

SPS 362.0915(2)(a)3., 4., and 5. These sections appear to refer to requirements in the State Statutes that do not exist. How are these requirements supposed to be applied?

Answer: 2017 WI Act 330 rewrote the statutory requirements for carbon monoxide (CO) detectors. During the rulemaking process, the department proposed modifications to the Commercial Building Code to renumber the CO detector requirements from an amendment to IBC Ch. 12 Interior Environment (362.1200) to an amendment to IBC section 915 (362.0915) as the 2015 IBC is the first WI adopted edition to include requirements for CO detectors. The department amendment substituted the statutory requirements for CO detectors for the IBC requirements. At the same time the department was proposing amending the IBC to be consistent with statutes, the legislature via 2017 WI Act 330 amended the statutory CO detection requirements to be similar to the requirements in IBC section 915. As a result, the department rules are now inconsistent with the statutes and the department will therefore enforce the statutory CO detection and alarm requirements in Stats. 101.149. The more significant changes as a result of Act 330 include adding a definition for “fuel-burning appliance”, modifying the CO detector location requirements to require detectors in the immediate vicinity of sleeping areas in residential units of public buildings that contain a fuel burning appliance, near sleeping areas within units served by a forced air fuel burning appliance, near sleeping areas within units in buildings that contain fuel burning appliances, and near sleeping areas within units in buildings with attached private garages, unless an exception is met. Effective 11/1/19 the exception will no longer exist allowing an owner to omit CO detectors by having sealed combustion units inspected by certified HVAC inspectors for CO emissions. The Act also eliminates the requirement for CO alarms to be wired to the buildings electrical service with battery back-up.

Summary of 2017 WI Act 330

Generally the statutory changes in 2017 WI Act 330 provide clear legal standing for current practices in terms of county authority to enforce the state commercial building code, in limiting county authority to prohibit placement of a Christmas tree in the Capitol rotunda or a church, and limiting county authority to enact or enforce ordinances applied to multi-family dwellings that are more restrictive than state statutes or an order of the department. The Act in Stats. 101.02(7r)(a) to (d) clarifies that counties are included in the limitations creating a statewide Uniform Commercial Building Code and in Stats. 101.02(7r)(e) clarifies county authority to enact a more restrictive property maintenance code. In Stats. 101.02(7r)(g) the Act grants new department authority to promulgate rules establishing procedures for administration of the commercial building code and limiting county or municipal authority to be more or less restrictive. In Stats 101.02(3c) the Act limits the departments authority to perform like inspections in delegated municipalities.