-094: am. (1) (a) 1., 2., cr. (1) (e), renum. (2) to (2) (a), cr. (2) (b), r. (3), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.2903 Drinking facilities.** This is a department rule in addition to the requirements in IBC section 2903: Drinking fountains, water coolers and bottled water dispensers may not be located or installed in public restrooms.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

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

(2) CHANGE IN USE. Substitute the following wording for the requirements in IBC section 3001.4: A change in use of an elevator from freight to passenger, passenger to freight, or from one freight class to another freight class shall comply with ch. SPS 318.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-043: cr. (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (4) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (1), renum. (2), (3) to be (1), (2) and am. Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1), Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.3002 Hoistway enclosures. (1) ELEVATOR CAR TO ACCOMMODATE AMBULANCE STRETCHER.** Substitute the following wording for IBC section 3002.4:

(a) Where passenger elevators are provided, at least one elevator shall be provided for fire department emergency access to

all floors served by passenger elevators in all of the following situations:

1. A building four or more stories above or four or more stories below grade plane.

2. Any floor above or below the level affording fire department vehicle access, if the floor accommodates any one of the following occupancies:

a. Group I.

b. R-2.

c. Outpatient clinic and ambulatory health care facility.

(b) The elevator car provided for fire department emergency access shall be of such a size and configuration to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position.

(c) Except in hospitals and except where all of a building's elevators are large enough for fire department emergency access, all elevator cars that are provided for fire department emergency access shall be identified by the international symbol for emergency medical services, star of life. The symbol may not be less than 3 inches high and shall be placed on both sides of the elevator hoistway door frame on all floor levels, approximately 60 inches above the floor.

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

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

(a) Be a keyed switch of the open-auto-close type with the three positions labeled, that is operated with an FEO-K1 key or other approved key.

(b) Be located adjacent to the elevator hoistway door frame at the level of fire department vehicle access, approximately 48 inches above the floor, or other approved location. This location may be behind a locked panel.

(c) Be labeled "hoistway vent control."

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

(a) *General.* Except as specified in par. (b), plumbing and mechanical systems shall not be located in an elevator shaft.

(b) 1. Except as provided in subd. 2., A drain or sump complying with ss. SPS 382.33 and 382.36 shall be provided in an elevator pit. Connection of the drain or sump to a sanitary system is prohibited.

2. An elevator pit is exempt from the sump or drain requirement under subd. 1. for any of the following situations:

a. The floor of an elevator walk-in pit is level with the adjacent floor.

b. The elevator does not extend to the building's lowest floor level and the pit floor is not in contact with the earth.

c. The pit floor is above adjacent grade where the elevator hoistway shaft has one or more exterior walls.

d. The pit will not allow the entrance of ground water and will not be greater than 16 inches in depth.

3. The aggregate capacity for drainage from the pit shall be at least one of the following:

a. 30 gpm in a hoistway with one elevator.

b. 50 gpm in a hoistway with two or three elevators.

c. 80 gpm in a hoistway with four elevators.

**Note:** See s. SPS 382.36 for the width or diameter and depth of a sump pump located in an elevator pit.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 14-020: r. and recr. (3) Register August 2014 No. 704, eff. 9-1-14; CR 16-094: renum. 362.3002 to (1), r. and recr. (title), renum. 362.3004 (1) to (3) to (2) to (4) and am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.3003 Standardized fire service elevator keys.** Substitute the following for the requirements in IBC section 3003.3. All elevators shall be equipped to operate with a standardized fire service elevator key in accordance with ch. SPS 318.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

**(2) ACCESS.** This is a department informational note to be used under IBC section 3005.1: **Note:** See ch. SPS 318 for additional requirements, including a prohibition against accessing elevator machine rooms, machinery spaces, control rooms, or control spaces through a toilet room, sleeping room or other private space; and a prohibition against accessing spaces, machinery or equipment not related to a conveyance through machine rooms, machinery spaces, control rooms, control spaces, or hoistways.

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

**Note:** See IBC section 3003.1.4 and ASME A17.1 section 2.7.9.2 for additional requirements that may apply.

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

**(4m) SHUNT TRIP.** The following is an exception to IBC section 3005.5. A sprinkler of a sidewall type installed 24 inches or less above the elevator pit floor may not require a heat detector or other means to disconnect the main line power supply.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-111: renum. (1) and (2) to be (2) and (3) and cr. (1) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. (3) to be (4), cr. (3) Register December 2004 No. 588, eff. 1-1-05; CR 14-020: renum. (1), (2), (4) to (2), (4), (5), cr. (1), (r) (3), cr. (3) Register August 2014 No. 704, eff. 9-1-14; (1) (title), (3) (title) added under s. 13.92 (4) (b) 2., Stats., Register August 2014 No. 704; CR 16-094: renum. 362.3006 to 362.3005 and am., cr. (4m), Register April 2018 No. 748 eff. 5-1-18; correction in (4) and (5) made under s. 13.92 (4) (b) 7., Stats., Register April 2018 No. 748.

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

**Note:** Section 157.12 (2) (d), Stats., reads as follows: "A mausoleum shall be constructed to last as long as possible, taking into consideration the technology and economics applicable to mausoleum construction at the time of construction."

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am., cr. (2) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. (1), renum. (2) to be Comm 62.3100 Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.3102 Blower equipment.** Substitute the following wording for requirement 2 in IBC section 3102.8.1.2:

Blowers shall be provided with inlet screens, belt guards and other protective devices as required to provide protection from injury.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.3104 Pedestrian walkways and tunnels.** Substitute the following wording for the requirements and exception in IBC section 3104.2: Buildings that are connected in accordance with IBC section 3104 shall be considered to be separate structures.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. (1) (title) and (2), renum. (1) to be Comm 62.3104 Register February 2008 No. 626, eff. 3-1-08.

**SPS 362.3109 Swimming pool enclosures.** Substitute the following informational note for the requirements in IBC section 3109. **Note:** See ch. SPS 390 for requirements for swimming pool enclosures.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 16-094: am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 362.3300 Safeguards during construction.** Except for the requirements in IBC sections 3302.1 and 3303.5, the requirements in IBC chapter 33 are not included as part of this code.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: renum. (1) to be Comm 62.3300 and renum. (2) to be Comm 62.3307 Register June 2002 No. 558, eff. 7-1-02.

**SPS 362.3307 Protection of adjoining property.** This is a department informational note to be used under IBC chapter 33: **Note:** Sections 101.111 (1) to (6), Stats., read as follows: "(1) DEFINITION. In this section 'excavator' means any owner of an interest in land making or causing to be made an excavation.

(2) CAVE-IN-PREVENTION. Any excavator shall protect the excavation site in such a manner so as to prevent the soil of adjoining property from caving in or settling.

(3) LIABILITY FOR UNDERPINNING AND FOUNDATION EXTENSIONS. (a) If the excavation is made to a depth of 12 feet or less below grade, the excavator may not be held liable for the expense of any necessary underpinning or extension of the foundations of buildings on adjoining properties.

(b) If the excavation is made to a depth in excess of 12 feet below grade, the excavator shall be liable for the expense of any necessary underpinning or extension of the foundations of any adjoining buildings below the depth of 12 feet below grade. The owners of adjoining buildings shall be liable for the expense of any necessary underpinning or extension of the foundations of their buildings to the depth of 12 feet below grade.

(4) NOTICE. Unless waived by adjoining owners, at least 30 days prior to commencing the excavation the excavator shall notify, in writing, all owners of adjoining buildings of his or her intention to excavate. The notice shall state that adjoining buildings may require permanent protection. The owners of adjoining property shall have access to the excavation site for the purpose of protecting their buildings.



(5) **EMPLOYEES NOT LIABLE.** No worker who is an employee of an excavator may be held liable for his or her employer's failure to comply with this section.

(6) **FAILURE TO COMPLY; INJUNCTION.** If any excavator fails to comply with this section, any aggrieved person may commence an action to obtain an order under ch. 813 directing such excavator to comply with this section and restraining the excavator from further violation thereof. If the aggrieved person prevails in the action, he or she shall be reimbursed for all his or her costs and disbursements together with such actual attorney fees as may be approved by the court."

**History:** CR 01-139: renum. from Comm 62.3300 (2) Register June 2002 No. 558, eff. 7-1-02.

**SPS 362.3500 Referenced standards. (1) INTRODUCTION.** Substitute the following wording for the introductory paragraph in IBC chapter 35: This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in s. SPS 361.03 (1) (b) and (3) (a).

(3) **ADDITION.** This is a department rule in addition to the requirements in IBC chapter 35: NFPA 45-2015, Standard on

Fire Protection for Laboratories Using Chemicals, is incorporated by reference into chs. SPS 361 to 366.

**Note:** NFPA standards may be viewed online free of charge at NFPA.org or purchased from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1), r. (2) and (3) (a), renum. (3) (b) to (e) to be (3) (a) to (d) and am. (3) (c) Register February 2008 No. 626, eff. 3-1-08; EmR0826: emerg. cr. (3) (e), eff. 10-1-08; CR 08-085: cr. (3) (e) and (f) Register May 2009 No. 641, eff. 6-1-09; CR 10-103: r. (3) (a), am. (3) (b), (d) Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: renum. (3) (intro.) to (3) and am., r. (3) (b) to (f), Register April 2018 No. 748 eff. 5-1-18; correction in (3) under s. 35.17, Stats., Register April 2018 No. 748.

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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (1) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1), (2), Register April 2018 No. 748 eff. 5-1-18.

## Chapter SPS 363

### ENERGY CONSERVATION

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**Note:** Chapter Comm 63 as it existed on June 30, 2002 was repealed and a new chapter Comm 63 was created, [Register December 2001 No. 552](#), effective July 1, 2002; Chapter Comm 63 was repealed and recreated, [Register February 2008 No. 626](#), eff. March 1, 2008. Chapter Comm 63 was renumbered chapter SPS 363 under s. 13.92 (4) (b) 1., Stats., [Register December 2011 No. 672](#).

**Note:** Chapters SPS 361 to 366 are affected by 2017 Wisconsin Acts 59, 198, 243, 317, 329, 330, and 331. Future rule-making will update chs. SPS 361 to 366 to reflect this legislation.

#### Subchapter I — Purpose and Application

**SPS 363.001 Purpose.** This chapter regulates the design and construction of buildings for the effective use of energy. This chapter provides flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes.

**History:** CR 06-120: cr. [Register February 2008 No. 626](#), eff. 3-1-08.

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

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

**History:** CR 06-120: cr. [Register February 2008 No. 626](#), eff. 3-1-08; CR 10-103: r. and recr. (2) [Register August 2011 No. 668](#), eff. 9-1-11; CR 16-094: am. (1), (2), [Register April 2018 No. 748](#) eff. 5-1-18.

#### Subchapter II — Changes, Additions or Omissions to the International Energy Conservation Code (IECC)

**SPS 363.0100 Changes, additions or omissions to IECC.** Changes, additions or omissions to the IECC are specified in this subchapter and are rules of the department and are not requirements of the IECC.

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

**History:** CR 06-120: cr. [Register February 2008 No. 626](#), eff. 3-1-08.

**SPS 363.0101 Administration and enforcement.** The requirements in IECC sections C101 and C103 to C109 are not included as part of this chapter.

**History:** CR 06-120: cr. [Register February 2008 No. 626](#), eff. 3-1-08; CR 10-103: am. [Register August 2011 No. 668](#), eff. 9-1-11; CR 16-094: am., [Register April 2018 No. 748](#) eff. 5-1-18.

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

(2) SUBSTITUTIONS. Substitute the following for the corresponding definitions listed in IECC section C202:

(a) “Approved” has the meaning given in s. SPS 362.0202 (2) (a).

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

**History:** CR 06-120: cr. [Register February 2008 No. 626](#), eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., [Register August 2011 No. 668](#); correction in (2) made under s. 13.92 (4) (b) 7., Stats., [Register December 2011 No. 672](#); CR 16-094: am. (1), renum. (2) to (2) (intro.) and am., cr. (2) (a), (b), [Register April 2018 No. 748](#) eff. 5-1-18.

**SPS 363.0302 Exterior design conditions.** These are department rules in addition to the requirements in IECC section C302: The exterior design temperatures used for heating and cooling load calculations shall be as specified under Table 363.0302.

**Table 363.0302**  
**Exterior Design Conditions**

County	Winter	Summer		County	Winter	Summer	
	Design Temp (F)	Dry Bulb (°F)	Wet Bulb (°F)		Design Temp (F)	Dry Bulb (°F)	Wet Bulb (°F)
Adams	-20	87	75	Marathon	-20	87	75
Ashland	-25	86	70	Marinette	-20	87	75
Barron	-25	86	75	Marquette	-15	87	75
Bayfield	-25	86	70	Menominee	-20	87	75
Brown	-15	87	75	Milwaukee	-10	89	77
Buffalo	-20	87	75	Monroe	-20	87	75
Burnett	-25	86	75	Oconto	-20	87	75
Calumet	-15	87	75	Oneida	-25	86	75
Chippewa	-25	86	75	Outagamie	-15	87	75
Clark	-20	87	75	Ozaukee	-10	89	77
Columbia	-15	87	75	Pepin	-20	87	75
Crawford	-15	87	75	Pierce	-25	86	75
Dane	-15	87	75	Polk	-25	86	75
Dodge	-15	87	75	Portage	-20	87	75
Door	-15	87	75	Price	-25	86	75
Douglas	-25	86	70	Racine	-10	89	77
Dunn	-25	86	75	Richland	-15	87	75
Eau Claire	-20	87	75	Rock	-10	89	77
Florence	-25	86	75	Rusk	-25	86	75
Fond du Lac	-15	87	75	St. Croix	-25	86	75
Forest	-25	86	75	Sauk	-15	87	75
Grant	-15	87	75	Sawyer	-25	86	75
Green	-15	87	75	Shawano	-20	87	75
Green Lake	-15	87	75	Sheboygan	-15	87	75
Iowa	-15	87	75	Taylor	-25	86	75
Iron	-25	86	70	Trempealeau	-20	87	75
Jackson	-20	87	75	Vernon	-20	87	75
Jefferson	-10	89	77	Vilas	-25	86	75
Juneau	-20	87	75	Walworth	-10	89	77
Kenosha	-10	89	77	Washburn	-25	86	75
Kewaunee	-15	87	75	Washington	-10	89	77
La Crosse	-20	87	75	Waukesha	-10	89	77
Lafayette	-15	87	75	Waupaca	-20	87	75
Langlade	-20	87	75	Wausara	-15	87	75
Lincoln	-25	86	75	Winnebago	-15	87	75
Manitowoc	-15	87	75	Wood	-20	87	75

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 363.0303 Materials, systems and equipment.**

These are department rules in addition to the requirements in IECC section C303.

(1) GENERAL. Except as specified in sub. (2), when available, information on thermal properties, performance of building envelope sections, and components and heat transfer shall be obtained from ASHRAE Handbook of Fundamentals.

**Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the 2015 IECC constitutes compliance with this section.

(2) EXCEPTIONS. (a) When the information is not available from ASHRAE Handbook of Fundamentals, the data shall be obtained from laboratory or field-test measurements. If laboratory or field test measurements are used for envelope heat transmission, the measurements shall be obtained using one of the following test methods:

1. ASTM C177-13, Test method by guarded hot plate apparatus.
2. ASTM C335/335M-10, Test method of horizontal pipe insulation.
3. ASTM C518-15, Test method by means of the heat flow meter apparatus.
4. ASTM C1363-11, Test method by means of a hot box apparatus.
  - (b) For foam plastic insulation that incorporates a substance other than air as the insulating medium, laboratory or field tests shall be conducted on representative samples that have been aged for the equivalent of 5 years or until the R-Value has stabilized to determine thermal properties or performance. The tests shall be conducted by an independent third party.



(c) Integrally insulated concrete masonry systems within the scope of the National Concrete Masonry Association (NCMA) shall be evaluated for the thermal performance of the masonry or concrete units in accordance with one of the following:

1. NCMA Evaluation Procedures for the Integrally-Insulated Concrete Masonry Walls.

2. Default values as approved by the department.

(d) All other concrete or masonry units not within the scope of the NCMA Evaluation Procedures shall comply with one of the following methods for determining the thermal performance of the assembly or system:

1. Default values as approved by the department.

2. Laboratory or field-test measurements specified in par. (a).

3. Department material approval process as specified in ch. SPS 361 to determine the U-factor.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: r. (1), (2) (title), renum (2) (a), (b) to be (1), (2) and am. Register December 2010 No. 660, eff. 1-1-11; CR 10-103: renum. from Comm 63.0102 and am. (intro.) Register August 2011 No. 668, eff. 9-1-11; correction in (2) (d) 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (2) (a) 2. to 4., Register April 2018 No. 748 eff. 5-1-18.

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

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

(b) Section SPS 363.0403 (4) relating to economizers.

(c) Section SPS 363.0405 relating to lighting systems.

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

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

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

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

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: renum. 363.0501 to 363.0401 (1) and am., cr. (2) to (5), Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0402 Building envelope requirements.**

(1) OPAQUE ASSEMBLIES. Substitute 2009 IECC Table 502.2 (1) for 2015 IECC Table C402.1.3 and renumber Table C402.1.3.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0403 Building mechanical systems.**

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

(2) EQUIPMENT AND SYSTEM SIZING. Substitute the following wording for the requirements and the exceptions in IECC section

C403.2.2: Heating and cooling equipment and systems shall be sized to provide the minimum space and system loads calculated in accordance with s. SPS 363.0302.

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

(a) All package roof top units.

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

(4) ECONOMIZERS COOLING REQUIREMENTS. Substitute the following wording for the title of IECC Table C403.3 (1): MINIMUM BUILDING CHILLED WATER SYSTEM COOLING CAPACITY FOR DETERMINING ECONOMIZER COOLING REQUIREMENTS.

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

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

(7) DEMAND CONTROLLED VENTILATION. Substitute the following for the wording, but not the exceptions, in IECC section 403.2.6.1: Demand control ventilation (DCV) is required for spaces larger than 40 people per 1000 sq. ft. (93 m<sup>2</sup>) of floor area (as established in IMC Table 403.3) and served by systems with one or more of the following:

(a) An air-side economizer.

(b) An automatic modulating control of the outdoor air damper.

(c) A design outdoor airflow greater than 3,000 cfm (1416L/s).

(8) PIPING INSULATION. (a) The requirements in IECC section C403.2.10 are not included as part of chs. SPS 361 to 366. Substitute 2009 IECC Table 503.2.8 for IECC Table C403.2.10.

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

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

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

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made to (9) under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (3) to (6), Table 503.2.3 (1), Table 503.2.3 (2), Table 63.0503, (8), (9), renum. (7) to be (3), cr. (4), (5), (6) Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: renum. 363.0503 (title), (1), (2) to 363.0403 (title), (1), (2) and am., r. (3), renum. 363.0503 (4) to (6) to 363.0403 (3) to (5) and am., cr. (6) to (11), Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0404 Service water heating.** (1) TIME

SWITCHES. The requirements in IECC section C404.9.2 are not included as part of this chapter.

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

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

(4) CIRCULATION SYSTEMS. Substitute the following wording for the requirements in IECC section C404.6.1: Heated water circulation systems shall be provided with a circulation pump. The

system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall automatically turn off the pump when the water in the circulation loop is at the desired temperature.

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: cr. (3) Register December 2010 No. 660, eff. 1-1-11; CR 16-094: renun. 363.0504 to 363.0404 and am., cr. (4), (5), Register April 2018 No. 748 eff. 5-1-18.

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

(a) *General.* Except as provided in par. (b), daylight zones in any interior enclosed space greater than 250 square feet and a lighting density more than 0.6 W/ft<sup>2</sup> shall have at least one control that meets all of the following requirements:

1. Controls only luminaires in the daylight zones.

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

(b) *Exceptions.* The requirements of this subsection do not apply to any of the following:

1. Daylight zones where the effective aperture of glazing is equal or less than 0.1 for vertical glazing and 0.01 for horizontal glazing.

2. Daylight zones where existing adjacent structures or natural objects obstruct daylight to the extent that effective use of daylighting is not feasible.

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

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

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (1), (2) (a) 3., (3), renun. (2), (4) to be (1), (2) and am. (1) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renun. 363.0505 to 363.0405 and am. (1) (intro.), (a) 2., (2), cr. (3), Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0406 Requirements for additional efficiency package options.** The requirements in IECC section C406 are not included as part of chs. SPS 361 to 366.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0407 Total building performance.**

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

**(2) TOTAL ENERGY PERFORMANCE.** This is a department informational note to be used under IECC section C407: Note: Use of IECC section C407 requires the total building energy cost to be equal to or less than the standard reference design building, as required under IECC section C401.2 item 3. The 2015 IECC or ASHRAE 90.1-2013 options shall be selected.

**(3) COMCHECK.** This is a department informational note to be used under IECC section C407: Note: COMcheck is a computer

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

**History:** CR 16-094: renun. 363.0506 (title) to 363.0407 (title), renun. 363.0506 to 363.0407 (3) and am., cr. (1), (2), Register April 2018 No. 748 eff. 5-1-18; correction in (2) made under s. 35.17, Stats, Register July 2018 No. 751.

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

**History:** CR 16-094: cr. Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0502 Additions. (1) OPAQUE ASSEMBLIES.** Substitute 2009 IECC Table 502.2 (1) for 2015 IECC Table C402.1.3 and renumber Table C402.1.3.

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

**(3) AIR LEAKAGE.** Substitute the wording from 2009 IECC sections 402.4.1, 402.4.2, 402.4.2.1 and 402.4.2.2 for IECC section C402.5, C402.5.1, C402.5.1.1, and C402.5.2.

**(4) AIR BARRIER AND INSULATION INSPECTION COMPONENT TABLE.** Substitute 2009 IECC Table 402.4.2 for IECC Table C402.5.1.2, C402.5.1.2.1, and C402.5.1.2.2.

**History:** CR 16-094: cr. Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0503 Alterations. (1) OPAQUE ASSEMBLIES.** Substitute 2009 IECC Table 502.2 (1) for 2015 IECC Table C402.1.3 and renumber Table C402.1.3.

**Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the 2015 IECC constitutes compliance with this section.

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

**(3) AIR LEAKAGE.** Substitute the wording from 2009 IECC sections 402.4.1, 402.4.2, 402.4.2.1 and 402.4.2.2 for IECC section C402.5, C402.5.1, C402.5.1.1, and C402.5.2.

**(4) AIR BARRIER AND INSULATION INSPECTION COMPONENT TABLE.** Substitute 2009 IECC Table 402.4.2 for IECC Table C402.5.1.2, C402.5.1.2.1, and C402.5.1.2.2.

**(5) LIGHTING ALTERATIONS.** Substitute the following wording for the exception in IECC section C503.6: Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.0600 Referenced standards.** This is a department rule in addition to the requirements in IECC chapter 6[CE]: The following standards are incorporated by reference into chs. SPS 361 to 366:

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

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

**(3) ASTM 518-15,** Test method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

**(4) ASTM C1363-11,** Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

**(5) National Concrete Masonry Association (NCMA) Evaluation Procedures of Integrally Insulated Concrete Masonry Walls,** January 1, 1999.

**Note:** ASTM standards may be purchased at [www.astm.org](http://www.astm.org) or from the American Society for Testing and Materials International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959.

NCMA Evaluation Procedures may be purchased at [ncma.org](http://ncma.org) or from the National Concrete Masonry Association, 13750 Sunrise Valley Drive, Herndon, VA 20171.

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. 363.0900 to 363.0600 and am. (intro.), (1) to (4), Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.5303 Materials, systems, and equipment.** These are department rules in addition to the requirements in IECC section R303:

(1) **GENERAL.** Except as specified in sub. (2), when available, information on thermal properties, performance of building envelope sections, and components and heat transfer shall be obtained from ASHRAE Handbook of Fundamentals.

**Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the 2015 IECC constitutes compliance with this section.

(2) **EXCEPTIONS.** (a) When the information is not available from ASHRAE Handbook of Fundamentals, the data shall be obtained from laboratory or field-test measurements. If laboratory or field test measurements are used for envelope heat transmission, the measurements shall be obtained using one of the following test methods:

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

(b) For foam plastic insulation that incorporates a substance other than air as the insulating medium, laboratory or field tests shall be conducted on representative samples that have been aged for the equivalent of 5 years or until the R-Value has stabilized to determine thermal properties or performance. The tests shall be conducted by an independent third party.

(c) Integrally insulated concrete masonry systems within the scope of the National Concrete Masonry Association (NCMA) shall be evaluated for the thermal performance of the masonry or concrete units in accordance with one of the following:

1. NCMA Evaluation Procedures for the Integrally-Insulated Concrete Masonry Walls.
2. Default values as approved by the department.

(d) All other concrete or masonry units not within the scope of the NCMA Evaluation Procedures shall comply with one of the following methods for determining the thermal performance of the assembly or system:

1. Default values as approved by the department.
2. Laboratory or field-test measurements specified in par. (a).
3. Department material approval process as specified in ch.

SPS 361 to determine the U-factor.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. 363.5401 from 363.0401 and am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.5402 Building envelope requirements.**

(1) **INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT.** Substitute 2009 IECC Table 402.1.1 for 2015 IECC Table R402.1.2 and renumber Table R402.1.2.

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

(3) **AIR LEAKAGE.** Substitute the wording from 2009 IECC sections 402.4.1, 402.4.2, 402.4.2.1, and 402.4.2.2 for IECC sections R402.4, R402.4.1, R402.4.1.1, and R402.4.1.2.

(4) **AIR BARRIER AND INSULATION INSPECTION COMPONENT TABLE.** Substitute 2009 IECC Table 402.4.2 for 2015 IECC Table R402.4.1.1.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

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

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

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (2), r. (3) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. 363.5403 from 363.0403 and am., cr. (3), Register April 2018 No. 748 eff. 5-1-18.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.5405 Calculation software tools.** This is a department informational note to be used under IECC section R405.6: Note: The federal Department of Energy has developed REScheck™, a computer program that may be used in demonstrating compliance for a residential building which has no more than 3 stories above grade and has 3 or more dwelling units. The REScheck program may be downloaded at <http://www.energy-codes.gov>. The most recent version of REScheck shall be used to determine code compliance. When using the program, the applicable code must be defined as the “2015 IECC.”

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. from Comm 63.0404 and am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. 363.5405 from 363.0405 and am., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.5502 Additions.** (1) **INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT.** Substitute 2009 IECC Table 402.1.1 for 2015 IECC Table R402.1.2 and renumber Table R402.1.2.

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

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



(4) AIR BARRIER AND INSULATION INSPECTION COMPONENT TABLE. Substitute 2009 IECC Table 402.4.2 for 2015 IECC Table R402.4.1.1.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.5503 Alterations.** (1) INSULATION AND PENETRATION REQUIREMENTS BY COMPONENT. Substitute 2009 IECC Table 402.1.1 for 2015 IECC Table R402.1.2 and renumber Table R402.1.2.

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

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

(4) AIR BARRIER AND INSULATION INSPECTION COMPONENT TABLE. Substitute 2009 IECC Table 402.4.2 for 2015 IECC Table R402.4.1.1.

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18.

**SPS 363.5600 Referenced standards.** This is a department rule in addition to the requirements in IECC chapter 6[RE]: The following standards are incorporated by reference into chs. SPS 361 to 366:

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

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

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

(4) ASTM C1363-11, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

**Note:** ASTM standards may be purchased at [www.astm.org](http://www.astm.org) or from the American Society for Testing and Materials International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959.

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

**History:** CR 16-094: cr., Register April 2018 No. 748 eff. 5-1-18; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register April 2018 No. 748.

## Chapter SPS 364

### HEATING, VENTILATING AND AIR CONDITIONING

#### Subchapter I — Scope

SPS 364.0001 Scope.

#### Subchapter II — Changes, Additions or Omissions to the International Mechanical Code (IMC)

SPS 364.0100 Changes, additions or omission to the International Mechanical Code (IMC).  
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 SPS 364.0301 General regulations.  
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SPS 364.0501 General.  
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 SPS 364.0701 Combustible air.  
 SPS 364.0801 Chimneys and vents.  
 SPS 364.0802 Door swing.  
 SPS 364.0918 Forced-air warm-air furnaces.  
 SPS 364.1001 Boilers, water heaters and pressure vessels.  
 SPS 364.1101 Refrigeration.  
 SPS 364.1500 Referenced standards.  
 SPS 364.1600 Appendices.

**Note:** Chapter Comm 64 as it existed on June 30, 2002 was repealed and a new chapter Comm 64 was created, [Register December 2001 No. 552](#), effective July 1, 2002. Chapter Comm 64 was renumbered chapter SPS 364 under s. 13.92 (4) (b) 1., Stats., [Register December 2011 No. 672](#).

**Note:** Chapters SPS 361 to 366 are affected by [2017 Wisconsin Acts 59, 198, 243, 317, 329, 330, and 331](#). Future rule-making will update chs. SPS 361 to 366 to reflect this legislation.

#### Subchapter I — Scope

**SPS 364.0001 Scope.** (1) This chapter shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that provide control of environmental conditions and related processes within buildings. This chapter shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The use of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by ch. [SPS 365](#).

(2) Notwithstanding any other provision of this chapter, the department may not adopt or enforce minimum ventilation standards for indoor drive-through self-service storage facilities described in Table 364.0403 that are more restrictive than the standards under this chapter applicable to warehouses.

(3) Notwithstanding any other provision of this chapter, the department may not adopt or enforce minimum ventilation standards for a building in which a boat that is not a motorized vehicle under s. [SPS 364.0202 \(1\) \(f\)](#) is or may be stored that are more restrictive than the standards under this chapter that would otherwise apply.

**History:** CR 00-179: cr. [Register December 2001 No. 552](#), eff. 7-1-02; CR 06-120: r. and recr. [Register February 2008 No. 626](#), eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., [Register December 2011 No. 672](#); [CR 16-094](#); cr. (2), (3) [Register April 2018 No. 748](#), eff. 5-1-18; [renum. 364.0001 to 364.0001 \(1\) under s. 13.92 \(4\) \(b\) 1., Stats., Register April 2018 No. 748](#).

#### Subchapter II — Changes, Additions or Omissions to the International Mechanical Code (IMC)

**SPS 364.0100 Changes, additions or omission to the International Mechanical Code (IMC).** Changes, additions or omissions to the IMC are specified in this subchapter and are rules of the department and are not requirements of the IMC.

**Note:** The sections in this subchapter are generally numbered to correspond with the section numbering in the IMC; e.g., s. SPS 364.0102 corresponds to IMC section 102.

**History:** CR 00-179: cr. [Register December 2001 No. 552](#), eff. 7-1-02; CR 04-016: am. [Register December 2004 No. 588](#), eff. 1-1-05.

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

**History:** [CR 16-094](#); cr. [Register April 2018 No. 748](#), eff. 5-1-18.

**SPS 364.0202 Definitions.** (1) ADDITIONS. These are department definitions in addition to the definitions for this chapter in IMC section 202:

(am) “DHS” means the department of health services.

(b) “Enclosed parking garage” means an enclosed building where motorized vehicles are stored or parked.

(d) “Health care facility” means a hospital, nursing home, outpatient surgical facility, or community-based residential facility.

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

(f) “Motorized vehicle” means a self-propelled motor-driven vehicle that is used for moving people or products on land, water, or air. “Motorized vehicle” does not include a boat that is dry stored and not operated in the building in which it is stored.

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

(2) SUBSTITUTIONS. Substitute the following meanings for the corresponding definitions in IMC section 202: “Approved” has the meaning given in s. [SPS 362.0202 \(2\)](#).

**History:** CR 00-179: cr. [Register December 2001 No. 552](#), eff. 7-1-02; CR 01-139: r. (2) (b), [renum. \(2\) \(c\) to be \(2\) \(b\) Register June 2002 No. 558](#), eff. 7-1-02; correction in (2) (b) made under s. 13.93 (2m) (b) 7., Stats., [Register April 2003 No. 568](#); CR 06-120: am. (1) (intro.), r. (1) (a), (b) and (2) (b), r. and recr. (1) (d), [renum. \(2\) \(a\) to be \(2\) Register February 2008 No. 626](#), eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 1., Stats., [Register February 2008 No. 626](#); corrections in (1) (c) made under s. 13.92 (4) (b) 6., Stats.; [CR 10-103](#): am. (1) (d) [Register August 2011 No. 668](#), eff. 9-1-11; corrections in (2) made under s. 13.92 (4) (b) 1., 7., Stats., [Register August 2011 No. 668](#); correction in (2) made under s. 13.92 (4) (b) 7., Stats., [Register December 2011 No. 672](#); [CR 16-094](#); cr. (1) (b), [renum. \(1\) \(c\) to \(1\) \(am\), am. \(1\) \(d\), cr. \(1\) \(e\), \(f\) Register April 2018 No. 748](#), eff. 5-1-18.

**SPS 364.0300 Health care facilities.** (1) This is a department rule in addition to the requirements in IMC chapter 3: In addition to the requirements in chs. [SPS 361 to 366](#), the heating and ventilation systems for health care facilities only shall conform to the applicable provisions of FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities 2014, except as provided in sub. (2).

**Note:** The Guidelines for Design and Construction of Health Care Facilities are not intended for use in the design or construction of HVAC systems for other types of institutional health care facilities including community-based residential facilities (CBRFs) or residential care apartment complexes (RCACs).

(2) (a) The requirements in parts 1 and 5 of FGI guidelines are not included as part of this chapter.

(b) This is a department rule in addition to the requirements in part 6 of the FGI guidelines: Addenda a, b, d, e and f for ASHRAE 170 are included as part of this chapter, except as provided in sub. 2.

(c) Substitute the following definition for the corresponding definition listed in ASHRAE 170 section 3: "Alteration", has the meaning as given in IEBC section 202.

**Note:** IEBC section 202 defines "alteration" as "any construction or renovation to an existing structure other than a repair or addition. Alterations are classified as Level 1, Level 2, and Level 3".

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. to (1), cr. (2) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am. (1) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0301 General regulations. (1) SCOPE.** Substitute the following wording for the requirements in IMC section 301.1: This chapter shall govern the approval and installation of all equipment and appliances that comprise parts of the building mechanical systems regulated by chs. SPS 361 to 366 in accordance with subch. I.

(2) ENERGY UTILIZATION. This is a department informational note to be used under IMC section 301.7.

**Note:** See ch. SPS 363 for additional requirements.

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

(a) *General.* All appliances regulated by this chapter shall be listed and labeled as specified in this chapter, unless approved by the department in accordance with par. (b) or the product approval criteria in s. SPS 361.50.

(b) *Unlisted appliances.* The department may approve an installation of an unlisted appliance after receipt of all of the following:

1. A statement from the appliance manufacturer indicating the national standard with which the appliance complies.

2. The results of a test on the output and safety controls in accordance with the national standard used by the manufacturer.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: r. and recr. (2) (a) and (b) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. (1) to (4) to be (2) to (5) and am. (3) (a), cr. (1) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (3) (b), r. (4) and (5) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (3) (b) 2. Register August 2011 No. 668, eff. 9-1-11; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1) to (3) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0304 Installation.** This is a department informational note to be used under IMC section 304.2:

**Note:** See s. SPS 361.03 (3) for clarification on the application of different requirements and where the most restrictive requirements apply.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 364.0307 Auxiliary and secondary drain systems.** The requirements in IMC section 307.2.3 are not included as part of this chapter.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 364.0309 Temperature control.** These are department exceptions to the requirements in IMC section 309.1:

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

**Table 364.0309  
Alternate Minimum Indoor Temperature**

Occupancy Types	Minimum Indoor Temperature (degrees F)
Dry cleaners, laundries, laundry rooms	60
Educational training shops	60
Commercial kitchens	60
Health care facilities, hospitals, nursing homes, ambulatory surgery centers	Footnote a.
Factories and machine shops	60
Foundries	NMR
Sawmills	NMR
Garages at private dwellings	NMR
Automotive service and repair garages	60
Car washes, enclosed:	NMR
Self-serve	60
All other types	
Ice skating rinks (indoor)	NMR
Natoriums	76
Roller skating rinks (indoors)	60
Storage	NMR
Elevator cars	NMR
Janitor closets	NMR
Locker and dressing rooms	70
Shower rooms	70
Food processing	NMR
Printing	60

NMR = No minimum requirement

a. For indoor temperature requirements in health care facilities, use FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities, 2014.

(2) SEASONAL OCCUPANCIES. The heating requirements but not the ventilation requirements may be waived during the period of May 1 through October 15 for the following or similar occupancies: drive-in eating places, club houses, outdoor toilets, camp lodge buildings, canning factories and migrant labor camps.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-135: am. (1) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (1), Table 364.0309, cr. (3) Register April 2018 No. 748, eff. 5-1-18.



**SPS 364.0312 Heating and cooling load calculations.** This is a department informational note to be used under IMC section 312:

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 364.0313 Other requirements.** These are department rules in addition to the requirements in IMC chapter 3:

(1) **BALANCING, FINAL TEST REQUIRED.** Every heating, ventilating and air conditioning system shall be balanced upon installation. The person or agency responsible for balancing of the ventilating system shall document in writing the amount of outdoor air being provided and distributed for the building occupants and any other specialty ventilation. The document shall be retained at the site and shall be made available to the department upon request.

(a) Air systems shall be balanced in a manner to minimize losses from damper throttling by first adjusting fan speed then adjusting dampers to meet design flow conditions. Balancing procedures shall be acceptable to the department. Damper throttling alone may be used for air system balancing with fan motors of 1 hp or less, or if throttling results in no greater than 1/3 hp fan horsepower draw above that required if the fan speed were adjusted.

(b) Either of the following test methods shall be used:

1. Hydronic systems shall be balanced in a manner to minimize valve throttling losses by first trimming the pump impeller or adjusting the pump speed then adjusting the valves to meet design flow conditions.

2. Valve throttling alone may be used for hydronic system balancing under any of the following conditions as specified in subd. 2. a. to d.

a. Pumps with pump motors of 10 hp or less.

b. If throttling results in no greater than 3 hp pump horsepower draw for pumps of 60 hp or less, or no greater than 5% of pump horsepower draw for pumps greater than 60 hp, above that required if the impeller were trimmed.

c. To reserve additional pump pressure capability in open circuit piping systems subject to fouling. Valve throttling pressure drop shall not exceed that expected for future fouling.

d. Where it can be shown that throttling will not increase overall building energy costs.

**Note:** National Environmental Balancing Bureau (NEBB) Procedural Standards, the Associated Air Balance Council (AABC) National Standards, the Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA), or equivalent balancing procedures are acceptable to the department.

(2) **BALANCING, PROPER WORKING CONDITION.** HVAC control systems shall be tested to assure that control elements are calibrated, adjusted and in proper working condition.

(3) **BALANCING, OPERATING AND MAINTENANCE MANUALS.** (a) The designer or installer shall provide the owner with written instructions for the operation and maintenance of the HVAC systems and equipment. An operating and maintenance manual shall be provided to the building owner or operator. The manual shall include basic data relating to the operation and maintenance of heating, ventilating and air conditioning (HVAC) systems and equipment.

(b) Required routine maintenance actions shall be clearly identified. Where applicable, HVAC controls information such as diagrams, schematics, control sequence descriptions, and maintenance and calibration information shall be included.

(4) **APPLICABILITY.** This is a department rule in addition to the requirements in IMC chapter 1:

(a) The designer or installer shall provide the owner with written instructions for the operation and maintenance of the system and equipment. An operating and maintenance manual shall be provided to the building owner or operator. The manual shall include basic data relating to the operation and maintenance of

heating, ventilating and air conditioning (HVAC) systems and equipment.

(b) Required routine maintenance actions shall be clearly identified. Where applicable, HVAC controls information such as diagrams, schematics, control sequence descriptions, and maintenance and calibration information shall be included.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. and recr. (3) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: (4) renun. from Comm 64.0102 Register August 2011 No. 668, eff. 9-1-11.

**SPS 364.0401 Ventilation. (1) VENTILATION REQUIRED.** (a) These are department rules in addition to the requirements in IMC section 401.2:

1. Natural ventilation shall be in accordance with s. SPS 364.0402.

2. Mechanical ventilation shall be in accordance with IMC section 403 and as modified in ss. SPS 364.0403 (1) to (6).

3. Chemical or septic toilets and composting privies are prohibited in spaces under negative pressure. Toilet rooms with chemical or septic toilets shall be provided with natural ventilation via a window, louver or skylight with at least 2 square feet of area openable directly to the outside per septic vault or per chemical toilet. The opening shall be provided with a screen to limit the passage of insects and vermin.

(b) These are department exceptions to the requirements of IMC section 401.2:

1. Outdoor air ventilation by natural or mechanical means shall be permitted to be omitted in large volume spaces containing 5,000 or more cubic feet per occupant.

2. A toilet room that has only one water closet or urinal and no bathtub or shower may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

3. A janitor closet that has only one service sink may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

(2) **WHEN REQUIRED.** Substitute the following wording for the requirements of IMC section 401.3:

(a) Except as provided in par. (b), ventilation shall be provided during the periods that the room or space is occupied.

(b) Mechanical exhaust ventilation shall be provided for natoriums even when the space or building is not occupied.

(c) In addition to the criteria under s. 101.025 (1), Stats., the area that may be occupied by motorized vehicles shall be considered when establishing minimum quantities of outside air that must be supplied.

(4) **INTAKE OPENINGS.** (a) Substitute the following wording for the requirements in IMC introductory section 401.4: Air intake openings for both mechanical and gravity ventilation systems shall comply with all of the following:

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

(c) This is a department rule in addition to the requirements in IMC section 401.4: The lowest side of outside air intake required openings shall be located at least 12 inches vertically from the adjoining grade level, above adjoining roof surfaces, or above the bottom of an areaway.

(d) These are department exceptions in addition to the requirements in IMC section 401.4 and par. (c):

1. The setback distances as specified in IMC section 401.4 and par. (c) shall not apply to the combustion air intake of a direct vent appliance.

2. Where it can be demonstrated that an engineered system design will prevent the maximum concentration of contaminants brought in through the outside air intake from exceeding the maximum contaminant concentration obtainable by providing the separation distances in accordance with IMC section 401.4 and par. (c), the outdoor air intakes may be located in accordance with such engineered system design.

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

**Note:** See ch. SPS 382 for plumbing vent setbacks. That rule requires plumbing vents to be 10 feet from air intakes and 10 feet horizontally from or 2 feet above roof scuttles, doors or openable windows.

**Note:** See NFPA standard 45, Fire Protection for Laboratories Using Chemicals, adopted under s. SPS 362.3500, for chemical fume hood exhaust location. Health care and related facilities may have additional requirements.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-135: r. and recr. (4) (a) (intro.), cr. (4) (a) 4. and (b) 5., CR 01-139: r. and recr. (4) (a) 3., am. (4) (b) 2. Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. and recr. (1), (2) and (4) (a), r. (3), (4) (b) 2. to 4., am. (4) (b) (intro.), 1. and (5) (intro.), renum. (4) (b) 5. to be (4) (b) 2. and am., cr. (6) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (1), renum. (4) (a) and (b) to be (4) (c) and (d) and am., cr. (4) (a) and (b), renum. (5) and (6) to be Comm 64.0501 (3) and (5) Register August 2011 No. 668, eff. 9-1-11 correction in (1) (a) 1., 2., (b) 2., 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: (1) (a) 3. renum. from SPS 364.0407 and am., cr. (2) (c), am. (4) (b), cr. (4) (e) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0402 Natural ventilation.** This is a department rule in addition to the requirements in IMC section 402: The use of natural ventilation shall be permitted under either of the following:

- (1) In occupancies specified in Table 364.0402.
- (2) For any occupancy, provided an engineered design indicates how the ventilation satisfies the needs of the occupancy.

**Table 364.0402  
Natural Ventilation  
Allowed for Specific Occupancies  
Occupancy Classification**

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. Table 364.0402 Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0403 Mechanical ventilation. (1) OUTDOOR AIR REQUIRED.** (a) Substitute the following wording for the exception in IMC section 403.2: Where it can be demonstrated that an

engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding the maximum obtainable by providing the rate of outdoor air ventilation deter-

mined in accordance with IMC section 403.3, as modified by subs. (2) to (6), the minimum required rate of outdoor air may be reduced in accordance with such engineered system design. A ventilation system complying with IMC section 403.3 without the modifications of subs. (2) to (6) is recognized as meeting this exception.

(b) This is a department rule in addition to the requirements in IMC section 403.2: The outdoor air shall be free from contamination of any kind in proportions detrimental to the health and comfort of the general population exposed to it.

(2) **RECIRCULATION PROHIBITED.** Substitute the following wording for exception 3 in IMC section 403.2.1: Where mechanical exhaust is governed by Table 364.0403 footnote c., recirculation of air from such spaces is prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 364.0403.

(3) **RECIRCULATION OF AIR.** This is a department informational note to be used under IMC section 403.2.1:

**Note:** The following are examples where the department will accept air transferred from: corridor to toilet room; corridor to cloak room or janitor closet; dining room to kitchen; locker room to toilet room; gymnasium to locker room; showroom to garage; and corridor to school vocational shops.

(4) **TRANSFER AIR.** Substitute the following wording for the requirements in IMC section 403.2.2: Except where recirculation from such spaces is prohibited by Table 364.0403, air transferred from occupied spaces is not prohibited from serving as makeup air for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges. The amount of transfer air and exhaust air shall be sufficient to provide the flow rates as specified in sub. (5). The required outdoor air rates specified in Table 364.0403 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.

(5) **VENTILATION RATE.** Substitute the following wording for the requirements and exception in IMC section 403.3:

(a) *Ventilation rate determination.* 1. Except as provided in sub. (1) (a) and s. SPS 364.0300, a mechanical ventilation system shall be designed to have the capacity to supply a minimum outdoor airflow rate of 7.5 cfm per person as determined in accordance with Table 364.0403 based on the occupancy of the space and the occupant load or other parameters stated therein. A mechanical ventilation system shall be designed to have the capacity to exhaust air as specified in Table 364.0403 except as provided in par. (c).

2. a. Except as provided in subd. 2. b. to d., the occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 364.0403.

b. The estimated maximum occupant load rate may be determined using other means with justification acceptable to the department to show that a different number of occupants is reasonable.

c. Where there is no value indicated for the net square feet per person in Table 364.0403, the actual number of occupants shall be used to determine the required amount of outside air.

d. Ventilation rates for occupancies not represented in Table 364.0403 shall be determined by an approved engineering analysis, or by using the most similar occupancy in the table.

(b) *Adjacent spaces with differing ventilation requirements.* 1. Except as provided in subd. 2., spaces with different ventilation requirements shall be provided with a complete solid separation, or the most stringent ventilation requirement shall apply to all unseparated areas.

2. The separation as specified in subd. 1. is not required where an engineered ventilation design system will prevent the con-

centration of contaminants from exceeding that obtainable by providing a physical separation.

(c) *Exceptions for certain occupancies.* 1. 'Toilet rooms.' A toilet room that has only one water closet or urinal and no bathtub or shower may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

2. 'Janitor closets.' A janitor closet that has only one service sink may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

3. 'Locker and shower rooms.' An adjoining locker room, shower room and toilet room shall be exhausted at the rate specified in Table 364.0403 based on the largest amount of exhaust required for any of the three rooms. A negative pressure relationship shall be maintained in the shower and toilet rooms with respect to the locker room.

5. 'Pool ventilation.' In a natatorium, the volume of supply air and exhaust air may be reduced to a minimum of 1 cfm per square foot of pool surface provided automatic humidity controls perform so as not to create accelerated building material deterioration from moisture condensation.

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

2. a. Except as provided in subd. 3., an air change rate of 6 air changes per hour shall be provided in each space.

b. The air change air rate under this subsection shall be determined upon either the actual height of the space or 10 feet from the floor level of the space which ever is less.

c. The air movement providing the required minimum air change shall be that amount that is transferred through the air handling equipment where the return air is diluted or replaced with outside air and supplied back to the space.

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

4. The air change requirement for 6 air changes per hour may be omitted in any of the following applications:

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

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

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

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

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



**Table 364.0403  
Ventilation Requirements**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load (persons per 1,000 sq. ft.)<sup>a</sup></b>	<b>Exhaust<sup>c</sup> (cfm/net sq. ft. floor area)</b>	<b>Common Ventilation System Alternative – Minimum AC Rate per hour with A/C</b>
<u>Correctional facilities</u>			
Sleeping rooms <sup>d</sup>	20	NR	2.0
Dining halls	100	NR	2.0
Guard stations	40	NR	1.5
<u>Dry cleaners, laundries</u>			
Coin-operated dry cleaners	8	NR	1.0
Coin-operated laundries	8	NR	1.0
Commercial dry cleaners	NA	2.0	NR
Commercial laundries	NA	2.0	NR
Storage, pick up	8	NR	1.0
Apartment laundry rooms	NA	0.5	NR
<u>Dwellings, single and multiple</u>			
Living areas	2 persons for first bedroom, plus one person for each additional bedroom	NR	1.0
Kitchens <sup>d</sup>	NA	100 cfm intermittent or 20 cfm continuous	NR
Toilet rooms and bathrooms <sup>d</sup>	NA	Mechanical exhaust capacity 50 cfm intermittent or 20 cfm continuous per room <sup>j</sup>	NR
Garages, separated by a solid wall for each dwelling	NA	100 cfm/vehicle	NR
Garages, common for multiple units <sup>c</sup>	NA	0.5	NR
<u>Education</u>			
Auditoriums	150	NR	2.0
Classrooms	50	NR	2.0
Day care facilities	30	NR	2.0
Laboratories (science)	30	NR	2.0
Music rooms	50	NR	2.0
Special education	35	NR	2.0
Training shops	30	NR	2.0
<u>Food and beverage service</u>			
Bars and cocktail lounges	100	NR	2.0
Cafeterias, fast food	100	NR	2.0
Dining rooms	70	NR	2.0
Kitchens (cooking) <sup>d, e</sup>	20	NR	1.0
<u>Health care facilities</u>			
Hospitals	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Nursing homes	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Outpatient surgical facilities	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
<u>Hotels, motels, resorts and dorms</u>			
Assembly rooms	120	NR	2.0
Bathrooms for guest rooms <sup>c, d</sup>	NA	35 cfm/room	NR
Bedrooms	footnote f	NR	1.0
Conference rooms	50	NR	2.0
Dormitory sleeping areas	20	NR	1.0
Casinos	NA	2.0	NR
Living rooms	footnote f	NR	1.0
Lobbies	30	NR	2.0
<u>Industrial/Factory</u>			

**Table 364.0403 (Continued)**  
**Ventilation Requirements**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load (persons per 1,000 sq. ft.)<sup>a</sup></b>	<b>Exhaust<sup>c</sup> (cfm/net sq. ft. floor area)</b>	<b>Common Ventilation System Alternative – Minimum AC Rate per hour with A/C</b>
Factories and machine shops	13	NR	NR
Foundries	13	NR	NR
Sawmills	NA	NR	NR
<u>Offices</u>			
Conference rooms	50	NR	1.5
Office spaces	7	NR	1.5
Reception areas	60	NR	1.5
Telecommunication centers and data entry	60	NR	1.5
<u>Retail stores, sales floors and showroom floors</u>	8	NR	1.0
<u>Seasonal occupancies, camps and lodges</u>			
Dining and recreational areas	70	NR	1.0
Living and sleeping areas	NA	NR	1.0
Club houses	15	NR	1.0
Drive-ins	15	NR	1.0
<u>Specialty shops</u>			
Automotive service and repair garages for gasoline or diesel fueled vehicles <sup>c, k, l</sup>	NA	0.5	NR
Barber shops	25	NR	1.0
Beauty salons <sup>h</sup>	NA	0.5	NR
Car washes	NA	NR	NR
Clothier, furniture shops	8	NR	1.0
Florist shops	8	NR	1.0
Hardware, drugs, fabrics stores	8	NR	1.0
Nail salons <sup>m</sup>	NA	0.6	NR
Supermarkets	8	NR	1.0
<u>Sports and amusement</u>			
Ballrooms and discos	100	NR	2.0
Bleacher areas	363 or 18 in./person	NR	2.0
Bowling centers (seating areas)	70	NR	2.0
Game rooms	70	NR	2.0
Ice skating rinks (indoor)	5	NR	NR
Natatoriums	NA	2.0 cfm/sq. ft. pool area	NR
Playing floor (gymnasiums)	30	NR	2.0
Roller skating rinks (indoor)	30	NR	2.0
Spectator areas (non-bleacher)	150	NR	2.0
<u>Storage</u>			
Chlorine storage and handling rooms	NA	2.0	NR
Enclosed parking garages <sup>l, n</sup>	NA	0.5	NR
Warehouses <sup>o</sup>	NA	NR	NR
<u>Theaters</u>			
Auditoriums	150	NR	2.0
Lobbies	150	NR	2.0
Stages, studios	70	NR	2.0
Ticket booths	60	NR	2.0
<u>Transportation</u>			
Platforms	100	NR	2.0

**Table 364.0403 (Continued)**  
**Ventilation Requirements**

Occupancy Classification	Estimated Maximum Occupant Load (persons per 1,000 sq. ft.) <sup>a</sup>	Exhaust <sup>c</sup> (cfm/net sq. ft. floor area)	Common Ventilation System Alternative – Minimum AC Rate per hour with A/C
Waiting rooms	100	NR	2.0
Aircraft hangars (for 2 or more aircraft or any hangar with adjacent occupancies)	NA	0.5	NR
<u>Utility and public spaces</u>			
Elevator cars	NA	1.0	NR
Janitor closets	NA	2.0 or 75 cfm/sink <sup>g</sup>	NR
Locker and dressing rooms <sup>c</sup>	NA	0.5	NR
Shower rooms (per shower head)	NA	50 cfm intermittent or 20 cfm continuous	NR
Toilet rooms <sup>c, d</sup>	NA	75 cfm/TF <sup>g</sup>	NR
<u>Workrooms</u>			
Bank vault	5	NR	NR
Meat processing	10	NR	NR
Pharmacy	20	NR	1.5
Photo studio	10	NR	1.0
Printing	13	footnote j	NR

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

a. Based upon net floor area.

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

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

d. Transfer air is permitted in accordance with IMC section 403.2.2.

e. Provide an exhaust rate of not less than 1.5 cfm/sf.

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

g. Natural ventilation may be allowed under this section.

h. The classification of a 'beauty' salon depends on the types of services provided. Only beauty salons that routinely provide chemical processing of hair to produce texture or color changes.

i. Enclosed parking garages are parking garages that fail to meet the criteria for open garages in IBC section 406.5.2. Ventilation systems in enclosed parking garages shall comply with IMC section 502.13. A mechanical ventilation system may not be required if the room or space meets all of the following:

1. Has a floor area of 850 square feet or less.
2. Used for the storage of 5 or fewer motorized vehicles.
3. Meets the natural ventilation requirements of IMC 402 and s. SPS 364.0402.

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

k. For compressed natural gas IMC 502.16.

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

m. For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors. The exhaust system shall be capable of exhausting the greater of 50 cfm per station or 0.6 cfm per square foot of work area. The exhaust inlet shall be located in the work area.

n. The requirements for enclosed parking garages shall apply to all buildings, or rooms, spaces, or parts of buildings, into which motor vehicles are being driven for loading or unloading, or that are stored.

o. Warehouses include indoor drive-through self-service storage facilities in which a customer may temporarily park a motorized vehicle for purposes of loading and unloading materials, provided the motor is not running.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-135: renum. (3) to be (3) (b), cr. (3) (a), (4) (a) 6. and (5) (d), am. (5) (a), (b) 1. a., (c) 1. and (6) Table; CR 01-139: renum. (3) to (6) to be (4), (6), (8) and (9), cr. (3), (5) and (7), am. (6) Table, r. and recr. (6) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. Table 64.0403 Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1), (4) (a), (6) (a) 3., 6. and (d), am. (2) (a) and (3), renum. (4) (b) to be (4), r. and recr. (6) (intro.), (a) 1., (8) and Table 64.0403 Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (6) (c) 4., (9), r. and recr. Table 64.0403, renum. (2) to (7), (8) to (1) to (6), (5) (d) and am. Register August 2011 No. 668, eff. 9-1-11; correction in (2), (4), (5) (a) 1., 2. a., c., d., (c) 1., 2., 3., (d) 2. d., (6), Table 346.0403 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (5) (d) 1., renum. (5) (d) 2. d. to (d) 3. and am., cr. (5) (d) 4., am. (6), cr. (7), am. Table 364.0403 Register April 2018 No. 748, eff. 5-1-18; correction in (4), (5) (d) 2. a. made under s. 13.92 (4) (b) 7., Stats., Register April 2018 No. 748.

**SPS 364.0404 Enclosed parking garages.** Substitute the following wording for the requirements in IMC sections 404.1 and 404.2:

(1) Mechanical ventilation systems for enclosed parking garages shall be permitted to operate intermittently by one of the following methods:

(a) The system shall be arranged to operate continuously at a minimum exhaust rate of 0.05 cfm/sf. Subsequently, the system shall operate at a minimum of 0.75 cfm/sf automatically upon detection of vehicle operation, the presence of occupants, or by a combination of occupancy sensors and carbon monoxide and nitrogen dioxide sensors as appropriate for the room or space. The

system shall also be designed so to address the requirements listed in s. SPS 364.0404 (2) and (3).

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

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



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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: r. and recr. (1) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) and (2) (c) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: r. and recr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0501 General.** (1) Substitute the following wording for the requirements in IMC section 501.1: This chapter shall govern the design, construction and installation of mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; environmental air exhaust systems; hazardous exhaust systems; dust, stock and refuse conveyor systems; slab soil exhaust systems; smoke control systems; energy recovery ventilation systems and other systems specified in IMC Section 502.

(2) This is a department exception to the requirements in IMC section 501.3: A mechanically exhausted room or space that is within a dwelling unit which is served by an independent heating, ventilating and air conditioning system is not required to be maintained with negative or neutral pressure.

(3) These are department rules in addition to the requirements in IMC section 501.2.1.

(a) Gravity ventilation ducts shall extend not less than 2 feet above the highest portion of the building within a 10-foot radius of the duct and shall be provided with a siphon roof ventilator.

(b) Where barometric relief vents are installed on the roof, the discharge openings shall be no less than 2 feet above the roof surface where the vent pierces the roof.

(5) Substitute the following wording for the requirements in IMC section 401.6: Stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be injurious to health shall be provided with an exhaust system in accordance with IMC chapter 5 or a means of collection and removal of the contaminants. Such exhaust shall discharge directly to an approved location at the exterior of the building.

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renun. to be (2), cr. (1), (3), (5) renun. from Comm 64.0401 (5), (6) and am. Register August 2011 No. 668, eff. 9-1-11; corrections in (3) and (5) made under s. 13.92 (4) (b) 2., Stats., Register August 2011 No. 668; CR 16-094: cr. (6) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0502 Required systems.** (1) Substitute the following wording for the requirements in IMC section 502.1: An exhaust system shall be provided, maintained and operated as specifically required by this section and for all occupied areas where machines, vats, tanks, furnaces, forges, salamanders and other appliances, equipment and processes in such areas produce or throw off dust particles sufficiently light to float in the air or which emit heat, odors, fumes, spray, gas or smoke, in such quantities to be injurious to health or safety.

(2) This is a department exception in addition to the exceptions in section IMC 502.14: The source capture system is not required when the motor vehicle exhaust system is connected directly to a noncombustible hose that is not more than 10 feet long and discharges directly to the exterior of the building.

**Note:** Under s. SPS 361.03 (14) (a), IFC section 2311.7 exempts a natural-gas motor-vehicle repair garage from the requirements of IMC section 502.16 if no work

is performed on the fuel system in the vehicles, and the work is also limited to exchanging parts and maintenance that does not include any open flame or welding.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: renun. to be (1), cr. (2), Register August 2011 No. 668, eff. 9-1-11.

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

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0506 Commercial kitchen grease ducts and exhaust equipment.** (2) JOINTS, SEAMS AND PENETRATIONS OF GREASE DUCTS. (a) This is a department alternative to the requirements, but not the exceptions, in IMC section 506.3.2: Joints, seams and penetrations of grease ducts may be made with any other means that provide a liquid-tight seal at 1500°F and that are listed and labeled for the application.

(b) This is a department rule in addition to the requirements in IMC section 506.3.2.: Duct joints may also be flanged joints.

(c) The requirements of IMC section 506.3.2.5 are not included as part of this chapter.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. (1) and (2) (c), am. (2) (title) and (a), r. and recr. (2) (b), cr. (2) (bm) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renun. (2) (bm) to be (2) (c) and am. Register August 2011 No. 668, eff. 9-1-11.

#### SPS 364.0507 Commercial kitchen hoods.

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

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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renun. to be (3) and am., cr. (1) and (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: am. (1), (2), cr. (3) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0513 Smoke control systems.** Substitute the following wording for the requirements in IMC section 513.3: In addition to the inspection and test requirements which buildings, structures and parts thereof are required to undergo, smoke control systems subject to the provisions of section 909 of the *International Building Code* shall undergo inspections and tests sufficient to verify the proper commissioning of the smoke control design in its final installed condition. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to such inspections and tests. Such commissioning shall be in accordance with generally accepted engineering practice and, where possible, based on published standards for the particular testing involved.

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05.

**SPS 364.0514 Energy recovery ventilation systems.** This is a department exception to the prohibitions in IMC section 514.2: An engineered energy recovery ventilation system design may be used in the systems specified in IMC section 514.2 provided that corrosion, cross-contamination and fouling are addressed by the engineered system.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11.

**SPS 364.0601 General.** Substitute the following wording for the requirements in IMC section 601.2 Exception 1: Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors shall be permitted provided that each such corridor is directly supplied with air at a rate greater than the rate of makeup air taken from the corridor.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11.

**SPS 364.0602 Plenums. (1)** This is a department rule in addition to the requirements in IMC section 602.2: Plenum enclosures shall be constructed of materials permitted for the type of construction classification of the building.

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

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. 364.062 to 364.062 (2) and am., cr. (1) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0606 Smoke detection system control.**

**(1)** This is a department informational note to be used under IMC section 606.2.1: Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 131, 132, and 134, also refer to NFPA standard 90A section 4-4.2A for air handling units between 2,000 cfm and 15,000 cfm.

**(2)** This is a department informational note to be used under IMC section 606.4: Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 131, 132, and 134, also refer to NFPA standard 90A section 4-3.2 for smoke dampers isolating air handling units.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 364.0607 Ducts and air-transfer openings.**

**(1m) SMOKE DAMPER ACTUATION.** This is an additional method in addition to the methods listed in IMC section 607.3.3.2: Method 6: Where a single listed duct smoke detector is installed inside the duct or outside the duct with sampling tubes protruding into the duct in the supply air ductwork downstream of the air handling equipment, including air filters, and ahead of any branch ductwork and return air duct smoke detectors are installed inside the duct or outside the duct with sampling tubes protruding into the duct within 5 feet (1524 mm) of each return air smoke damper, all supply and return smoke dampers shall be closed when any of the duct smoke detectors in the supply or return air ducts are in alarm. Other than in mechanical smoke control systems, dampers shall be closed upon fan shutdown when local smoke detectors require a minimum velocity to operate.

**(2m) DUCT SMOKE DAMPERS.** This is a department exception to the requirements in IMC section 607.5.5: Smoke dampers are not required in ducts that are used in the exhaust portion of laboratory ventilating systems that are designed and installed in accordance with NFPA 45.

**(3m) PENETRATIONS OF SHAFT ENCLOSURES.** This is a department exception to the requirements in IMC section 607.5.5: Smoke dampers are not required in ducts that are used in the exhaust portion of laboratory ventilating systems which are designed and installed in accordance with NFPA 45.

**(4m) SMOKE DAMPERS IN HEALTH CARE FACILITIES.** This is a department exception to the requirements in IMC section 607.5.4: Smoke dampers are not required in Group I-2 duct penetrations of smoke barriers in fully ducted HVAC systems.

**History:** CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. (1), (2) to (3m), (4m), cr. (1m), (2m) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0701 Combustible air.** Barometric dampers may not be used for combustion air as allowed by IFC section 304.3 and NFPA 54-2015 section 9.3.1.4.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0801 Chimneys and vents. (1)** This is a department informational note to be used under IMC chapter 8: Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 132, and 134, also refer to NFPA 211 as adopted in these chapters.

**(2)** This is a department rule in addition to the requirements in IMC section 801.2: Portable or permanently installed, fuel-fired, unvented heating appliances may not be installed except during construction or demolition of a building if the appliances are provided in accordance with ch. SPS 314.

**Note:** See s. SPS 365.0621 for use of portable or permanently installed, fuel-fired, unvented heating appliances.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (2), cr. (3) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (3) Register August 2011 No. 668, eff. 9-1-11; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. (2) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0802 Door swing.** The requirements in IMC section 802.9 are not included as part of chs. SPS 361 to 366.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.0918 Forced-air warm-air furnaces.**

**(1)** This is a department rule in addition to the requirements in IMC section 918.6: The outside air intake openings shall be located at least 12 inches vertical from the adjoining grade level.

**(2)** Substitute the following wording for the requirements in IMC section 918.6 item 2: Where located less than 10 feet above the surface of any abutting public way or driveway, or at grade level by a sidewalk, street, alley or driveway.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: r. (2), renum. (3) to be (2) Register August 2011 No. 668, eff. 9-1-11.

**SPS 364.1001 Boilers, water heaters and pressure vessels.** Substitute the following wording for the requirements and exceptions in IMC chapter 10:

**(1)** The provisions of ch. SPS 341 shall govern the installation, alteration and repair of boilers and pressure vessels. The provisions of chs. SPS 381 to 386 shall govern the installation, alteration and repair of water heaters.

**(2)** Water heaters utilized both to supply potable hot water and provide hot water for space-heating applications shall be listed and labeled by the manufacturer and shall be installed in accordance with the manufacturer's installation instructions and applicable provisions in chs. SPS 381 to 386.

**(3)** Water heaters utilized for both potable water heating and space-heating applications shall be sized to prevent the space-heating load from diminishing the required water-heating capacity.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. (4) Register February 2008 No. 626, eff. 3-1-08; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 364.1101 Refrigeration.** Substitute the following wording for the requirements and exceptions in IMC chapter 11: Mechanical refrigerating systems installed in public buildings and places of employment shall comply with ch. SPS 345.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 364.1500 Referenced standards.** This is a department rule in addition to the requirements in IMC chapter 15: The following standards are incorporated by reference into chs. SPS 361 to 366:

**(1m)** FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities, 2014.

**(2m)** FGI Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2014.

**Note:** FGI guidelines may be purchased at [fgiguidelines.org](http://fgiguidelines.org) or AHA Services Inc. P.O. Box 933283, Atlanta, GA, 31193-3283.

**(3)** NFPA 45-2015, Standard on Fire Protection for Laboratories Using Chemicals.

**Note:** NFPA standards may be viewed online free of charge at [NFPA.org](http://NFPA.org) or purchased from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

**Note:** Copies of the standards adopted under this section are on file in the offices

of the department and the legislative reference bureau.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568; CR 04-016: r. and recr. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1), am. (2) (a), cr. (2) (c) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) (a) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. (2) (intro.), (a) to 364.1500 (intro.), (1m) and am., r. (2) (b), (c), cr. (2m), (3) Register April 2018 No. 748, eff. 5-1-18.

**SPS 364.1600 Appendices.** IMC Appendices A and B are not included as part of this chapter.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.



## Chapter SPS 365

### FUEL GAS APPLIANCES

#### Subchapter I — Scope

SPS 365.0001 Scope.

#### Subchapter II — Changes, Additions or Omissions to the International Fuel Gas Code (IFGC)

SPS 365.0100 Changes, Additions or Omissions to the International Fuel Gas Code (IFGC).

SPS 365.0101 Administration.

SPS 365.0202 Definitions.

SPS 365.0300 Statutory requirements.

SPS 365.0301 General regulations.

SPS 365.0303 Appliance location.

SPS 365.0304 Combustible air.

SPS 365.0400 Gas piping installations.

SPS 365.0501 Chimneys and vents.

SPS 365.0502 Door swing.

SPS 365.0621 Unvented heaters.

SPS 365.0630 Infrared radiant heaters.

SPS 365.0631 Boilers.

SPS 365.0632 Equipment installed in existing unlisted boilers.

SPS 365.0800 Referenced standards.

SPS 365.0900 Appendices.

**Note:** Chapter Comm 65 was renumbered chapter SPS 365 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

**Note:** Chapters SPS 361 to 366 are affected by 2017 Wisconsin Acts 59, 198, 243, 317, 329, 330, and 331. Future rule-making will update chs. SPS 361 to 366 to reflect this legislation.

#### Subchapter I — Scope

**SPS 365.0001 Scope.** This chapter shall regulate the design, installation, operation, maintenance of fuel gas piping systems, fuel gas utilization equipment and gaseous hydrogen systems.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08.

#### Subchapter II — Changes, Additions or Omissions to the International Fuel Gas Code (IFGC)

**SPS 365.0100 Changes, Additions or Omissions to the International Fuel Gas Code (IFGC).** Changes, additions or omissions to the international fuel gas code are specified in this subchapter and are rules of the department and are not requirements of the IFGC.

**Note:** The sections in this chapter are generally numbered to correspond to the numbering used in the IFGC, i.e., s. SPS 365.0202 refers to IFGC section 202.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 365.0101 Administration.** Except for IFGC section 102.8, the requirements in IFGC chapter 1 are not included as part of this chapter.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. Register December 2004 No. 588, eff. 1-1-05.

**SPS 365.0202 Definitions. (1) ADDITIONS.** This is a department definition for this chapter in addition to the definitions in IFGC section 202: “DHS” means the department of health services.

**(2) SUBSTITUTIONS.** This is a department substitution for the corresponding definition in IFGC section 202: “Approved” has the meaning given in s. SPS 362.0202 (2).

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register April 2003 No. 568; CR 04-016: am. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; corrections in (1) made under s. 13.92 (4) (b) 6., Stats., Register May 2009 No. 641; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 365.0300 Statutory requirements.** These are department informational notes to be used under IFGC chapter 3:

**Note:** Section 101.16 (4), Stats., requires “(a) The person actually 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 that the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(b) 1. A person who owns, leases, or uses a propane gas system and who is a customer of a retail supplier shall notify the retail supplier of propane gas for the propane gas system 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 retail supplier. The customer shall provide the notice at least 7 days in advance of the interruption in the operation of the propane gas system, except as provided in subd. 2. The retail supplier, or the person replacing, modifying, repairing, or servicing the propane gas system, shall perform a check for leaks or other defects in the propane gas system before placing the propane gas system back into operation in the manner required by rule.

2. If the interruption of a propane gas system subject to subd. 1. is due to emergency repair or servicing, the customer shall provide the notice to the retail supplier as soon as possible and no later than 24 hours after the repair or servicing is completed.”

**History:** CR 08-092; cr. Register May 2009 No. 641, eff. 6-1-09.

**SPS 365.0301 General regulations. (1) SCOPE.** Substitute the following wording for the requirements in IFGC section 301.1: This chapter shall govern the approval and installation of all equipment and appliances that comprise parts of the installations regulated by this code.

**(2) LISTED AND LABELED.** Substitute the following wording for the requirements in IFGC section 301.3: The requirements as specified in s. SPS 364.0301 (3) shall apply.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 365.0303 Appliance location. (1) GENERAL.** This is a department rule in addition to the requirements in IFGC section 303.1: If the air entering the heat exchanger of all gas-fired equipment is 30°F or lower, the heat exchanger and burners shall be constructed of corrosion-resistant materials.

**(2) PROHIBITED LOCATIONS.** The exceptions 3. and 4. in IFGC section 303.3 are not included as a part of this code.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: am. (2) Register August 2011 No. 668, eff. 9-1-11.

**SPS 365.0304 Combustible air.** Barometric dampers may not be used for combustion air.

**History:** CR 16-094; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 365.0400 Gas piping installations.** Substitute the following wording for the requirements and exceptions in IFGC chapter 4: All gas piping and gas piping installations shall comply with NFPA 54, National Fuel Gas Code.

**History:** CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 365.0501 Chimneys and vents. (1)** This is a department informational note to be used under IFGC chapter 5: Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 132, and 134, also refer to NFPA 211 as adopted in these chapters.

**(2)** The requirements in section IFGC 501.8 item 8 are not included as a part of this chapter.

(3) Substitute the following wording for the requirements in section IFGC 501.8 item 10: Infrared radiant heaters listed for unvented use and not provided with flue collars.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02.

**SPS 365.0502 Door swing.** The requirements in IFGC section 502.7.1 are not included as part of chs. SPS 361 to 366.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 365.0621 Unvented heaters.** Substitute the following wording for the requirements in IFGC section 621: Portable or permanently installed, gas-fired, unvented heating appliances may not be installed, except during construction or demolition of a building if the appliances are provided in accordance with ch. SPS 314.

**Note:** See s. SPS 364.0801 (2) for use of portable unvented heating appliances that are fired with other fuels.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renum. from s. Comm 65.0620 and am. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 365.0630 Infrared radiant heaters.** This is a department rule in addition to the requirements in IFGC section 630.1: Unvented infrared radiant heaters may be used only in the following occupancies:

(1) Groups F and S.

(2) Groups U and H only with written approval.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. from s. Comm 65.0629 and am. (intro.) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

**SPS 365.0631 Boilers.** Substitute the following wording for the requirements in IFGC section 631: The provisions of ch. SPS 341 shall govern the installation, alteration and repair of boilers and pressure vessels.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. from s. Comm 65.0630 and am. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 365.0632 Equipment installed in existing unlisted boilers.** The requirements in IFGC section 632 are not included as part of this chapter.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08.

**SPS 365.0800 Referenced standards.** This is a department rule in addition to the requirements in IFGC chapter 8: The following standard is incorporated by reference into chs. SPS 361 to 366: ANSI Z223.1/NFPA 54-2015, National Fuel Gas Code.

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

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

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renum. from s. Comm 65.0700 and am. Register February 2008 No. 626, eff. 3-1-08; CR 11-002: am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 365.0900 Appendices.** IFGC Appendices A to D are not included as part of this chapter.

**History:** CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. from s. Comm 65.0800 Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 1., Stats., Register February 2008 No. 626.

## Chapter SPS 366

### EXISTING BUILDINGS

#### Subchapter I — Purpose, Scope and Application

SPS 366.0001	Purpose and scope.
SPS 366.0100	Changes, additions or omissions to IEBC.
SPS 366.0101	Administration.
SPS 366.0202	General definitions.
SPS 366.0400	Prescriptive compliance method.
SPS 366.0600	Carbon monoxide alarms for CBRF's accommodating fewer than 20 residents.
SPS 366.0603	Smoke alarms.
SPS 366.0605	Accessibility.
SPS 366.0606	Structural evaluation.
SPS 366.0609	Repairs — plumbing.
SPS 366.0701	Alterations.
SPS 366.0702	Building elements and materials.
SPS 366.0704	Means of egress.
SPS 366.0804	Automatic sprinkler systems.

SPS 366.0809	Altered existing mechanical systems.
SPS 366.0810	Minimum plumbing fixtures.
SPS 366.0902	Special use and occupancy.
SPS 366.0903	Building elements and materials.
SPS 366.0904	Level 3 alterations fire protection.
SPS 366.0909	Level 3 alterations plumbing.
SPS 366.1001	Change of occupancy.
SPS 366.1010	Change of occupancy plumbing.
SPS 366.1011	Other requirements.
SPS 366.1012	Standpipe systems.
SPS 366.1102	Heights and areas.
SPS 366.1201	Historic buildings.
SPS 366.1204	Historic buildings alterations.
SPS 366.1205	Exhibit buildings.
SPS 366.1401	Performance compliance methods.
SPS 366.1500	Construction safeguards.

**Note:** Chapter Comm 66 was renumbered chapter SPS 366 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

**Note:** Chapters SPS 361 to 366 are affected by 2017 Wisconsin Acts 59, 198, 243, 317, 329, 330, and 331. Future rule-making will update chs. SPS 361 to 366 to reflect this legislation.

#### Subchapter I — Purpose, Scope and Application

**SPS 366.0001 Purpose and scope. (1) PURPOSE.** The purpose of ch. SPS 366 is to establish minimum requirements to safeguard public health, safety and welfare insofar as existing public buildings and place of employment are affected by the repair, alteration, change of occupancy, addition or relocation.

**(2) SCOPE.** The scope of ch. SPS 366 is as specified in s. SPS 361.02.

**(3) INTENT.** The intent of this chapter is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 366.0100 Changes, additions or omissions to IEBC.** Changes, additions or omissions to the IEBC are specified in this subchapter and are rules of the department and are not requirements of the IEBC.

**Note:** The requirements of s. 101.132, Stats., may be more restrictive than the administrative rules when a project involves the remodeling of housing. The term “remodeled” has the meaning given in s. 101.132 (1) (h), Stats., and the term “housing” has the meaning given in s. 106.50 (1m) (L), Stats. Section 101.132 (2) (b), Stats., regarding remodeling percentages, reads:

1. If more than 50 percent of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.

2. If 25 percent to 50 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.

3. If less than 25 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. (a) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. (a) regardless of when the housing was first intended for occupancy.

**Note:** Section 101.126, Stats., requires the owner of a building to provide a separate room or designated space within or adjacent to the building for the separation, temporary storage and collection of recyclable materials that are likely to be generated by the building occupants, if there is an increase in the size of the building by 50% or more or an alteration of 50% or more of the existing area of a building that is 10,000 square feet or more in area. See Appendix B for guidelines for recommended designated areas.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0101 Administration.** Except for IEBC section 102.4, substitute the following wording for the requirements in IEBC chapter 1:

**(1) APPLICATION.** The provisions of the IEBC shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the IBC, IMC, IPC, and IRC as applicable shall be considered in compliance with the provisions of chs. SPS 361 to 366.

**(2) CHANGE OF OCCUPANCY TO A PUBLIC BUILDING OCCUPANCY.** (a) Except as provided in par. (b), where a building or portion of a building that has not been previously occupied or used as a public building or place of employment is to be changed to an occupancy or use that constitutes a public building or place of employment, the building or portion of a building shall comply with the IBC for new construction.

(b) 1. Under par. (a) the IBC rules for new construction do apply to the properties of existing building materials.

2. An alteration or a change of occupancy in a qualified historic building which has not been previously occupied or used as a public building or place of employment may utilize the provisions of the IEBC as modified by this subchapter.

**(3) TEMPORARY USE.** (a) A municipal fire or building code official may allow an existing building or a portion of an existing building to be used temporarily in a manner that differs from the approved use for the building or space subject to all of the following provisions:

1. The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

2. Except as provided in subd. 3., buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health, and general welfare.

3. The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.

4. The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.



(b) A temporary use permit issued by a local authority may not supersede a state corrective building order.

**(4) COMPLIANCE METHOD.** (a) The repair, alteration, change of occupancy, addition, or relocation of all existing buildings shall comply with one of the methods listed in par. (b) or (c) as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work by the code official. Paragraphs (b) and (c) shall not be applied in combination with each other.

(b) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IEBC chapters 5 through 13 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC chapter 14 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. (2) to be (2) (a) and am., cr. (2) (b) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: am. (1), renum. (3) to (3) (a) and am. (3) (a) 2., cr. (3) (b), am. (4) (b), (c) Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0202 General definitions. (1) ADDITIONS.**

This is a department definition for this chapter in addition to the definitions in IEBC section 202: “Exhibit building” means a qualified historic building that is open to the general public only for display or tours.

**(2) SUBSTITUTIONS.** (a) Substitute the following definition for the corresponding definition in IEBC section 202: “Historic building” means a “qualified historic building” as defined under s. 101.121 (2) (c), Stats.

**Note:** Section 101.121 (2) (c) of the Statutes reads as follows: “Qualified historic building” means a historic building which:

1. Is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places;

2. Is included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district;

2m. Is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places;

3. Is listed on a certified local register of historic property; or

4. Is included in a district which is listed on a certified local register of historic property, and has been determined by the city, village, town or county to contribute to the historic significance of the district.

**Note:** Form SBD-7728 may be utilized to provide the status on a historic commercial building. This form is available on the department’s website at dsps.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53707-7302, or call (608) 266-2112.

(b) Substitute the following definition for the corresponding definition in IEBC section 202: “Unsafe” means buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “dangerous,” or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe.

(c) Substitute the following definition for the corresponding definition in IEBC section 202: “Work area” means that portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by chs. SPS 361 to 366. The work area is the area reconfigured with full height walls or the area that has its required egress reconfigured.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; CR 10-103: am. (2), cr. (2) (b) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: cr. (2) (c) Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0400 Prescriptive compliance method.**

The requirements in IEBC chapter 4 are not included as part of

chs. SPS 361 to 366, except for the requirements in IEBC section 410 when applied by IEBC section 1401.2.5.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.0300 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0600 Carbon monoxide alarms for CBRF’s accommodating fewer than 20 residents.**

These are department rules in addition to the requirements in IEBC chapter 6 and are established under the authority of s. 101.127, Stats.:

**(1) (a)** Existing buildings converted to be community-based residential facilities accommodating fewer than 20 residents shall be provided with carbon monoxide alarms by July 1, 2013, when either one of the following conditions exists:

1. The building contains fuel-burning appliances.
2. The building has an attached garage.

(b) This section applies to community-based residential facilities described under par. (a) in existence prior to January 1, 2005.

**Note:** Pursuant to s. 101.01 (12), Stats., an existing building converted to be community-based residential facility accommodating fewer than 20 residents is not defined to be a “public building.” See also s. SPS 361.02 (4).

**(2)** Carbon monoxide alarms shall be listed and labeled to be in conformance with one of the following standards:

- (a) UL 2034.
- (b) UL 2075.

**(3) (a)** A carbon monoxide alarm shall be installed in accordance with the instructions of its manufacturer.

(b) A carbon monoxide alarm shall be provided on each floor level of an existing building accommodating a community-based residential facility described under sub. (1) (a), if the building contains fuel-burning appliances.

(c) A carbon monoxide alarm shall be provided on each floor level where sleeping units are located in an existing building accommodating a community-based residential facility described under sub. (1) (a), if the building has an attached garage and no fuel-burning appliances.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.0500 and am. (intro.) Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0603 Smoke alarms.** These are department rules in addition to the requirements in IEBC section 603:

**(1)** No smoke alarm, including an alarm that exists on September 1, 2011, may remain in service for more than that specified by the manufacturer.

**(2)** The replacement of a smoke alarm that uses a battery as its primary power source shall be a new smoke alarm that complies with UL 217 and either of the following:

(a) The alarm is hardwired in accordance with IBC section 907.2.11.4 and has backup power in accordance with that section.

(b) The alarm uses, as its primary power source, a non-replaceable, non-removable battery that is capable of powering the alarm for at least 10 years.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.0503 and am. (intro.) Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0605 Accessibility.** Substitute the following wording for the requirements in IEBC section 605.1: General. Repairs shall maintain accessibility in accordance with IEBC section 705.1.13.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18; correction made under s. 13.92 (4) (b) 1., Stats., Register October 2018 No. 754.

**SPS 366.0606 Structural evaluation.** The requirements in IEBC sections 606.2 to 606.2.5 are not included as part of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. from 366.0506 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0609 Repairs — plumbing.** The requirements in IEBC section 609 are not included as part of chs. SPS 361 to 366.

**Note:** See the Wisconsin Uniform Plumbing Code, chs. SPS 382 to 387, for plumbing and water conservation provisions.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. from 366.0509 and am. Register April 2018 No. 748, eff. 5-1-18; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register April 2018 No. 748.

**SPS 366.0701 Alterations.** Substitute the following wording for the requirements in IEBC section 701.2: Conformance. An existing building or portion thereof may not be altered such that the building becomes less safe than was required in its existing condition.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0702 Building elements and materials.**

(1) **MATERIALS AND METHODS.** Substitute the following wording for the requirements in IEBC section 702.4: All new work shall comply with materials and methods requirements in the IBC, IECC, IFGC, IMC, and IPC, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(2) **INTERNATIONAL FUEL GAS CODE.** The requirements in IEBC section 702.4.1 are not included as part of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.0602 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0704 Means of egress. (1) ALTERATIONS.**

Substitute the following wording for the requirements in IEBC section 704.1: Alterations shall be done in a manner that maintains the level of protection required for the means of egress prior to the alteration.

(2) **STAIRWAY WIDTH.** This is a department rule in addition to the requirements in IEBC section 704: Where installing an inclined platform lift or stairway chairlift, the clear-passage width shall be provided with the lift in the unfolded, usable position—except where an existing, previously approved lift is being replaced, the clear-passage width may remain as it was with the original lift in place, but it may not be reduced by the replacement.

**History:** CR 14-020: cr. Register August 2014 No. 704, eff. 9-1-14; CR 16-094: cr. (title), (1), renum. (2) from 366.0604 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0804 Automatic sprinkler systems.**

This is a department exception to the requirement in IEBC section 804.2: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings. This exclusion is also applicable to sprinkler systems triggered by changes of use or additions.

**History:** CR 10-103: renum. from Comm 66.0701 and am. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.0704 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0809 Altered existing mechanical systems.** The exception to the requirements in IEBC section 809.1 and the requirements in IEBC section 809.2 are not included as part of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. from 366.0709 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0810 Minimum plumbing fixtures.** Substitute the following wording for the requirements in IEBC section 810.1: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. from 366.07010 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0902 Special use and occupancy.**

(1) **BOILER AND FURNACE EQUIPMENT ROOMS.** Substitute the following wording for the requirements, but not the exceptions, in

IEBC section 902.1.2: Boiler and furnace equipment rooms. Boiler and furnace equipment rooms adjacent to or within Groups I-1, I-2, I-4, R-1, R-2, and R-4 occupancies shall be enclosed in compliance with IBC 509 heating equipment enclosure requirements.

(2) **EMERGENCY CONTROLS.** The requirements in IEBC section 902.2.1 are not included as part of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: cr. (title), (1), renum. (2) from 366.0802 and am. Register April 2018 No. 748, eff. 5-1-18; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register October 2018 No. 754.

**SPS 366.0903 Building elements and materials.**

Substitute the following wording for the requirements in IEBC section 803.2.1: All existing interior vertical openings in the work area connecting two or more floors shall be enclosed with approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0904 Level 3 alterations fire protection.**

(1) **UPHOLSTERED FURNITURE.** The requirement in IEBC section 904.1.3 condition 3 is not included as part of chs. SPS 361 to 366.

(2) **FIRE ALARM AND DETECTION SYSTEMS.** Substitute the requirements from 2009 IEBC section 804.2 for the requirements in IEBC section 904.2.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.0909 Level 3 alterations plumbing.**

These are department rules in addition to the requirements in IEBC chapter 9:

(1) Pursuant to s. 101.128, Stats., level 3 alterations within an existing facility where the public congregates shall necessitate that plumbing fixtures serving the work area be provided in a ratio of at least 2 water closets for females as to each water closet and urinal for the males.

(2) (a) Under this section “facility where the public congregates” has the meaning has given in s. 101.128 (1) (b), Stats.

**Note:** Section 101.128 (1) (b), Stats., reads: “Facility where the public congregates” means any of the following that has a general capacity or a seating capacity of 500 or more persons:

1. An amusement facility.
2. A convention or trade hall or center.
3. A specialty event center.
4. A sports or entertainment arena, center or building.
5. A stadium.
6. An airport, bus terminal, train station or other transportation center.

(b) Under this section “alterations” has the meaning has given in s. 101.128 (1) (d), Stats., for “renovation”.

**Note:** Section 101.128 (1) (d), Stats., reads: “Renovation” means any structural remodeling, improvement or alteration of an existing facility where the public congregates. “Renovation” does not include any of the following:

1. Reroofing.
2. Cosmetic remodeling, including painting or the installation of wall covering, of paneling, of floor covering or of suspended ceilings.
3. An alteration to an electrical or mechanical system.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 16-094: renum. from 366.0809 and am. (intro.) Register April 2018 No. 748, eff. 5-1-18; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register April 2018 No. 748.

**SPS 366.1001 Change of occupancy. (1) CHANGE OF OCCUPANCY APPROVAL.**

Substitute the following wording for the requirements in IEBC section 1001.2: A change of occupancy or a change of occupancy within a space where there is a different fire protection system threshold requirement in IBC chapter 9 may not be made to any structure without the approval of the code official. An increased occupant load may trigger additional means of egress or fire protection requirements.

(2) **CHANGE OF OCCUPANCY CLASSIFICATION.** This is a department rule in addition to the requirements in IEBC section 1001.2.2: Buildings undergoing a change in occupancy that

would result in an increase in demand for either fossil fuel or electrical energy shall comply with the IECC.

**(3) CERTIFICATION OF OCCUPANCY REQUIRED.** The requirements in IEBC section 1001.3 are not included as part of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. (title), (1) to (3) from 366.0901 (title), (1) to (3) and am., renum. (4) to SPS 366.1012 Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.1010 Change of occupancy plumbing.** Substitute the following wording for the requirements in IEBC section 1010: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. from Comm 66.0910 Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.0912 and am. Register April 2018 No. 748, eff. 5-1-18; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register April 2018 No. 748.

**SPS 366.1011 Other requirements. (1) ELEVATOR RECALL.** This is a department rule in addition to the requirements in IEBC section 1011: At least one existing elevator shall be provided with emergency recall operation and emergency in-car operation complying with ch. SPS 318 when an existing building or structure that is greater than 60 feet in height is changed to include a Group R-1 or R-2 occupancy.

**(2) CARBON MONOXIDE ALARMS.** This is a department rule in addition to the requirements in IEBC section 1011: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with s. SPS 362.0915.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; EmR0826: emerg. renum. to be (1), cr. (1) (title) and (2), eff. 10-1-08; CR 08-085: renum. to be (1), cr. (1) (title) and (2) Register May 2009 No. 641, eff. 6-1-09; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-094: renum. from 366.0911 and am. Register April 2018 No. 748, eff. 5-1-18; correction in (2) under s. 13.92 (4) (b) 7., Stats., Register April 2018 No. 748.

**SPS 366.1012 Standpipe systems.** This is a department rule in addition to the requirements in IEBC section 1012.2: Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with IBC chapter 9 when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R-1 or R-2 occupancy.

**History:** CR 16-094: renum. SPS 366.0901 (4) and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.1102 Heights and areas. (1) AREA LIMITATIONS.** This is a department exception in addition to the exception in IEBC section 1102.2: Buildings meeting the legacy Wisconsin unlimited area provisions are allowed to have unlimited area additions per the current code without a separating firewall.

**(2) FIRE PROTECTION SYSTEMS.** This is a department exception to the requirements in IEBC section 1102.3: An automatic sprinkler system is not required for additions to individual dwelling units within existing townhouses that are not already protected with an automatic sprinkler system.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: cr. (title), (1), renum. (2) from 366.1002 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.1201 Historic buildings. (1) SCOPE.** This is a department rule in addition to the requirements in IEBC section 1201.1: Any historic building is exempt from the energy requirements of chs. SPS 361 to 366.

**(2) REPORT.** The requirements in IEBC section 1202.2 are not included as part of chs. SPS 361 to 366.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. (1) to be (2), (2) to be Comm 66.1105 and am. (2) (title), cr. (1) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.1101 and am. Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.1204 Historic buildings alterations.** Historic buildings are not required to comply with the IECC for building envelope compliance except as follows:

**(1)** Existing ceiling, wall, or floor cavities exposed during alterations shall be filled with insulation.

**(2)** All replacement skylight, window, and/or door assemblies shall meet the minimum code requirements of the IECC unless specifically designed to address unique aesthetics associated with the historic nature of the building. Glass only replacements in an existing sash and frame are exempt from the application of the IECC.

**(3)** Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing so as to meet the minimum insulation required by the IECC, or shall provide insulation to the greatest extent possible.

**History:** CR 16-094: cr. Register April 2018 No. 748, eff. 5-1-18; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register April 2018 No. 748.

**SPS 366.1205 Exhibit buildings.** These are department rules in addition to the requirements in IEBC section 1205: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

**(1)** The building shall be open to the public only under the supervision of a tour guide.

**(2)** The building may not be lived in, slept in or worked in, except for the purpose of demonstrating to the public how people lived in a particular era.

**(3)** Smoking is prohibited in the building.

**(4)** Open flame equipment may not be used in the building, except for fire places and other mechanical equipment original to the building.

**(5)** Fire extinguishers shall be installed in exhibit buildings and may be located in a nonconspicuous location but accessible to the occupants.

**(6)** (a) At least one smoke detector shall be provided for each 1,200 square feet of floor area with a minimum of one smoke detector per floor level.

(b) 1. Except as specified in subd. 2., where electricity is provided in the exhibit building, the smoke detectors shall be connected to the electrical power.

2. Where no electrical power is provided to an exhibit building, the smoke detectors shall be of a battery type.

3. Smoke detectors shall be tested weekly.

**(7)** Exhibit buildings provided with only one means of egress shall be restricted to a total capacity of 12 people, and not more than 6 people may be located above or below the first floor at any one time.

**(8)** Stairways without 6-foot, 4-inch vertical headroom clearance shall have signs posted warning occupants of the headroom clearance available.

**(9)** Exit signs shall be provided in accordance with the prevailing code in exhibit buildings occupied prior to 1/2-hour before sunrise and 1/2-hour after sunset and in all areas not provided with natural lighting.

**History:** CR 10-103: renum. from Comm 66.1101 (2) Register August 2011 No. 668, eff. 9-1-11; correction in (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668; CR 16-094: renum. from 366.1105 and am. (intro.) Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.1401 Performance compliance methods.**

**(1) APPLICABILITY.** Substitute the following wording for the requirements in IEBC section 1401.2: The provisions of sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions may not apply to buildings with occupancies in Group H or Group I.

**(2) ACCESSIBILITY REQUIREMENTS.** Substitute the following wording for the requirements in IEBC section 1401.2.5: All por-



tions of the buildings proposed for change of occupancy or being altered shall conform to the accessibility provisions of IEBC section 310.

(3) OTHER CODES. The requirements in IEBC section 1401.3.2 are not included as part of chs. SPS 361 to 366.

(4) MINIMUM PLUMBING FIXTURES. This is a department rule in addition to the requirements in IEBC section 1401.2: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities

specified in the IBC based on the increased occupant load.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (title), renum. (2) to be (3), cr. (2) Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.1301 and am., cr. (4) Register April 2018 No. 748, eff. 5-1-18.

**SPS 366.1500 Construction safeguards.** The requirements in IEBC chapter 15 are not included as part of chs. SPS 361 to 366.

**History:** CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 16-094: renum. from 366.1400 and am. Register April 2018 No. 748, eff. 5-1-18.

## Chapters SPS 361 to 366

### APPENDIX

Note: Chapters SPS 361 to 366 Appendix B was renumbered to be chapters SPS 361 to 366 Appendix in [Register April 2018 No. 748](#).

The material contained in this appendix is for clarification purposes only and is numbered to correspond to the number of the rule as it appears in the text of the code.

**A-362.0400 (2) Recycling Space.** The [1989 Wis. Act 335](#) requires the department to establish rules for public buildings such that adequate space is provided within or adjacent to buildings for the separation, temporary storage and collection of recyclable materials likely to be generated by the occupants of the building.

When verified amounts of previously generated recyclable materials are available, the following may be used to determine adequate space for the separation, temporary storage and collection of recyclable materials:

One cubic yard should be allocated for each 200 pounds of newspaper and mixed paper.

One cubic yard should be allocated for each 80 pounds of mixed or commingled recyclable materials.

The guidelines in the following table are provided for determining adequate space allocation when verified amounts of previously generated recyclable materials are not available. These guidelines are based on accumulation of recyclable materials likely to be generated by the building occupants for one week and one month, respectively.

<b>Guidelines for Recommended Space Allocation by Type of Building Occupancy<sup>a</sup></b>		
<b>Type of Building Occupancy</b>	<b>Space Allocation (cu. ft./1,000 sq. ft. floor area)</b>	
	<b>One Week</b>	<b>One Month</b>
Assembly Hall, Theater	2.2	10.0
Child Day Care		
with meals served	4.5	20.0
without meals served	3.0	12.0
Detention and correctional	13.5	60.0
Garage		
Storage	0	0
Repair	b	b
Health care		
Hospital	13.85	60.0
Clinic, without meals served	8.0	36.0
Hotel, Motel		
without meals served	3.5	15.0
Industrial	b	b
Library	2.2	10.0
Mercantile		
Department store, Shopping Mall	9.0	40.0
Grocery	18.0	80.0
Museum, Art Gallery	2.2	10.0
Office	7.0	30.0
Residential, multifamily dwelling	9.0	40.0
Restaurant or Food Service	c	c
School, Places of Instruction	3.0	12.0
Warehouse	b	b

<sup>a</sup> This information is to be used only as a guide in determining space allocation. Space allocation may differ from the listed value when using verified amounts of previously generated recyclable materials.

<sup>b</sup> Varies with type of activity.

<sup>c</sup> Varies with number of meals served and type of meal service.