

Chapter Comm 20

ADMINISTRATION AND ENFORCEMENT

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Note: Chapter ILHR 20 was renumbered chapter Comm 20 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1999, No. 517.

Subchapter I — Purpose and Scope

Comm 20.01 Purpose. (1) The purpose of this code is to establish uniform statewide construction standards and inspection procedures for one- and 2-family dwellings and modular homes in accordance with the requirements of ss. 101.60 and 101.70, Stats.

(2) The purpose of this code is to establish uniform installation and inspection procedures for manufactured homes in accordance with the requirements of s. 101.96, Stats.

Note: The design and construction of manufactured homes is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Part 3280.

Note: See ch. Comm 5 for licensing requirements for manufactured home manufacturers and manufactured home installers.

Note: Other agencies may have regulations that affect the design, construction or placement of the dwelling and accessory structures or systems serving the dwelling. The regulations may necessitate additional administrative procedures or inspections for compliance.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, March, 1992, No. 435, eff. 4-1-92; CR 06-071: renum. s. Comm 20.01 to be (1), cr. (2) Register December 2006 No. 612, eff. 4-1-07; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.02 Scope. (1) GENERAL. The provisions of this code apply to all of the following:

(a) All one- and 2-family dwellings built on or after the effective dates under s. Comm 20.03.

Note: This includes site-built dwellings, manufactured buildings used as dwellings, modular homes and dwellings that may be designated as cabins, seasonal homes, temporary residences, etc., (except for manufactured or HUD homes, which are covered separately under this section).

(b) Adult family homes providing care, treatment and services for 3 or 4 unrelated adults built on or after the effective dates under s. Comm 20.03.

(c) Community-based residential facilities providing care, treatment and services for 5 to 8 unrelated adults built on or after the effective dates under s. Comm 20.03.

(d) The onsite installation of a mobile home or manufactured home on piers, regardless of the date of production of the home.

Note: The design and construction of a manufactured home is regulated by the U.S. Department of Housing and Urban Development and is not subject to UDC requirements. Prior to regulation by HUD in 1976, manufactured homes were known as mobile homes and their design and construction were not uniformly regulated. See s. Comm 20.07 (52m) for the statutory definition.

(e) The onsite installation of a manufactured home, regardless of the type of foundation, where the manufactured home has a production date on or after April 1, 2007.

(f) The design and construction of a crawlspace, basement or foundation, other than piers, under a manufactured home where the manufactured home has a production date on or after the effective dates under s. Comm 20.03.

(g) All garages, carports, porches, stoops, decks, balconies, stairways and similar structures that are attached to any building covered under this section that was constructed or had a production date on or after the effective dates under s. Comm 20.03.

(h) Adjacent, unattached structures listed under par. (g) that serve an exit from a dwelling.

(2) MUNICIPAL ORDINANCES. (a) A municipality may not adopt an ordinance on any subject falling within the scope of this code including establishing restrictions on the occupancy of dwellings for any reason other than noncompliance with the provisions of this code as set forth in s. Comm 20.10 (4). This code does not apply to occupancy requirements occurring after the first occupancy for residential purposes following the final inspection required under s. Comm 20.10 (3) (h)

(b) This code shall not be construed to affect local requirements relating to land use, zoning, post-construction storm water management, fire districts, side, front and rear setback requirements, property line requirements or other similar requirements. This code shall not affect the right of municipalities to establish safety regulations for the protection of the public from hazards at the job site.

(c) Any municipality may, by ordinance, require permits and fees for any construction, additions, alterations or repairs not within the scope of this code.

(d) Any municipality may, by ordinance, adopt the provisions of chs. Comm 20 to 25 to apply to any additions or alterations to existing dwellings.

(e) Nothing in this chapter shall prevent a municipality from any of the following:

1. Implementing erosion and sediment control requirements that are more stringent than the standards of this code when directed by an order of the United States Environmental Protection Agency or by an administrative rule of the department of natural resources under s. NR 151.004.

2. Regulating erosion and sediment control for sites that are not under the scope of this chapter.

(f) This code shall not be construed to affect the authority of the Department of Natural Resources to enforce chapters 281 and 283, Stats., and administrative rules promulgated there under.

(3) **LEGAL RESPONSIBILITY.** The department or the municipality having jurisdiction shall not assume legal responsibility for the design or construction of dwellings.

(4) **RETROACTIVITY.** The provisions of this code are not retroactive, except as specifically stated in a rule.

(5) **INNOVATIVE DWELLINGS.** No part of this code is intended to prohibit or discourage the construction of innovative dwellings such as a dwelling built below ground, a geodesic dome, a concrete house, a fiber-glass house or any other nonconventional structure.

(6) **LANDSCAPING.** Except for construction erosion control, the scope of this code does not extend to driveways, sidewalks, landscaping and other similar features not having an impact on the dwelling structure.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (intro.), cr. (1) (d), r. and recr. (6), Register, February, 1985, No. 350, eff. 3-1-85; r. (6), Register, January, 1989, No. 397, eff. 2-1-89; am. (3), Register, April, 1990, No. 412, eff. 5-1-90; am. (5), Register, September, 1992, No. 441, eff. 12-1-92; am. (1) (a), Register, November, 1995, No. 479, eff. 12-1-95; CR 00-159: renum. (intro.) to be (1) (a) and (1) to (5) to be (2) to (6); cr. (1) (b), Register September 2001 No. 549 eff. 12-1-01; CR 03-097: r. and recr. (1) Register November 2004 No. 587, eff. 1-1-05; CR 05-113: am. (2) (b), cr. (2) (c) and (f) Register December 2006 No. 612, eff. 4-1-07; CR 06-071: renum. (1) to be (1) (a), cr. (1) (b) Register December 2006 No. 612, eff. 4-1-07; CR 08-043: r. and recr. (1), am. (2) (e) 1. Register March 2009 No. 639, eff. 4-1-09; corrections in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639; CR 10-089: am. (4) Register January 2011 No. 661, eff. 2-1-11.

Comm 20.03 Effective date. The effective date of ch. Comm 22 is December 1, 1978. The effective date of chs. Comm 20, 21, 23, 24 and 25 is June 1, 1980.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, January, 1989, No. 397, eff. 2-1-89; correction made under s. 13.93 (2m) (b) 4., Stats., Register, January, 1989, No. 397.

Comm 20.04 Applications. (1) NEW DWELLINGS. (a) This code applies to all dwellings, dwelling units and foundations for dwelling units, for which the building permit application was made or construction commenced on or after the effective date of this code.

(b) All dwellings covered under par. (a) shall meet the requirements of ch. Comm 21.

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

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

3. If a heating or air conditioning system is installed, the dwelling shall comply with ch. Comm 22.

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

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

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

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

Note: See s. 254.61, Stats., for further conditions and limitations relating to bed and breakfast establishments.

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

(5) **REUSE OF A DWELLING OR FOUNDATION.** (a) *Existing dwelling or manufactured home placed on a different foundation.* Where an existing dwelling or manufactured home is placed on a different foundation, the new foundation is considered an addition or alteration to the existing dwelling or manufactured home.

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

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

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

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

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

(b) The adjoining exterior walls of the separate dwellings shall each have exterior coverings meeting the requirements of s. Comm 21.24.

(c) The adjoining exterior walls, including foundations, of the separate dwellings shall each meet the energy requirements under ch. Comm 22, irrespective of any adjacent dwelling.

(d) Both sides of any 2 adjoining walls, floors, ceilings and attics between dwellings shall meet the dwelling separation requirements of s. Comm 21.08 (1) for 2 dwellings on the same property less than 5 feet apart.

Note: 1. Flashing is acceptable to connect the roofs between dwelling units. See appendix for further information.

2. A building of 3 or more dwelling units without the separations specified in this section is a commercial building and shall meet the requirements set forth in chs. Comm 60 to 66.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; cr. (3), Register, January, 1989, No. 397, eff. 2-1-89; am. (1), r. and recr. (3), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. (1), renum. (2) and (3) to be (3) and (4), cr. (2) and (5), Register, November, 1995, No. 479, eff. 12-1-95; r. (3) and (4), renum. (1) to be (1) (a) and (5) to be (4), and cr. (1) (b), (c), and (3), Register, March, 2001, No. 543, eff. 4-1-01; CR 06-071: renum. (2) to be (2) (a), cr. (2) (b) and (5) Register December 2006 No. 612, eff. 4-1-07; CR 08-043: r. and recr. (2) and (5), cr. (6) Register March 2009 No. 639, eff. 4-1-09.

Comm 20.05 Exemptions. (1) EXISTING DWELLINGS. The provisions of this code shall not apply to dwellings and dwelling units, the construction of which was commenced prior to the effective date of this code, or to additions or alterations to such dwellings.

Note: The provisions of chs. Comm 20 to 25 may be adopted by a municipality to apply to any additions or alterations to existing dwellings.

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

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

(4) **ACCESSORY BUILDINGS.** With the exception of s. Comm 21.08 (1), the provisions of this code do not apply to detached garages or to any accessory buildings detached from the dwelling.

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

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

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

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

(9) **MOTOR HOMES AND RECREATIONAL VEHICLES.** The provisions of this code do not apply to motor homes and recreational

vehicles that are, or have been, titled through the department of transportation.

Note: Section 340.01 (33m) and (48r), Stats., read as follows: "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

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

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

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (5), r. (9), Register, January, 1989, No. 397, eff. 2-1-89; r. and recr. (8), Register, March, 1992, No. 435, eff. 4-1-92; am. (3), Register, November, 1995, No. 479, eff. 12-1-95; r. (8), renum. (6) and (7) to be (7) and (8) and cr. (6) and (9), Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (5) Register May 2003 No. 569, eff. 8-1-03; CR 06-071: r. and recr. (9) Register December 2006 No. 612, eff. 4-1-07; CR 08-043: r. (4), renum. (5) to (9) to be (4) to (8) and am. (6), cr. (9) Register March 2009 No. 639, eff. 4-1-09; correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Subchapter II — Jurisdiction

Comm 20.06 Procedure for municipalities.

(1) MUNICIPAL JURISDICTION. (a) *General.* 1. Except as provided in ss. 101.651 (1) and (2m), Stats., cities, villages and towns shall exercise jurisdiction over the construction and inspection of new dwellings.

Note: Sections 101.651 (1) and (2m), Stats., read as follows.

101.651 Special requirements for smaller municipalities. (1) **DEFINITION.** In this section, "municipality" means a city, village or town with a population of 2,500 or less.

(2m) **ENFORCEMENT OPTIONS.** A municipality shall exercise jurisdiction over the construction and inspection of new one- and 2-family dwellings by enacting ordinances under s. 101.65 (1) (a) or shall exercise the jurisdiction granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless any of the following conditions are met:

(a) The municipality adopts a resolution requesting under sub. (3) (a) that a county enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the municipality and that a county provide inspection services in the municipality to administer and enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a).

(c) Under sub. (3) (b), the department enforces this subchapter throughout the municipality and provides inspection services in the municipality to administer and enforce this subchapter.

2. Municipalities intending to exercise jurisdiction shall, by ordinance, adopt this code in its entirety.

3. No additional requirements within the scope of this code may be adopted by a municipality unless approved by the department in accordance with s. Comm 20.20.

(b) *Intent to exercise jurisdiction.* Municipalities intending to exercise jurisdiction shall notify the department, in writing, at least 30 days prior to the date upon which the municipality intends to exercise jurisdiction under this code. The notification of intent shall include a statement by the municipality as to which of the following methods will be used for enforcement:

1. Individual municipal enforcement;
2. Joint municipal enforcement;
3. Contract with certified UDC inspector or inspectors or independent inspection agency;
4. Contract with another municipality;

(c) *Submission of ordinances and resolutions.* 1. 'Ordinances.' a. Municipalities intending to exercise jurisdiction shall submit all ordinances adopting this code to the department at the same time as the notice of intent.

b. The department shall review and make a determination regarding municipal intent to exercise jurisdiction over new dwellings within 15 business days of receipt of municipal ordinances adopting this code.

c. A municipality may appeal a determination by the department in accordance with the procedure under s. Comm 20.21 (2).

2. 'Resolutions.' Municipalities adopting a resolution under s. 101.651 (2m) (a), Stats., for enforcement by the county, shall file a certified copy of the resolution with the department within 30 days of adoption.

3. 'Recision of ordinances or resolutions.' Municipalities that rescind an ordinance or a resolution under subd. 1. or 2. shall file a certified copy of the recision with the department within 30 days of adoption.

(d) *Passage of ordinances.* A certified copy of all adopted ordinances and subsequent amendments thereto shall be filed with the department within 30 days after adoption.

Note: A copy of a model ordinance for adoption is available from the department.

(2) COUNTY JURISDICTION. A county ordinance shall apply in any city, village or town which has not enacted ordinances pursuant to this section. No county ordinance may apply until after 30 business days after the effective date of this code unless a municipality within the county informs the department of its intent to have this code administered and enforced by the county. This section shall not be construed to prevent or prohibit any municipality from enacting and administering this code at any time after the effective date of this code. The department shall review and make a determination regarding county jurisdiction over new buildings within 15 business days of receipt of the county ordinances adopting the uniform dwelling code.

(3) DEPARTMENTAL JURISDICTION. In municipalities not adopting a resolution under s. 101.651 (2m), Stats., and not adopting an ordinance to enforce the code under s. Comm 20.06, the department will oversee enforcement and inspection services for new dwellings, including manufactured buildings used as dwellings.

(4) CONTINUING JURISDICTION FOR PERMIT ISSUERS. Any dwelling, for which a permit is issued by a municipality or registered UDC inspection agency prior to a municipal action under sub. (1) (c) 2. or 3. shall have all required inspections completed by the municipality or agency that issued the permit.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (b) and (2), Register, February, 1985, No. 350, eff. 3-1-85; am. (1) (a) 3., Register, October, 1996, No. 490, eff. 11-1-96; CR 00-159: r. (1) (intro.), renum. (1) (a) to (c) to be (1) (b) to (d), cr. (1) (a), r. and recr. (1) (c) and (3), Register September 2001 No. 549 eff. 12-1-01; correction in (1) (c) 2. made under s. 13.93 (2m) (b) 7., Stats.; CR 03-097: r. (1) (b) 5., am. (1) (c) 2., cr. (4) Register November 2004 No. 587, eff. 1-1-05.

Comm 20.065 State jurisdiction. (1) In accordance with s. 101.64 (8), Stats., municipalities administering the code may be monitored by the department for compliance with the administrative requirements under this code.

(2) In accordance with s. 101.653 (5), Stats., municipalities administering the code may be audited by the department for compliance with the erosion control requirements under this code.

History: CR 08-043: cr. Register March 2009 No. 639, eff. 4-1-09.

Subchapter III — Definitions

Comm 20.07 Definitions. In chs. Comm 20 to 25:

(1) "Accessory building" means a detached building, not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.

(2) "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

(3) "Allowable stress" means the specified maximum permissible stress of a material expressed in load per unit area.

(4) "Alteration" means an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.

(5) "Approved" means an approval by the department or its authorized representative. (Approval is not to be construed as an

assumption of any legal responsibility for the design or construction of the dwelling or building component.)

(5m) "Attached," defining the relationship between another building and a dwelling, means at least one of the following conditions is present:

(a) There is a continuous, weatherproof roof between the two structures.

Note: The sides are not required to be enclosed with walls.

(b) There is a continuous, structural floor system between the two structures.

(c) There is a continuous foundation system between the two structures.

(6) "Attic" means a space under the roof and above the ceiling of the topmost part of a dwelling.

(7) A "balcony" is a landing or porch projecting from the wall of a building.

(7m) "Base flood elevation" means the depth or peak elevation of flooding, including wave height, which has a one percent or greater chance of occurring in any given year.

(8) "Basement" means that portion of a dwelling below the first floor or groundfloor with its entire floor below grade.

(8m) "Best management practices" is defined in s. 101.653, Stats., and means practices, techniques or measures that the department determines to be effective means of preventing or reducing pollutants of surface water generated from construction sites.

(9) "Building component" means any subsystem, subassembly or other system designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

(10) "Building system" means plans, specifications and documentation for a system of manufactured building or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing and variations which are submitted as part of the building system.

(10m) "Business day" means any day other than Saturday, Sunday or a legal holiday.

(10t) "Carport" means a structure used for storing motorized vehicles that is attached to a dwelling and that has at least 2 sides completely unenclosed.

(11) "Ceiling height" means the clear vertical distance from the finished floor to the finished ceiling.

(12) "Certified inspector" means a person certified by the department to engage in the administration and enforcement of this code.

(13) A "chimney" is one or more vertical, or nearly so, passageways or flues for the purpose of conveying flue gases to the atmosphere.

(14) "Chimney connector". Same as smoke pipe.

(15) "Closed construction" means any building, building component, assembly or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage or destruction.

(15g) "Coarse aggregate" means granular material, such as gravel or crushed stone, that is predominately retained on a sieve with square openings of 4.75 mm or 0.18 inch.

(15m) "Coastal floodplain" means an area along the coast of Lake Michigan or Lake Superior below base flood elevation that is subject to wave runup or wave heights of 3 feet or more.

(16) "Code" means chs. Comm 20 to 25, the Wisconsin uniform dwelling code.

(17) "Combustion air" means the total amount of air necessary for the complete combustion of a fuel.

(18) "Common use area" means kitchens, hallways, basements, garages and all habitable rooms.

Note: These areas must meet the circulation requirements under s. Comm 21.035.

(19) "Compliance assurance program" means the detailed system documentation and methods of assuring that manufactured dwellings and dwelling components are manufactured, stored, transported, assembled, handled and installed in accordance with this code.

(19m) "Composting toilet system" means a method that collects, stores and converts by bacterial digestion nonliquid-carried human wastes or organic kitchen wastes, or both, into humus.

(19r) "Control practice" means a method or device implemented to prevent or reduce erosion or the resulting deposition of soil or sediment.

(20) "Cooling load" is the rate at which heat must be removed from the space to maintain a selected indoor air temperature during periods of design outdoor weather conditions.

(21) "Dead load" means the vertical load due to all permanent structural and nonstructural components of the building such as joists, rafters, sheathing, finishes and construction assemblies such as walls, partitions, floors, ceilings and roofs, and systems.

(21m) "Deck" means an unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor, but no roof.

(23) "Department" means the department of commerce.

(24) "Detached building" means any building which is not physically connected to the dwelling.

(24m) "Dilution air" means air that is provided for the purpose of mixing with flue gases in a draft hood or draft regulator.

(24r) "Direct-vent appliance" means a gas-burning appliance that is constructed and installed so that all air for combustion is derived directly from the outside atmosphere and all flue gases are discharged to the outside atmosphere.

(25) "Dwelling" means any building, the initial construction of which is commenced on or after the effective date of this code, which contains one or 2 dwelling units.

(26) "Dwelling contractor" means any person, firm or corporation engaged in the business of performing erosion control or construction work such as framing, roofing, siding, insulating, masonry or window replacement work covered under this code and who takes out a building permit. "Dwelling contractor" does not include the owner of an existing dwelling, an owner who will reside in a new dwelling or a person, firm or corporation engaging exclusively in electrical, plumbing, or heating, ventilating and air conditioning work.

(27) "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.

(28t) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

(29) "Exit" means a direct, continuous, unobstructed means of egress from inside the dwelling to the exterior of the dwelling.

(30) "Farm operation" is the planting and cultivating of the soil and growing of farm products substantially all of which have been planted or produced on the farm premises.

Note: According to s. 102.04 (3), Stats., the farm operation includes the management, conserving, improving and maintaining of the premises, tools, equipment improvements and the exchange of labor or services with other farmers; the processing, drying, packing, packaging, freezing, grading, storing, delivery to storage, carrying to market or to a carrier for transportation to market and distributing directly to the consumer; the clearing of such premises and the salvaging of timber and the management and use of wood lots thereon but does not include logging, lumbering and wood-cutting operations unless the operations are conducted as an accessory to other farm operations.

(31) "Farm premises" is defined to be the area which is planted and cultivated. The farm premises does not include greenhouses, structures or other areas unless used principally for the production of food or farm products.

(32) "Farm products" are defined as agricultural, horticultural and arboricultural crops. Animals considered within the defini-

tion of agricultural include livestock, bees, poultry, fur-bearing animals, and wildlife or aquatic life.

(33) "Farming" means the operation of a farm premises owned or rented by the operator.

(33m) "Fireblocking" means a material or device used to retard or prevent the spread of flame or hot gases through concealed spaces into adjacent rooms or areas.

(34) "Firebox" means that part of the fireplace used as the combustion chamber.

(34e) "First floor" means the first floor level above any groundfloor or basement or, in the absence of a groundfloor or basement, means the lowest floor level in the dwelling.

(34f) "Flight" means a continuous series of steps with no intermediate landings.

(34g) "Floodfringe area" means that portion of the floodplain outside of the floodway that is at or below base flood elevation. The term "floodfringe" is intended to designate an area of standing, rather than flowing, water.

(34h) "Floodplain" means land which is subject to flooding which is at or below base flood elevation. The floodplain includes the floodway and floodfringe areas.

(34i) "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the flood discharge. The term "floodway" is intended to designate an area of flowing, rather than standing, water.

(34m) "Floor area" means the area of a room that has a ceiling height of at least 7 feet. Rooms with ceilings less than 7 feet in height for more than 50% of the room are not considered to be floor areas.

(34s) "Foundation" means the structural system used to transfer the weight of the building to the earth.

Note: The foundation may include one or more components such as footings, piers, columns, slabs and walls.

(35) "Garage" means a structure used for storing motorized vehicles that has any more than 2 sides completely enclosed.

(36) "Gas appliance" means any device that uses gas as a fuel or raw material to produce light, heat, power, refrigeration or air conditioning.

(36m) "Groundfloor" means that level of a dwelling, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

(37) "Habitable room" means any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

(38) "Hearth" means the floor area within the fire chamber of a fireplace.

(38m) "Hearth extension" means the surfacing applied to the floor area extending in front of and at the sides of the fireplace opening.

(40) "Heating load" is the estimated heat loss of each room or space to be heated, based on maintaining a selected indoor air temperature during periods of design outdoor weather conditions. The total heat load includes: the transmission losses of heat transmitted through the wall, floor, ceiling, glass or other surfaces; and either the infiltration losses or heat required to warm outdoor air used for ventilation.

Note: Infiltration losses include heat required to warm outside air which leaks through cracks and crevices, around doors and windows or through open doors and windows.

(40m) "Hollow unit" means a masonry unit which has a net cross-sectional area parallel to the bearing face which is less than 75% of the gross cross-sectional area.

(40t) "Incinerating toilet" means a self-contained device for the treatment of nonliquid carried wastes that deposits the wastes directly into a combustion chamber, reduces the solid portion to ash and evaporates the liquid portion.

(41) "Independent inspection agency" means any person, firm, association, partnership or corporation certified by the department to perform certified inspections under this code.

(42) "Initial construction" means the date of issuance of the Wisconsin uniform building permit.

(43) "Insignia." See "Wisconsin insignia."

(44) "Installation" means the assembly of a manufactured building on site and the process of affixing a manufactured building to land, a foundation, footing or an existing building.

(46) "Kitchen" means an area used, or designed to be used, for the preparation of food.

(46m) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in storm water runoff and lead to an increase in soil erosion and movement of sediment. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit or trench dewatering, filling and grading activities.

(47) "Landing" means the level portion of a stairs located between flights of stairs or located at the top and foot of a stairs.

(48) "Listed and listing" means equipment or building components which are tested by an independent testing agency and accepted by the department.

(49) "Live load" means the weight superimposed on the floors, roof and structural and nonstructural components of the dwelling through use and by snow, ice or rain.

(50) "Loft" means an upper room or floor which has at least 50% of the common wall open to the floor below. The opening may be infringed upon by an open guardrail constructed in compliance with s. Comm 21.04 (2), but not by a window or half-wall guardrail. All habitable rooms of lofts are open to the floor below.

(51) "Manufacture" means the process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semifinished or finished materials.

(52m) "Manufactured home" has the meaning as given in s. 101.91 (2), Stats.

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

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

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

(53) "Mechanical draft venting system" means a venting system for a gas burning appliance that is designed to remove flue or vent gases by mechanical means, such as a fan, which may consist of an induced draft portion under non-positive static pressure or a forced draft portion under positive static pressure.

(53f) "Modular home" has the meaning given in s. 101.71 (6), Stats.

Note: Under s. 101.71 (6) (a), Stats., "modular home" means any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or

2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.

(b) "Modular home" does not mean any manufactured home under s. 101.91 or any building of open construction which is not subject to par. (a) 2.

Note: See s. Comm 20.07 (52m) for the definition of manufactured home.

(53m) "Multiple station smoke alarm" means an assembly that incorporates the smoke detector, the control equipment and the alarm-sounding device in one unit that is capable of being interconnected with one or more additional alarms so that the actuation of one alarm causes the operation of all interconnected alarms.

(54) A "multi-wythe wall" is a masonry wall composed of 2 or more wythes of masonry units tied or bonded together.

(55) "Municipality" means any city, village, town or county in this state.

(55m) "Naturally vented appliance" means an appliance with a venting system designed to remove flue or vent gases under non-positive static vent pressure entirely by natural draft.

(56) "Open construction" means any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction.

(57) "Owner" means any person having a legal or equitable interest in the dwelling.

(58) "Perm" means a unit of permeance which is measured in grains per (hour) (square foot) (inch of mercury vapor pressure difference).

Note: The lower the perm rating of a material is, the more difficult it is for water vapor to pass through it.

(59) "Pilaster" is a projection of masonry or a filled cell area of masonry for the purpose of bearing concentrated loads or to stiffen the wall against lateral forces.

(59m) "Porch" means an unenclosed exterior structure at or near grade attached or adjacent to the exterior wall of any building, and having a roof and floor.

(59t) "Privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber.

(60m) "Registered UDC inspection agency" means a person, business or entity that is registered with the department for the purpose of facilitating plan review, issuance of Wisconsin uniform building permits, and inspection of one- and two-family dwellings in municipalities where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats.

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

(62) "Shingle" means a unit of roof covering material that has been manufactured to specific dimensions and is applied in overlapping fashion. "Shingle" includes all of the following:

(a) "Fiberglass asphalt shingle" means a type of shingle with an internal mat composed of nonwoven, resin-bonded glass fibers, that is impregnated and coated with asphalt.

(b) "Laminated shingle" means a shingle with a second layer of asphalt and mat laminated to the first layer, usually in a design pattern to simulate the dimensional appearance of natural slate or wood shakes.

(c) "Organic asphalt shingle" means a shingle with an internal mat composed of organic fibers, such as cellulose, that is saturated and coated with asphalt.

(d) "Strip shingle" means a rectangular shingle that relies either on a sealant or on a combination of weight and stiffness to resist wind uplift, rather than using interlocking tabs.

(63) A "single-wythe wall" is a masonry wall consisting of one unit of thickness.

(64) A "smoke chamber" is that part of a fireplace which acts as a funnel to compress the smoke and gases from the fire so that they will enter the chimney above.

(65) A "smoke pipe" is a connector between the solid or liquid fuel-burning appliance and the chimney.

(65m) "Solid unit" means a masonry unit which has a net cross-sectional area parallel to the bearing face which is 75% or more of the gross cross-sectional area.

(65r) "Stabilized" means the condition where vegetation is established or other practices are in place on exposed soil surfaces so as to reduce erosion.

(66) A "stairway" is one or more flights of steps, and the necessary platforms or landings connecting them, to form a continuous passage from one elevation to another.

(67) "Step(s)" is a unit(s) consisting of one riser and one tread, alone or in series.

(67m) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has undergone stabilization, following completion of the construction activity.

(68) A "story" is that portion of a building located above the basement, between the floor and the ceiling.

(69) A "stove" is a nonportable solid-fuel-burning, vented, nonducted heat-producing appliance located in the space that it is intended to heat. This definition does not include cooking appliances.

(70) "Stovepipe." Same as smoke pipe.

(71) "Strain" means a change in the physical shape of a material caused by stress.

(72) "Stress" means internal resistance to an external force expressed in load per unit area; stresses acting perpendicular (compression or tension) to the surface, shear stresses acting in the plane of the surface, or bending stresses which cause curving.

(73) "Structural analysis" is a branch of the physical sciences which uses the principles of mechanics in analyzing the impact of loads and forces and their effect on the physical properties of materials in the form of internal stress and strain.

(75) The "throat" of a fireplace is the slot-like opening above the firebox through which flames, smoke and other products of combustion pass into the smoke chamber.

(75m) "UDC" means chs. Comm 20 to 25, the Wisconsin uniform dwelling code.

(76) "Vent" means a vertical flue or passageway to vent fuel-burning appliances.

(77) A "vent connector" is a connector between a fuel-burning appliance and the chimney or vent.

(77f) "Water-resistive barrier" means a material, including flashing, behind an exterior wall covering that is intended to resist liquid water that has penetrated behind the permanent weather-resistant finish from further intruding into the exterior wall assembly.

(77m) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface waters or groundwaters, natural or artificial, public or private, within the state or its jurisdiction.

(78) "Window" means a glazed opening in an exterior wall, including glazed portions of doors, within a conditioned space.

(78m) "Wisconsin Administrative Permit" means a permit issued by a municipality that does not conduct inspections or plan reviews under this code.

(79) "Wisconsin insignia" means a device or seal approved by the department to certify compliance with this code.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; cr. (34m) and (36m), Register, February, 1985, No. 350, eff. 3-1-85; am. (8), (22), (36m), (50), (58), (62) and (74), r. (18) and (53), renum. (26) to (29m) and am., cr. (34r), (38m), (40m), (59m) and (65m), r. and recr. (38), Register, January, 1989, No. 397, eff. 2-1-89; am. (16), (34m), (40), (52) (a) (intro.) and (b), cr. (21m), Register, March, 1992, No. 435, eff. 4-1-92; am. (16), cr. (intro), (8m), (28t), (28v), (63m), (65r) and (77m), Register, September, 1992, No. 441, eff. 12-1-92; am. (4) and (65r), renum. (62) to be (73r), cr. (26), (62), (78m), Register, November, 1995, No. 479, eff. 12-1-95; emerg. cr. (7m), (34L) and (40f), eff. 5-8-96; correction in (23) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490; emerg. cr. (7m), (34L) and (40f), eff. 5-8-96; cr. (7m), (15m), (34g), (34h) and (34i), renum. (34k) to be (34e), Register, February, 1997, No. 494, eff. 3-1-97; r. (22), (27m), (39), (73r) and (74), Register, January, 1999, No. 517, eff. 2-1-99; cr. (19m), (40t) and (59t), Register, April, 2000, No. 532, eff. 7-1-00; r. (4m), (28), (28r), (41m), (45), (56m), (60) and (73m), cr. (10m), (15g), (24m), (24r), (33m), (34f), (53), (53m), and (55m), r. and recr. (17) and (36) and am. (47) and (61), Register, March, 2001, No. 543, eff. 4-1-01; CR 00-159; cr. (60m) and (75m), Register September 2001 No. 549 eff. 12-1-01; CR 02-077; cr. (10t), r. and recr. (29) and (35) Register May 2003 No. 569, eff.

8-1-03; CR 05-113: cr. (19r), (46m) and (67m), r. (28v) and (63m), r. and recr. (65r) Register December 2006 No. 612, eff. 4-1-07; CR 06-071: am. (52) (b), cr. (52m) Register December 2006 No. 612, eff. 4-1-07; CR 08-043: cr. (5m), (18), (34s), (53f) and (77f), r. (29m) and (52) Register March 2009 No. 639, eff. 4-1-09.

Subchapter IV — Approval and Inspection of One- and 2-Family Dwellings

Comm 20.08 Wisconsin uniform building permit.

(1) WHERE REQUIRED. Except as provided under s. Comm 20.09 (9) (b), a Wisconsin uniform building permit shall be obtained from the municipality administering and enforcing this code or from a registered UDC inspection agency administering and enforcing this code in a municipality where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats., before any on-site construction, including excavation for a structure, may begin.

(2) INSPECTIONS. A person who obtains a Wisconsin uniform building permit from a registered UDC inspection agency shall retain the same agency to conduct the inspections for the project under s. Comm 20.10.

Note: Section Comm 20.09 (9) (b) permits the issuance of a footing and foundation permit prior to the issuance of the Wisconsin uniform building permit.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, September, 1992, No. 441, eff. 12-1-92; CR 00-159: r. and recr., Register September 2001 No. 549 eff. 12-1-01; CR 03-097: am. (1) Register November 2004 No. 587, eff. 1-1-05; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register August 2007 No. 620; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.085 Notices of intent and termination.

(1) NOTICE OF INTENT. (a) A notice of intent shall be filed by the owner or owner's agent when land disturbing construction activity involves one or more acres.

(b) For the purposes of par. (a), the application for the UDC permit and the submission of plans under s. Comm 20.09 shall constitute the notice of intent process.

(c) The submittal of a notice of intent to the department for a construction site with one or more acres of land disturbing construction activity constitutes an application for coverage under a storm water construction site general permit issued by the Department of Natural Resources pursuant to s. 283.33, Stats., and ch. NR 216, which contains erosion control standards established by the Department of Commerce pursuant to s. 101.653, Stats.

Note: Although construction site notices of intent are submitted to the Department of Commerce, coverage under the Department Natural Resources' storm water construction site general permit is required by the United States Environmental Protection Agency in accordance with its delegation of Clean Water Act permit authority to the Department of Natural Resources.

Note: Department of Natural Resources rules under s. NR 216.42 (9) state: "Storm water discharges from construction sites of one- and two-family dwellings regulated by the department of commerce pursuant to s. 101.653, Stats., in a manner which is equivalent to the requirements of this subchapter as determined by the department in writing, shall be deemed to hold a WPDES permit issued pursuant to this subchapter." Sites deemed to hold a WPDES permit are subject to DNR enforcement for violations of permit conditions.

(2) NOTICE OF TERMINATION. (a) The owner or owner's agent shall submit a notice of termination in a format prescribed by the department for a site where a notice of intent is required under this section.

(b) The notice of termination shall be submitted when all of the following have occurred:

1. All land disturbing construction activities have ceased.
2. All disturbed areas have been stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70 percent.
3. All temporary erosion and sediment control practices have been removed.

History: CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07.

Comm 20.09 Procedure for obtaining uniform building permit. (1) APPLICATION. Application for a Wisconsin uniform building permit shall be on forms obtained from the department, the municipality or the authorized UDC inspection agency administering and enforcing this code. No application

shall be accepted that does not contain all the information requested on the form.

Note: See appendix for a copy of the Wisconsin uniform building permit and application.

Note: Any municipality exercising jurisdiction may require reasonable supplementary information not contained on the Wisconsin building permit application.

(2) FILING OF PERMIT APPLICATIONS. (a) *Construction or installation of a dwelling.* 1. A Wisconsin uniform building permit application for the construction or installation of a dwelling shall be filed with the municipality or the authorized UDC inspection agency administering and enforcing this code.

2. The municipality or authorized UDC inspection agency shall forward a copy of all applications for new dwellings to the department within 30 business days after permit issuance.

Note: The department requires copies of permits that are issued for new dwelling construction or installation, only. Permits issued for additions, alterations, garage construction, etc., should not be filed with the department.

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

Note: The Department of Commerce requires copies of permits that are issued for new dwelling construction only. Any permits issued for additions, alterations, repairs, garage construction, etc. are not required to be filed with the department.

2. Pursuant to s. 101.65 (1m), Stats., a building permit required under subd. 1. may not be issued unless the conditions of sub. (5) (c) are satisfied, except as provided under s. 101.654 (1) (b), Stats.

3. Building permits for additions, alterations and repairs are not required in municipalities where the department has jurisdiction under s. 101.651 (3) (b), Stats.

(c) *General requirements.* 1. The permit application shall be reviewed by a certified UDC inspector.

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

3. Dwellings for which a permit has been issued shall be inspected in accordance with s. Comm 20.10.

(3) FEES. (a) *Municipal fees.* 1. The municipality shall, by ordinance, determine fees to cover expenses of plan examination, inspection and the issuance of the Wisconsin uniform building permit.

2. The municipality shall purchase a Wisconsin uniform building permit seal from the department for each new dwelling in accordance with s. Comm 2.34.

(b) *Inspection agency fees.* 1. UDC inspection agency fees shall be determined by contract between the municipality and the agency or between the department and the agency, where the agency has been authorized to conduct inspections on behalf of the department.

2. A UDC inspection agency shall purchase a Wisconsin uniform building permit seal from the department in accordance with s. Comm 2.34.

(4) PLAN SUBMITTALS. At least 2 sets of plans for all one- and 2-family dwellings shall be submitted to the municipality or authorized UDC inspection agency administering and enforcing this code, for examination and approval at the time the Wisconsin uniform building permit application is filed.

(5) REQUIRED PLANS. The required building plans shall be legible and drawn to scale or dimensioned and shall include all of the following:

(a) *Site plan.* The site plan shall show all of the following:

1. The location of the dwelling and any other buildings, wells, surface waters and dispersal systems on the site with respect to property lines and surface waters adjacent to the site.

2. The areas of land-disturbing construction activity and the location of all erosion and sediment control measures to be employed in order to comply with s. Comm 21.125.

3. The pre-construction ground surface slope and direction of runoff flow within the proposed areas of land disturbance.

(b) *Floor plan.* 1. Floor plans shall be provided for each floor.

2. The following features shall be included on all floor plans:

a. The size and location of all rooms, doors, windows, structural features, exit passageways and stairs.

b. The use of each room.

c. The location of plumbing fixtures, chimneys, heating and cooling appliances, and a heating distribution layout.

d. The location and construction details of the braced wall lines.

(c) *Elevations.* The elevations shall show all of the following:

1. The exterior appearance of the building, including the type of exterior materials.

2. The location, size and configuration of doors, windows, roof, chimneys, exterior grade, footings and foundation walls.

(d) *Storm water management plan.* 1. A storm water management plan shall be prepared for a site where one acre or more of land will be disturbed.

2. The storm water management plan shall delineate and describe the post-construction storm water management practices to be employed to comply with s. Comm 21.126.

(6) **REQUIRED DATA.** (a) All plans submitted for approval shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the requirements of this code.

(b) The data and information for determining compliance with the energy conservation standards shall be submitted in a format approved by the department.

(c) Except as required under s. Comm 21.33, a municipality exercising jurisdiction may not require plans or calculations to be stamped or sealed by an architect or engineer.

(d) The name of the initial downstream receiving water of the state from the dwelling shall be identified, regarding erosion and sediment control and storm water management.

(7) **MASTER PLANS.** (a) Where a dwelling is intended to be identically and repetitively constructed at different locations, a master plan may be submitted for approval.

(b) The plans shall include plans and data as required under subs. (5) and (6).

(c) If the plans conform to the provisions of the code, an approval and a master plan number shall be issued.

(d) The number issued may be used in lieu of submitting building plans for each location.

(e) A plot plan shall be submitted for each location at the time of application for the Wisconsin uniform building permit.

(8) **APPROVAL OF PLANS.** (a) If the municipality or authorized UDC inspection agency administering and enforcing the code determines that the plans submitted for a one- or 2-family dwelling substantially conform to the provisions of this code and other legal requirements, an approval shall be issued.

(b) The plans shall be stamped "conditionally approved" by a certified inspector who holds the respective credential for the plans reviewed.

(c) One copy shall be returned to the applicant and one copy shall be retained by the municipality or authorized UDC inspection agency administering and enforcing this code.

(d) The conditions of approval shall be indicated by a letter or on the permit.

(e) All conditions of the approval shall be met during construction.

(9) **ISSUANCE AND POSTING OF PERMITS.** (a) *Uniform building permit.* 1. The Wisconsin uniform building permit shall be issued if the requirements for filing and fees are satisfied and the plans have been conditionally approved.

2. Pursuant to s. 101.65 (1m), Stats., a Wisconsin uniform building permit may not be issued to a person unless the person complies with subs. 3. and 4., except as provided under s. 101.654 (1) (b) and (c) 2., Stats.

Note: Section 101.654 (1) (b), Stats., exempts an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on the dwelling from obtaining a dwelling contractor financial responsibility registration. Under s. 101.65 (1r), an owner who obtains a building permit needs to sign a statement advising the owner of the potential consequences of hiring a contractor to perform work under the permit who is not bonded or insured under s. 101.654 (2) (a), Stats.

Note: Section 101.654 (1) (c) 2., Stats., reads: "The continuing education requirements under par. (a) and the rules promulgated by the department under sub. (1m) do not apply to any person who holds a current license issued by the department at the time that the person obtains a building permit if the work the person does under the permit is work for which the person is licensed."

3. A person applying for a Wisconsin uniform building permit for work covered under chs. Comm 21 or 22 who is not the owner who resides or will reside in the dwelling shall hold one of the following credentials issued by the department:

a. A dwelling contractor certification.

b. A dwelling contractor — restricted certification.

c. A dwelling contractor financial responsibility certification.

d. A dwelling contractor financial responsibility — restricted certification.

4. A person applying for a Wisconsin uniform building permit for work covered under chs. Comm 21 or 22 who is not the owner who resides or will reside in the dwelling shall hold or engage, as an employee, a person who holds a certification issued by the department as a dwelling contractor qualifier.

5. The permit shall expire 24 months after issuance if the dwelling exterior has not been completed.

6. Pursuant to s. 101.63 (7), Stats., the name and license number of the Wisconsin master plumber responsible for the installation of plumbing shall be entered on the permit by the issuing entity at the time of issuance.

(b) *Permit to start construction of footings and foundation.* 1. Construction may begin on footings and foundations prior to the issuance of the Wisconsin uniform building permit where a permit to start construction is obtained.

2. Upon submittal of the application for a permit to start construction, a plot plan, complete footing and foundation information including exterior grading, and a fee, the municipality or authorized UDC inspection agency enforcing this code may issue a permit to start construction of the footings and foundation.

3. The issuance of a permit to start construction shall not influence the approval or denial of the Wisconsin uniform building permit application.

(c) *Private onsite wastewater treatment systems.* Pursuant to s. 145.195, Stats., if the proposed construction requires connection to a private onsite wastewater treatment system, a Wisconsin uniform building permit may not be issued unless conformance with s. Comm 83.25 (2) has first been determined.

Note: See appendix for a reprint of s. Comm 83.25 (2).

(d) *Posting of permit.* 1. The Wisconsin uniform building permit shall be posted in a conspicuous place at the dwelling site.

2. The Wisconsin uniform building permit seal shall be affixed to the posted permit or to the Wisconsin uniform building permit application. The permit seal number shall appear on both documents.

(10) **DISAPPROVAL OF PLANS AND DENIAL OF PERMITS.** (a) *General.* Approval shall be denied if the municipality or authorized UDC inspection agency administering and enforcing this code determines that the Wisconsin uniform building permit application or the plans do not substantially conform to the provisions of this code and other legal requirements.

(b) *Denial of application.* A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and to the owner as specified on the Wisconsin uniform building permit application.

(c) *Stamping of plans.* 1. Plans which do not substantially conform to the provisions of the code shall be stamped "not approved."

2. One copy shall be returned to the person applying for the Wisconsin uniform building permit and one copy shall be retained by the municipality or authorized UDC inspection agency administering and enforcing the code.

(d) *Appeals.* The applicant may appeal a denial of the application in accordance with the procedure outlined in s. Comm 20.21.

(11) TIME-SPAN FOR APPROVAL OR DENIAL. Action to approve or deny a uniform building permit application shall be completed within 10 business days of receipt of all forms, fees, plans and documents required to process the application, and completion of other local prerequisite permitting requirements.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. (7), Register, February, 1985, No. 350, eff. 3-1-85; am. (4) (b) and (5) (b) 1., Register, January, 1989, No. 397, eff. 2-1-89; am. (3) (a) and (4) (a) 2., Register, March, 1992, No. 435, eff. 4-1-92; am. (4) (a) 1., (5) (a), (b) 2. and (6) (intro.), Register, September, 1992, No. 441, eff. 12-1-92; renum. (2) to be (2) (a) and am., am. (3) and (7), cr. (2) (b), (3) (c), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (5) (b) 1., Register, October, 1996, No. 490, eff. 11-1-96; am. (4) (a) 1. a. and (b), r. and recr. (4) (a) 1. b., r. (4) (a) 1. c. and d., Register, February, 1997, No. 494, eff. 3-1-97; am. (5) (a), Register, March, 1998, No. 507, eff. 4-1-98; cr. (5) (b) 1. c. and d., Register, January, 1999, No. 517, eff. 2-1-99; cr. (5) (b) 3., Register, April, 2000, No. 532, eff. 7-1-00; correction in (5) (b) 3. made under s. 13.93 (2m) (b) 7., Stats.; correction in (5) (b) 3. made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 00-159: am. (1), (2), (4) (intro.), (5) (a), (5) (b) 2. and (c), (6) (intro.) and (b), r. and recr. (3), (5) (b) 1. d., cr. (8), Register September 2001 No. 549 eff. 12-1-01; correction in (5) (b) 1. b. made under s. 13.93 (2m) (b) 7., Stats., Register May 2003 No. 569; CR 03-097: am. (1), (2) (a), r. (2) (a) 2., (b), (3) (b), and (8), cr. (2) (b), renum. (3) (c) to be (3) (b) and am., Register November 2004 No. 587, eff. 1-1-05; CR 05-113: r. and recr. (4) (a) 1., renum. (4) (b) and (c) to be (4) (c) and (d) and am. (4) (c), cr. (4) (b) Register December 2006 No. 612, eff. 4-1-07; CR 07-007: r. and recr. (2) (b) and (5) Register August 2007 No. 620, eff. 9-1-07, except (5) (c) 2. eff. 1-1-08; CR 08-043: r. and recr. Register March 2009 No. 639, eff. 4-1-09.

Comm 20.10 Inspections. (1) INSPECTOR CERTIFICATION. All inspections, for the purpose of administering and enforcing this code, shall be performed by an inspector certified in accordance with ch. Comm 5 who holds the respective credential for the inspection performed.

(2) GENERAL INSPECTION REQUIREMENTS. (a) General. Inspections shall be conducted by the municipality or authorized UDC inspection agency administering and enforcing this code to determine if the construction or installations conform to the conditionally approved plans, the Wisconsin uniform building permit application and the provisions of this code.

(b) *Inspection notice.* 1. The applicant or an authorized representative shall request inspections from the municipality or authorized UDC inspection agency administering and enforcing this code.

2. Except as provided under subd. 3., construction may not proceed beyond the point of inspection until the inspection has been completed.

3. Construction may proceed if the inspection has not taken place by the end of the second business day following the day of notification or as otherwise agreed between the applicant and the municipality or authorized UDC inspection agency.

(3) INSPECTION TYPES. (a) General. The inspections described in pars. (b) to (i) shall be performed to determine if the work complies with this code.

(b) *Erosion control inspection.* Erosion control inspections shall be performed concurrently with all other required construction inspections. Additional inspections for erosion control may be performed by the delegated authority.

(c) *Foundation excavation inspection.* 1. The excavation for the foundation shall be inspected after the placement of any forms or required reinforcement and prior to the placement of the permanent foundation material.

2. If a drain tile system is required, by the local inspector or by groundwater levels in the excavation, the presence and location of bleeders used to connect the interior and exterior drain tile shall be inspected at the same time as the excavation.

Note: This excavation inspection may be used to determine the need for drain tile under s. Comm 21.17.

(d) *Foundation reinforcement inspection.* The placement of reinforcement shall be inspected where the reinforcement is required for code compliance.

(e) *Foundation inspection.* The foundation shall be inspected after completion. Where dampproofing, exterior insulation or drain tile are required for code compliance, the foundation shall be inspected prior to backfilling.

(f) *Rough inspection.* 1. A rough inspection shall be performed for each inspection category listed under subd. 1. a. to e. after the rough work is constructed but before it is concealed.

a. The basement floor area.

Note: The inspection of the basement floor area should include the following: any underfloor plumbing, electrical, or HVAC; any interior drain tile with base course required under s. Comm 21.17; the structural base course for the floor slab if required under s. Comm 21.20; and the underfloor vapor retarder as required under s. Comm 22.38.

b. General construction, including framing.

c. Rough electrical.

d. Rough plumbing.

e. Rough heating, ventilating and air conditioning.

2. All categories of work for rough inspections may be completed before the notice for inspection is given, provided the work has not been covered.

3. The applicant may request one rough inspection or individual rough inspections.

4. A separate fee may be charged for each individual inspection.

(g) *Insulation inspection.* An inspection shall be made of the insulation and vapor retarders after they are installed but before they are concealed.

(h) *Final inspection.* 1. Except as provided under subd. 2., the dwelling may not be occupied until a final inspection has been made that finds no critical violations of this code that could reasonably be expected to affect the health or safety of a person using the dwelling.

2. Occupancy may proceed in accordance with local ordinances 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 department or municipality.

(i) *Installation inspection.* An inspection shall be performed on the installation of a manufactured home or modular home.

Note: The design and construction of manufactured homes is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Part 3280.

(4) NOTICE OF COMPLIANCE OR NONCOMPLIANCE. (a) General. 1. Notice of compliance or noncompliance with this code shall be written on the building permit or another readily visible means and posted at the job site.

2. Upon finding of noncompliance, the municipality or authorized UDC inspection agency enforcing this code shall also notify the applicant of record and the owner, in writing, of the violations to be corrected.

3. Except as specified under par. (b), the municipality or authorized UDC inspection agency shall order all cited violations corrected within 30 days after written notification, unless an extension of time is granted under s. Comm 20.21.

(b) *Erosion and sediment control requirements.* 1. The time period allowed for compliance with the erosion and sediment control provisions under s. Comm 21.125 shall be determined based on the severity of the noncompliance in relation to soil loss or potential damage to the waters of the state.

2. Pursuant to s. 101.653 (7) (b), Stats., the department, a municipality or the designated UDC inspection agency may issue a special order directing an immediate cessation of construction work on other aspects of the dwelling until compliance with the erosion and sediment control provisions under s. Comm 21.125 is attained. Construction work may resume once the erosion and sediment control compliance corrections are completed.

Note: Section 101.653 (7) (b) reads: "The department or a city, village, town or county may issue a special order directing the immediate cessation of work on a one- or 2-family dwelling until the necessary plan approval is obtained or until the site complies with the rules promulgated under sub. (2)."

(5) VOLUNTARY INSPECTION. The department or its authorized representative may, at the request of the owner or the lawful occupant, enter and inspect dwellings, subject to the provisions of this code, to ascertain compliance with this code.

(6) RECORD KEEPING. (a) *Municipal enforcement.* Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with all of the following:

1. A record shall be made of each visit to a site, each inspection type performed and the pass or fail results of each inspection.
2. Approved plans shall be retained for 4 years after completion of the dwelling.
3. Applications forms, correction orders, correspondence and inspection records shall be maintained for 7 years after completion of the dwelling.

(b) *State enforcement.* Inspectors working under state contract shall maintain records in accordance with the provisions of the contract that was in effect at the time the inspections were completed.

Note: Records generated by the plan review and inspection functions are public records and are subject to the open-records law.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (a), Register, February, 1985, No. 350, eff. 3-1-85; cr. (1) (b) 2. f., Register, January, 1989, No. 397, eff. 2-1-89; correction (1) (b) 2. intro. made under s. 13.93 (2m) (b) 4., Stats., Register, January, 1989, No. 397; r. (1) (b) 2. e., renum. (1) (b) 2. f. and 3. and (3) to be (1) (b) 2. e. and 4. and (2), cr. (1) (b) 3., Register, March, 1992, No. 435, eff. 4-1-92; am. (1) (c), Register, September, 1992, No. 441, eff. 12-1-92; cr. (1) (b) 5., Register, November, 1995, No. 479, eff. 12-1-95; am. (intro.), Register, October, 1996, No. 490, eff. 11-1-96; r. and recr. (1) (c), Register, February, 1997, No. 494, eff. 3-1-97; am. (intro.), Register, March, 1998, No. 507, eff. 4-1-98; r. and recr. (1) (b) 4., Register, March, 2001, No. 543, eff. 4-1-01; CR 00-159: am. (1) (intro.), (c) 1. and 2. a., r. and recr. (1) (a), Register September 2001 No. 549 eff. 12-1-01; CR 05-113: r. and recr. (1) (c) 2. Register December 2006 No. 612, eff. 4-1-07; CR 06-071: am. (1) (b) (intro.) cr. (1) (b) 6. and (3) Register December 2006 No. 612, eff. 4-1-07; CR 08-043: r. and recr. Register March 2009 No. 639, eff. 4-1-09; correction in (3) (i) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.11 Suspension or revocation of Wisconsin uniform building permit. (1) (a) The municipality or the registered UDC inspection agency administering and enforcing this code may suspend or revoke any Wisconsin uniform building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order or where the inspector is denied access to the premises.

(b) No construction may take place on the dwelling after suspension or revocation of the permit.

(2) Any person aggrieved by a determination made by the department, a municipality or a registered UDC inspection agency may appeal the decision in accordance with s. Comm 20.21.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; CR 00-159: r. (1), renum. (intro.) to be (1), am. (2), Register, September 2001 No. 549 eff. 12-1-01.

Subchapter V — Approval and Inspection of Modular Homes and Their Components

Comm 20.12 Scope. This part shall govern the design, manufacture, installation and inspection of modular homes, manufactured building systems and the components of the building systems displaying the Wisconsin insignia.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; correction made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.13 Manufacture, sale and installation of homes. (1) **MANUFACTURE AND SALE.** No modular home, manufactured building system or component of the building system subject to this part shall 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 or a state seal or an insignia reciprocally recognized by the department.

(2) **INSTALLATION.** A Wisconsin uniform building permit shall be obtained in accordance with s. Comm 20.09 (1) to (5) (a) before any on-site construction falling within the scope of this code is commenced for a modular home. The permit shall be issued in accordance with s. Comm 20.09 (9).

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register August 2007 No. 620; CR 08-043: am. (2) Register March 2009 No. 639, eff. 4-1-09; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.14 Approval procedures. (1) **APPLICATION FOR APPROVAL.** (a) An application for approval of any modular home, building system or component shall be submitted to the department in the form required by the department, along with the appropriate fees in accordance with s. Comm 2.34.

(b) The department shall review and make a determination on an application for approval of a modular home, building system or component within 3 months.

(2) **APPROVAL OF BUILDING SYSTEMS AND COMPONENTS.** (a) *Approval of building systems.* 1. 'Plans and specifications.' All plans and specifications shall be submitted to the department according to subd. 1. a. or b.:

a. Three complete sets of building, structural, mechanical and electrical plans, (including elevations, sections and details), specifications and calculations shall be submitted to the department on behalf of the manufacturer for examination and approval.

b. At least one complete set of building, structural, mechanical and electrical plans, (including elevations, sections and details), specifications and calculations shall be submitted to the department on behalf of a manufacturer. All plans and specifications submitted to the department shall be stamped "conditionally approved" by a UDC certified inspector or inspectors.

2. 'Compliance assurance program.' a. Three sets of the compliance assurance program shall be submitted for examination and approval.

b. The compliance assurance program shall meet the standards of the Model Documents for the Evaluation, Approval and Inspection of Manufactured Buildings or an equivalent standard acceptable to the department.

(b) *Approval of building components.* 1. 'Plans and specifications.' All plans and specifications shall be submitted to the department according to subd. 1. a. or b.:

a. At least 3 complete sets of plans and specifications for manufactured dwelling building components shall be submitted to the department on behalf of the manufacturer for examination and approval.

b. At least one complete set of plans and specifications for manufactured dwelling building components shall be submitted to the department on behalf of the manufacturer. All plans and specifications submitted to the department shall be stamped "conditionally approved" by a UDC certified inspector or inspectors.

2. 'Compliance assurance program.' a. Three sets of the compliance assurance program shall be submitted to the department for examination and approval of components.

b. The compliance assurance program shall meet the requirements established by the department or, where applicable, be in the form of the Model Documents for the Evaluation, Approval and Inspection of Manufactured Buildings or an equivalent standard acceptable to the department.

(3) **NOTIFICATION OF APPROVAL OR DENIAL OF PLANS, SPECIFICATIONS AND COMPLIANCE ASSURANCE PROGRAM.** (a) *Conditional approval.* If the department determines that the plans, specifications, compliance assurance program and application for approval submitted for such building system or component substantially conform to the provisions of this code, a conditional approval shall be issued. A conditional approval issued by the department shall not constitute an assumption of any liability for the design or construction of the manufactured building.

1. 'Written notice.' The conditional approval 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.

2. 'Stamping of plans, specifications and compliance assurance program.' Approved plans, specifications and compliance assurance programs shall be stamped "conditionally approved." At least 2 copies shall be returned to the person designated on the application for approval; one copy shall be retained by the department.

(b) *Denial.* If the department determines that the plans, specifications, compliance assurance program or the application for approval do not substantially conform to the provisions of this code, the application for approval shall be denied.

1. 'Written notice.' The denial 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.

2. 'Stamping of plans, specifications and compliance assurance program.' Plans, specifications and compliance assurance programs shall be stamped "not approved." At least 2 copies shall be returned to the person submitting the application for approval; one copy shall be retained by the department.

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

(5) **INSPECTIONS.** Manufacturers shall contract with the department or an independent inspection agency to conduct in-plant inspections to assure that the building system and components manufactured are in compliance with the plans, specifications and the compliance assurance program approved by the department. All inspections, for the purpose of administering and enforcing this code, shall be performed by a certified UDC inspector or inspectors.

(6) **WISCONSIN INSIGNIA.** Upon departmental approval of the plans, specifications and compliance assurance program, and satisfactory in-plant inspections of the building system and components, Wisconsin insignias shall be purchased from the department in accordance with the fee established in s. Comm 2.34. A manufacturer shall be entitled to display the Wisconsin insignia on any approved system or component.

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

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

(b) *Affixing Wisconsin insignias.* Each Wisconsin insignia shall be assigned and affixed to a specific manufactured dwelling or component in the manner approved by the department before the dwelling is shipped from the manufacturing plant.

(c) *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 which have been affixed to manufactured dwellings or manufactured building components (or groups of components); which Wisconsin insignias have been applied to which manufactured dwelling or manufactured building component; the disposition of any damaged or rejected Wisconsin insignias; and the location and custody of all unused Wisconsin insignias. The records shall be maintained by the manufacturer or by the independent inspec-

tion agency for at least 10 years. A copy of the records shall be sent 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, in the form determined by the department, for each manufactured dwelling intended for sale, use or installation in the state.

(d) *Unit identification.* Each modular home and major transportable section or component shall be assigned a serial number. The serial number shall be located on the manufacturer's data plate.

(e) *Manufacturer's data plate.* The manufacturer's data plate for building systems shall contain the following information, where applicable:

1. Manufacturer's name and address;
2. Date of manufacture;
3. Serial number of unit;
4. Model designation;
5. Identification of type of gas required for appliances and directions for water and drain connections;
6. Identification of date of the codes or standards complied with;
7. State insignia number;
8. Design loads;
9. Special conditions or limitations of unit;
10. Electrical ratings; instructions and warnings on voltage, phase, size and connections of units and grounding requirements.

(7) **RECIPROCITY.** Upon request, the department will make available to any person a list of those states whose dwelling codes are considered equal to the codes established by the department and whose products are accepted reciprocally by Wisconsin.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (a), r. and recr. (2) (a) 1. and (b) 1., Register, February, 1985, No. 350, eff. 3-1-85; correction in (6) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1992, No. 441; am. (1), (2) (a) 2., Register, November, 1995, No. 479, eff. 12-1-95; am. (2) (a) 1. b., (b) 1. b., (5), Register, October, 1996, No. 490, eff. 11-1-96; correction in (6) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1998, No. 507; correction in (2) (a) 2. made under s. 13.93 (2m) (b) 7., Stats., Register May 2003 No. 569; CR 06-119; am. (1) Register July 2007 No. 619, eff. 8-1-07; CR 08-043; am. (1), (2) (a) 2. and (b) 2. Register March 2009 No. 639, eff. 4-1-09; corrections in (2) (a) 2. b., (b) 2. b. and (6) (d) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.15 Effect of approval. (1) **RIGHT TO BEAR INSIGNIA.** A modular home or building component approved by the department, manufactured and inspected in accordance with this code, shall be entitled to bear the Wisconsin insignia.

(2) **EFFECT OF INSIGNIA.** Modular homes and manufactured building components bearing the Wisconsin insignia are deemed to comply with this code, except as to installation site requirements, regardless of the provisions of any other ordinance, rule, regulation or requirement.

(3) **RIGHT TO INSTALL.** Modular homes and components bearing the Wisconsin insignia may be manufactured, offered for sale and shall be entitled to be installed anywhere in Wisconsin where the installation site complies with the other provisions of this code.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; corrections made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.16 Suspension and revocation of approval. The department shall suspend or revoke its approval of a manufactured building system or manufactured building component if it determines that the standards for construction or the manufacture and installation of a manufactured building system or manufactured building component do not meet this code or that such standards are not being enforced as required by this code. The procedure for suspension and revocation of approval shall be as follows:

(1) **FILING OF COMPLAINT.** Proceedings to suspend or revoke an approval shall be initiated by the department or an independent inspection agency or UDC 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 time, place and circumstance.

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

(3) **MAILING.** Unless otherwise provided by law, all orders, notices and other papers may 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 disposition of a complaint prior to hearing, such agreement shall:

- (a) Be transmitted in writing to the secretary;
- (b) Not be binding upon any party until signed by all parties and accepted by the secretary;
- (c) Not be considered a waiver of any defense nor an admission of any fact until accepted by the secretary.

(6) **HEARINGS.** (a) *Subpoenas; witness fees.* Subpoenas shall be signed and issued by the department or the clerk of any court of record. Witness fees and mileage of witnesses subpoenaed on behalf of the department shall be paid at the rate prescribed for witnesses in circuit court.

(b) *Conduct of hearings.* All hearings shall be conducted by persons selected by the department. Persons so designated may administer oaths or affirmations and may grant continuances and adjournments for cause shown. The respondent shall appear in person and may be represented by an attorney-at-law. Witnesses may be examined by persons designated by all parties.

(7) **FINDINGS.** The department shall make findings and enter its order within 14 days of the hearing. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(8) **APPEAL ARGUMENTS.** Appeal arguments shall be submitted to the department in writing in accordance with ch. 227, Stats., unless otherwise ordered. The department shall review and make a determination on an appeal of notification of suspension or revocation of approval within 45 business days of receipt of the appeal.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (8), Register, February, 1985, No. 350, eff. 3-1-85; am. (1), Register, October, 1996, No. 490, eff. 11-1-96.

Comm 20.17 Effect of suspension and revocation.

(1) **BEARING OF INSIGNIA.** Upon suspension or revocation by the department of the approval of any modular home or manufactured building component, no further insignia shall be attached to any home or building component manufactured with respect to which the approval was suspended or revoked. Upon termination of such suspension or revocation, insignias may again be attached to the home or building component manufactured after the date approval is reinstated. Should any home or building component have been manufactured during the period of suspension or revocation, it shall not be entitled to bear the Wisconsin insignia unless the department has inspected, or caused to be inspected, such

modular home or manufactured building component and is satisfied that all requirements for certification have been met.

(2) **RETURN OF INSIGNIAS.** The manufacturer shall return to the department all insignias allocated for a modular home 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 which it determines for any reason are no longer needed.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; corrections made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Subchapter VI — Approval of Products

Comm 20.18 Building product approvals. (1) **VOLUNTARY APPROVAL.** (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

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

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

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

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

2. Tests, compilation of data, and calculations for materials, equipment and products 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 this code.

(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.

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 installation shall be attached to the submitted plans and approved plans.

b. The letter under subd. 3. a. 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. A person responsible for construction of the project shall be designated in writing by the owner.

5. The 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 authorized by the department, at time intervals as specified by the department, but not less than once a year. The inspector shall write an inspection report.

2. The department may assess a fee for each inspection conducted under subd. 1.

(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 this code is revised to include or enable the experimental system to conform to the intent of this code.

(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, a 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 this code.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, 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 of a material, equipment or product for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party providing information, or as a result of material, equipment or product failure.

2. The department may re-examine 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 this code or the intent of this code 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. Comm 2.

(5) UNGRADED OR USED MATERIALS. (a) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by the code for the intended use.

(b) The department or the municipality enforcing this code may require tests in accordance with sub. (1) or (2).

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; cr. (3), Register, February, 1985, No. 350, eff. 3-1-85; am. (1), Register, November, 1995, No. 479, eff. 12-1-95; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490; r. and recr., Register, September, 2000, No. 537, eff. 10-1-00.

Subchapter VII — Variances, Appeals, Violations and Penalties

Comm 20.19 Petition for variance. The department may grant a variance to a rule only if the variance does not result in lowering the level of health, safety and welfare established or intended by the rule. The department may consider other criteria

in determining whether a variance should be granted including the effect of the variance on uniformity.

(1) APPLICATION FOR VARIANCE. The applicant shall submit the petition for variance application to the municipality exercising jurisdiction in order to receive the municipal recommendation. Where no municipality exercises jurisdiction, the application shall be submitted to the department. The following items shall be submitted when requesting a variance:

(a) A clear written statement of the specific provisions of this code from which a variance is requested and the method of establishing equivalency to those provisions.

(b) A fee in accordance with s. Comm 2.52. The municipality may require a fee for the processing of the application in addition to the department's fee.

Note: A copy of the Petition for Variance form (SBD-9890) is contained in the Appendix.

(2) MUNICIPAL RECOMMENDATION. The municipality administering and enforcing this code shall submit all applications for variance to the department, together with a municipal recommendation within 10 business days after receipt of the application. The recommendation of the municipality shall include the following items:

(a) Inspections performed on the property.

(b) The issuance of correction orders on the property.

(c) An assessment of the overall impact of the variance on the municipality.

Note: A copy of the Municipal Recommendation form (SBD-9890) is contained in the Appendix.

(3) DEPARTMENTAL ACTION. Where a municipality administers and enforces the code, the department shall decide petitions for variance and shall mail notification to the municipality and the applicant within 5 business days after receipt of the application and municipal recommendation. Where the department enforces the code, the department shall decide petitions for variance within 15 business days after receipt of the application and fees.

(4) APPEALS. A person or municipality may appeal the determination of the department in the manner set out in s. 101.02 (6) (e) to (i) and (8), Stats.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, November, 1995, No. 479, eff. 12-1-95; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490.

Comm 20.20 Municipal variance from the code. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance not in conformance with this code. The department shall review and make a determination on a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the request.

(1) APPLICATION FOR VARIANCE. The department may grant an application only under the following circumstances:

(a) The municipality has demonstrated that the variance is necessary to protect the health, safety or welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

(b) The municipality has demonstrated that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

(2) DEPARTMENTAL INQUIRY. Prior to making a determination, the department shall solicit within the municipality and consider the statements of any interested persons as to whether or not said application should be granted.

(3) APPEALS. Any municipality aggrieved by the denial of an application may appeal the determination in accordance with the procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of denial of a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the appeal.

(4) **UNIFORMITY.** This section shall be strictly construed in accordance with the goal of promoting statewide uniformity.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (intro.) and (3), Register, February, 1985, No. 350, eff. 3-1-85.

Comm 20.21 Appeals of orders, determinations, and for extension of time. (1) **APPEALS OF ORDERS AND DETERMINATIONS BY A MUNICIPALITY EXERCISING JURISDICTION.** Appeals of order or determination of a municipality exercising jurisdiction under this code, including denials of application for permits, shall be made in accordance with the procedure set out in ch. 68, Stats., prior to making an appeal to the department, except as follows:

(a) *Appeals of final determinations by a municipality exercising jurisdiction.* Appeals of final determination by municipalities shall be made to the department after the procedures prescribed in ch. 68, Stats., have been exhausted. All appeals to the department shall be in writing stating the reason for the appeal. All appeals shall be filed with the department within 10 business days of the date the final determination is rendered under ch. 68, Stats. The department shall render a written decision on all appeals within 60 business days of receipt of all calculations and documents necessary to complete the review.

Note: Chapter 68, Stats., provides that municipalities may adopt alternate administrative appeal procedures that provide the same due process rights as ch. 68, Stats. Municipalities having adopted such alternate procedures may follow those alternate procedures.

(2) **APPEALS OF ORDERS AND DETERMINATIONS BY THE DEPARTMENT.** Appeals of an order of the department made pursuant to the provisions of this code, including denials of application for permits, shall be in accordance with the procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of an order or determination within 60 business days of receipt of all calculations and documents necessary to complete the review.

(3) **EXTENSIONS OF TIME:** (a) The time for correction of cited orders as set out in s. Comm 20.10 shall automatically be extended in the event that an appeal of said orders is filed. The extension of time shall extend to the termination of the appeal procedure and for such additional time as the department or municipality administering and enforcing this code may allow.

(b) The department or municipality administering and enforcing this code may grant additional reasonable time in which to comply with a violation order.

(4) **APPEALS OF SOIL EROSION CONTROL ORDERS BY A MUNICIPALITY FOR CESSATION OF WORK.** (a) Appeals of orders for cessation of work issued under s. Comm 20.10 (4) may be made to the authority issuing the cessation of work order. The authority shall make a determination on such appeal within 3 business days. Determination of appeals by a municipality may be conducted in consultation with the department.

(b) Appeals of a final determination by a municipality on cessation of work orders may be made to the department. The department shall issue a final determination on the appeal within 3 business days after receipt of such appeal.

(c) If the issuing authority determines the site to be compliant with s. Comm 21.125, orders shall be rescinded and work may commence.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (a) and (2), Register, February, 1985, No. 350, eff. 3-1-85; cr. (4), Register, September, 1992, No. 441, eff. 12-1-92; CR 08-043; am. (1) (intro.) Register March 2009 No. 639, eff. 4-1-09; correction in (4) (a) made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639.

Comm 20.22 Penalties and violations. (1) **VIOLATIONS.** No person shall construct or alter any dwelling in violation of any of the provisions of this code.

(a) *Injunction.* When violations occur, the department may bring legal action to enjoin any violations.

(b) *Ordinances.* This code shall not affect the enforcement of any ordinance or regulation, the violation of which occurred prior to the effective date of this code.

(2) **PENALTIES.** (a) Pursuant to ss. 101.66 and 101.77, Stats., whoever violates this code shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day that the violation continues, after notice, shall constitute a separate offense.

(b) Any person violating any rule of this code applying to manufactured homes is subject to the penalties prescribed in s. 101.94 (8), Stats.

(3) **MUNICIPAL ENFORCEMENT.** Any municipality which administers and enforces this code may provide, by ordinance, remedies and penalties for violation of that jurisdiction exercised under s. 101.65, Stats. These remedies and penalties shall be in addition to those which the state may impose under subs. (1) and (2).

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (3), Register, March, 1992, No. 435, eff. 4-1-92; CR 06-071; renun. (2) to be (2) (a), cr. (2) (b) Register December 2006 No. 612, eff. 4-1-07.

Subchapter IX — Adoption of Standards

Comm 20.24 Adoption of standards. (1) **CONSENT.** Pursuant to s. 227.21 (2), Stats., the attorney general has consented to the incorporation by reference of the standards listed in Tables 20.24-1 to 20.14-14.

(2) **ADOPTION OF STANDARDS.** The standards referenced in Tables 20.24-1 to 20.14-14 are incorporated by reference into this chapter.

Note: Copies of the adopted standards are on file in the offices of the department and the legislative reference bureau. Copies of the standards may be purchased through the respective organizations listed in Tables 20.24-1 to 20.14-14.

(3) **ALTERNATE STANDARDS.** (a) Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this chapter may be used in lieu of incorporated standards when approved by the department or if written approval is issued by the department in accordance with par. (b).

(b) 1. a. Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

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.

2. Determination of approval shall be based on an analysis of the alternate standard and the incorporated standard, prepared by a qualified independent third party or the organization that published the incorporated standard.

3. The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

4. If the department determines that the alternate standard is not equivalent to or more stringent than the standards incorporated by reference, the request for approval shall be denied in writing.

5. The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based. The department may re-examine an approved alternate standard and issue a revised approval at any time.

6. Fees for review of standards under this paragraph shall be submitted in accordance with ch. Comm 2.

Table 20.24-1

ACI	American Concrete Institute P.O. Box 9094 Farmington Hills, MI 48333
Standard Reference Number	Title
1. 318-05	Building Code Requirements for Structural Concrete
2. 530-05	Building Code Requirements for Masonry Structures
3. 530.1-05	Specification for Masonry Structures

Table 20.24-2

AF&PA	American Forest & Paper Association 1111 19 th Street, N.W., Suite 800 Washington, D.C. 20036
Standard Reference Number	Title
1. NDS-2005	National Design Specification For Wood Construction Including 2005 Supplement
2. ANSI/AF&PA PWF-2007	Permanent Wood Foundation Design Specification

Table 20.24-3

AISC	American Institute of Steel Construction One E. Wacker Drive, Suite 3100 Chicago, IL 60601
Standard Reference Number	Title
1. 360-05	Specification For Structural Steel Buildings

Table 20.24-4

ASTM	American Society for Testing and Materials 1916 Race Street Philadelphia, PA 19103
Standard Reference Number	Title
1. C 62-01	Standard Specification For Building Brick (Solid Masonry Units Made From Clay Or Shale)
2. C 90-02	Standard Specification For Hollow Load-Bearing Concrete Masonry Units
3. C 216-02	Standard Specification For Facing Brick (Solid Masonry Units Made From Clay Or Shale)
4. C 270-01a	Standard Specification For Mortar For Unit Masonry

Table 20.24-4 (Continued)

ASTM	American Society for Testing and Materials 1916 Race Street Philadelphia, PA 19103
Standard Reference Number	Title
5. C 476-01	Standard Specification For Grout For Masonry
6. C 652-01a	Standard Specification For Hollow Brick (Hollow Masonry Units Made From Clay Or Shale)
7. D 225-01	Standard Specification For Asphalt Shingles (Organic Felt) Surfaced With Mineral Granules
8. D 226-97a	Standard Specification For Asphalt-Saturated Organic Felt Used In Roofing And Water Proofing
9. D 3462-02	Standard Specification For Asphalt Shingles Made From Glass Felt And Surfaced With Mineral Granules
10. D 4869-02	Standard Specification For Asphalt-Saturated Organic Felt Shingle Underlayment Used In Roofing

Table 20.24-5

ASCE	American Society of Civil Engineers 1801 Alexander Bell Drive Reston, VA 20191
Standard Reference Number	Title
SEI/ASCE 32-01	Design and Construction of Frost-Protected Shallow Foundations

Table 20.24-6

ASHRAE	American Society of Heating, Refrigerating, and Air-conditioning Engineers, Inc. 1791 Tullie Circle, N.E. Atlanta, GA 30329
Standard Reference Number	Title
1. 2005 Fundamentals	ASHRAE Handbook, Fundamentals
2. 2003 HVAC Applications	ASHRAE HVAC Applications Handbook
3. 2004 HVAC Systems & Equipment	ASHRAE HVAC Systems & Equipment Handbook

Table 20.24-7

ICC	The International Code Council 500 New Jersey Avenue, NW, 6th Floor Washington, D.C. 20001
Standard Reference Number	Title
ICC/ANSI 400-2007	Standard on the Design and Construction of Log Structures

Table 20.24-8

ILBA	The International Log Builders' Association PO Box 775 Lumby, BC Canada V0E 2G0
Standard Reference Number	Title
2000, Section A	Log Building Standards for Resi- dential, Handcrafted, Interlock- ing, Scribe-fit Construction

Table 20.24-9

NAIMA	North American Insulation Manufacturers Association 44 Canal Canter Plaza, Suite 310 Alexandria, VA 22314
Standard Reference Number	Title
1. 3rd Edition, 2002	Fibrous Glass Residential Duct Construction Standards

Table 20.24-10

NFPA	National Fire Protection Associa- tion 1 Batterymarch Park Quincy, MA 02269
Standard Reference Number	Title
1. NFPA 13D 2002	Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes
2. NFPA 54-2006	National Fuel Gas Code

Table 20.24-11

NIST	National Institute of Standards and Technology U.S. Department of Commerce Washington, D.C. 20234
Standard Reference Number	Title
1. NBS Building Science Series 87, July 1976	Model Documents for the Evalua- tion, Approval, and Inspection Of Manufactured Buildings

Table 20.24-12

SMACNA	Sheet Metal and Air Conditioning Contractors National Association 4201 Lafayette Center Drive Chantilly, VA 20151-1209
Standard Reference Number	Title
1. Seventh Edition, 1998	Residential Comfort System Installation Standards Manual
2. Seventh Edition, 2003	Fibrous Glass Duct Construction Standards

Table 20.24-13

TPI	Truss Plate Institute, Inc. 218 North Lee Street, Suite 312 Alexandria, VA 22314
Standard Reference Number	Title
1. TPI 1-2002	National Design Standard for Metal Plate Connected Wood Truss Construction

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (intro.) and (2), cr. (2m) and (2n), r. and recr. (4), Register, February, 1985, No. 350, eff. 3-1-85; renum. (2m) to be (2k) and am., cr. (2m), Register, July, 1986, No. 367, eff. 1-1-87; am. (intro.), (1), (2k) and (4), r. (2n), cr. (2p), (2s) and (3m), Register, January, 1989, No. 397, eff. 2-1-89; am. (intro.), (1), (2), (2k), (2m), (2p), (2s), (3m), (4), (5), cr. (6), Register, March, 1992, No. 435, eff. 4-1-92; r. and recr., Register, November, 1995, No. 479, eff. 12-1-95; r. and recr., Register, January, 1999, No. 517, eff. 2-1-99; renum. (1) to (14) to be (4) to (17), r. and recr. (intro.) and cr. (2) and (3), Register, September, 2000, No. 537, eff. 10-1-00; renum. (1) to be (1) (a), (1) (b) to be (4) (b), (7) (f) to (i) to be (g) to (j), and (j) to (p) to be (L) to (r), cr. (1) (b), (7) (f), and (k), and am. (4) and (12), Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077: am. (1) and (2), r. (4) to (17), cr. Tables 20.24-1 to 12 Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. Tables 1 to 3 and 6, r. Tables 4 and 10, renum. Tables 5, 7 to 9, 11 and 12 to be Tables 4, 9 to 11, 12 and 13 and am. 9, 10, 12 and 13, cr. Tables 5, 7 and 8 Register March 2009 No. 639, eff. 4-1-09; EmR0826: emerg. am. (1) and (2), cr. Table 14, eff. 10-1-08; CR 08-085: am. (1) and (2), cr. Table 14 Register May 2009 No. 641, eff. 6-1-09; CR 10-089: r. Table 20.24-14 Register January 2011 No. 661, eff. 2-1-11.