

Chapter SPS 361

ADMINISTRATION AND ENFORCEMENT

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Note: Chapters Comm 50 to 64 and Appendices A and B as they existed on June 30, 2002 were repealed and new chapters Comm 61 to 65 and Appendix A and B were created effective July 1, 2002.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

Subchapter I — Scope and Application

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

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

SPS 361.02 Scope. (1) Except as provided in subs. (2) and (3), this code applies to all public buildings and places of employment.

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

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

(2) This code does not apply to buildings or situations listed under the exclusions in s. 101.01 (11) and (12), Stats., or under the exemptions in s. 101.05, Stats.

Note: Section 102.04 (3), Stats., as referenced in s. 101.01 (11), Stats., reads as follows: "As used in this chapter 'farming' means the operation of farm premises owned or rented by the operator. 'Farm premises' means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants. 'Farmer' means any person engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to

a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. The operation for not to exceed 30 days during any calendar year, by any person deriving the person's principal income from farming, of farm machinery in performing farming services for other farmers for a consideration other than exchange of labor shall be deemed farming. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator."

Note: Under s. 50.01 (1), Stats., as referenced in s. 101.01 (12), Stats., "adult family home" means one of the following and does not include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

(a) A private residence to which all of the following apply:

1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings.

2. The private residence was licensed under s. 48.62 as a home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

(b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

Note: Under s. 50.01 (1g), Stats., as referenced in s. 101.01 (12), Stats., "community-based residential facility" means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident. "Community-based residential facility" does not include any of the following:

(a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.

(b) A facility or private home that provides care, treatment, and services only for victims of domestic abuse, as defined in s. 49.165 (1) (a), and their children.

(c) A shelter facility as defined under s. 16.308 (1) (d).

(d) A place that provides lodging for individuals and in which all of the following conditions are met:

1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.

2. No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employee any of the following:

a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.

b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.

(e) An adult family home.

(f) A residential care apartment complex.

(g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.

Note: Section 101.05, Stats., reads as follows:

Exempt buildings and projects. (1) No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

(2) A bed and breakfast establishment, as defined under s. 254.61 (1), is not subject to building codes adopted by the department under this subchapter.

(3) No standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

(4) No standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter applies to a rural school building if all of the following are satisfied:

- (a) The school building consists of one classroom.
- (b) The school building is used as a school that is operated by and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.
- (c) The teachings and beliefs of the bona fide religious denomination that operates the school prohibit the use of certain products, devices or designs that are necessary to comply with a standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter.

(3) This code does not apply to all of the following types of buildings, structures or situations:

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

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

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

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

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

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

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

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

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

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

Note: The definitions in s. 48.02, Stats., limit foster homes to no more than 4 children unless all the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the department of children and families, a group home or a child caring institution having a capacity for 8 or fewer children may be located in a one- and 2-family dwelling as a community living arrangement, as defined in s. 46.03 (22), Stats.

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

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

(4) In this section, “home occupation” means any business, profession, trade or employment conducted in a person’s dwelling unit, that may involve the person’s immediate family or household

and a maximum of one other unrelated person, but does not involve any of the following:

(a) Explosives, fireworks or repair of motor vehicles.

(b) More than 25% of the habitable floor area of the dwelling unit.

(5) This code also applies to any existing building that is converted to a community-based residential facility for 9 to 20 residents.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: cr. (5) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. (3) (b), am. (3) (d) 1. and 2., Register February 2008 No. 626, eff. 3-1-08.

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

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

(c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. SPS 362.3600 (2), in lieu of corresponding, otherwise applicable requirements of this code.

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

(3) **CONFLICTS.** (a) Where any rule written by the department differs from a requirement within a document referenced in this code, the rule written by the department shall govern.

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

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

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

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

(5) **LOCAL ORDINANCES.** (a) 1. Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for public buildings and places of employment, provided the standards do not conflict with this code.

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

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

2. 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 pertaining to multifamily dwellings not in conformance with this code. The department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

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

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

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

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

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

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

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

Note: Subchapter V contains requirements for approval of building products and alternate standards.

(7) NEW BUILDINGS AND STRUCTURES. Buildings, structures and additions to buildings, structures and components, to be constructed or erected shall be designed, constructed and maintained in accordance with the rules of this code as the rules exist on one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The date repair is initiated.

(11) CHANGE OF OCCUPANCY OR USE. Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with this code's requirements for the new division or group of occupancies, as these requirements exist on one of the following dates:

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

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

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

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

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

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

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

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

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

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

(b) Existing bleachers, grandstands and folding and telescopic seating shall comply with ICC 300-02.

(14) INTERNATIONAL FIRE CODE. The IFC, as referenced by the codes adopted under s. SPS 361.05, does not apply except as follows:

(a) Design and construction-related requirements shall apply that are addressed in IFC section 102.6; IFC chapters 2 to 4; IFC sections 501 to 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to 901.4.2, 901.4.4 to 909.18.9, and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31 to 33, 36, 37, and 39 to 47.

(b) Occupant loads addressed in IFC section 1004.8 shall apply but shall be established by the owner rather than by the code official.

(c) Construction-related inspections and reports shall apply that are addressed in IFC chapters 2 to 8; IFC sections 901 to 909.18.9 and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31, 32, 33, 36, 37, and 39 to 47 but may be performed or compiled by any qualified agency, rather than by a special inspector.

(d) Use and operation provisions shall apply which are a contingency of design and construction-related requirements and which are addressed in IFC chapters 2 to 4; IFC sections 501 and 502 and 504 to 510; IFC sections 601 to 605 and 607 to 609; IFC chapters 7 and 8; IFC sections 901.1 to 901.4.2, 901.4.4 to 909.18.9, and 909.20 to 913; and IFC chapters 10, 12 to 21, 23 to 29, 31 to 33, 36, 37, and 39 to 47.

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

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

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

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

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

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

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

(f) All requirements that address construction of detached one- or two-family dwellings.

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

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

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

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

SPS 361.04 Definitions. In this code:

(1) "Authorized representative" means any certified municipality or county as specified in s. SPS 361.60, and any appointed agent as specified in s. SPS 361.61.

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

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

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

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

(5) "IBC" and "International Building Code" mean the *International Building Code*®, as adopted under s. SPS 361.05 and modified in this code.

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

(7) "IEBC" and "International Existing Building Code" mean the 2006 edition of the *International Existing Building Code*®, as adopted under s. SPS 361.05 and modified in this code.

(8) "IECC" and "International Energy Conservation Code" mean the *International Energy Conservation Code*®, as adopted under s. SPS 361.05 and modified in this code.

(9) "IFC" and "International Fire Code" mean the *International Fire Code*®.

(10) "IFGC" and "International Fuel Gas Code" mean the *International Fuel Gas Code*®, as adopted under s. SPS 361.05 and modified in this code.

(11) "IMC" and "International Mechanical Code" mean the *International Mechanical Code*®, as adopted under s. SPS 361.05 and modified in this code.

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

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

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

Note: Section 101.971 (2), Stats., reads as follows: " 'Multifamily dwelling' means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. 'Multifamily dwelling' does not include a facility licensed under ch. 50."

(15) "This code" means chs. SPS 361 to 366, which is the Wisconsin Commercial Building Code.

Note: Many of the model codes created by the International Code Council (ICC) and adopted by the Department of Safety and Professional Services may be viewed free of charge on the ICC Internet site. To access these codes go to <http://www.eccodes.biz/> and click on "Free Codes."

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

SPS 361.05 Adoption of the International Codes.

(1) IBC. The *International Building Code*® – 2009, subject to the modifications specified in this chapter and ch. SPS 362 is hereby incorporated by reference into this code.

(2) IECC. The *International Energy Conservation Code*® – 2009, subject to the modifications specified in this chapter and ch. SPS 363 is hereby incorporated by reference into this code.

(3) IMC. The *International Mechanical Code*® – 2009, subject to the modifications specified in this chapter and ch. SPS 364 is hereby incorporated by reference into this code.

(4) IFGC. The *International Fuel Gas Code*® – 2009, subject to the modifications specified in this chapter and ch. SPS 365 is hereby incorporated by reference into this code.

(5) IEBC. The *International Existing Building Code*® – 2009, subject to the modifications specified in this chapter and ch. SPS 366, is hereby incorporated by reference into this code.

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

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

Note: Many of the model codes created by the International Code Council (ICC) and adopted by the Department of Safety and Professional Services may be viewed free of charge on the ICC Internet site. To access these codes go to <http://www.eccodes.biz/> and click on "FreeCodes." Online viewers should determine whether the version available on the Internet is the version adopted above.

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

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

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

Subchapter II — Responsibilities, Appeals, Petitions and Penalties

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

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

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

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

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

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

Note: Sections 443.14 and 443.15 read:

443.14 Exempt persons. The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) (a) An employee of a person holding a certificate of registration in architecture under s. 443.10 who is engaged in the practice of architecture and an employee of a person temporarily exempted from registration in architecture under this section, if the practice of the employee does not include responsible charge of architecture practice.

(b) An employee of a person holding a certificate of registration in professional engineering under s. 443.10 who is engaged in the practice of professional engineering and an employee of a person temporarily exempted from registration in professional engineering under this section, if the practice of the employee does not include responsible charge of professional engineering practice.

(2) Officers and employees of the federal government while engaged within this state in the practice of architecture, landscape architecture or professional engineering for the federal government.

(3) A public service company and its regular employees acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(4) Any person who practices architecture, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect who is registered under this chapter in responsible charge of the company's or corporation's architectural work in this state.

(b) Any person who practices professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one professional engineer who is registered under this chapter in responsible charge of the company's or corporation's professional engineering work in this state.

(5) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

(7) This chapter does not require manufacturers or their material or equipment suppliers to register under this chapter in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

(8) The following persons doing surveying work are exempt from the provisions of this chapter:

(a) An employee of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employee shall not be in responsible charge of land surveying.

(b) Officers and employees of the federal government while engaged in land surveying for the federal government.

(c) Employees of this state while engaged in land surveying for the state.

(d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.

(9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A well driller who is licensed under s. 280.15 (2m), or an employee of a well drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8).

NOTE: Sub. (12m) is amended eff. 4-1-15 by 2011 Wis. Act 150 to read:

(12m) A driller who is licensed under s. 280.15 (2m), or an employee of a drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01 (2c).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

(15) A person employed by the federal government who is engaged in this state in the practice of landscape architecture for the federal government.

443.15 Exempt buildings. (1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection with single-family dwellings, including, but not limited to, barns and private garages.

(b) Apartment buildings used exclusively as the residence of not more than 2 families.

(c) Buildings used exclusively for agricultural purposes.

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

(3) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

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

SPS 361.21 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing.

Note: Section 101.01 (8), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of alderpersons, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

Section 101.02 (7) (c) reads: "Upon receipt of such petition the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect."

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

(4) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

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

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

Note: Chapter SPS 303 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBD-9890 form is available at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services forms.

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

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

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.978, Stats., reads, "Any person who violates this subchapter or any rules promulgated under this subchapter shall forfeit not less than \$25 nor more than \$500 for each offense. Each day of continued violation constitutes a separate offense."

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

Subchapter III — Plan Review and Related Functions

SPS 361.295 Administrative coordination. Pursuant to ss. 101.02 (13) (b) and 101.12 (3) (h), Stats., if plans are required to be submitted to the department for review under s. SPS 361.30, a municipality may not issue a building permit to com-

mence construction or use of the building until the plans have been approved by the department or its agent.

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

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

(b) Plans for community-based residential facilities serving 5 to 8 unrelated adults and the types of public buildings and places of employment and components thereof delineated in Table 361.30-1 do not need to be submitted and approved by the department or authorized representative.

Note: The exemption under par. (b) for not having to submit and obtain prior approval from the department for specific building projects does not waive the obligation for these type of projects to conform to the standards of this code.

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

Table 361.30-1

Buildings Exempt from Plan Review

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

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

(a) Assembly seating facilities to be located within a public building or place of employment.

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

(c) Public mausoleum structures.

Note: Section 157.061 (9), Stats., reads as follows: "Mausoleum" means a building, structure or part of a building or structure that is used or intended to be used for the burial of human remains."

(d) Crematoriums.

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

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

2. Heating, ventilating and air conditioning systems.

3. Fire protection systems.

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

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

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

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

this code.

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

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

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: cr. (2) (c), r. and recr. Table 61.30-3 Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. (1) (b) 1., 2. b. and Table 61.30-3, cr. (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. Table 1 and 2, cr. (2) (d), Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) (a), r. (1) (b) 2., 3., Table 61.30-2 and Table 61.30-3, renun. (1) (b) 1. to be (1) (b) and (4) to be (4) (a), cr. (4) (b), Register August 2011 No. 668, eff. 9-1-11; r. and recr. (3) Register August 2011 No. 668, eff. 1-1-12; correction in (1) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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

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

1. Be signed and sealed in accordance with s. A-E 2.02 by an architect, engineer or fire protection systems designer who is registered by the department.
2. Be signed, including license number, and dated by an automatic fire sprinkler contractor who is responsible for the installation of the sprinklers and who is licensed by the department.

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

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

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

Note [2]: Nothing in this code is intended to prohibit the submission and acceptance of plans and construction documents in an electronic or digital media.

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

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

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

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

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

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

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

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

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

(e) 1. Construction documents shall be accompanied by sufficient calculations or information to substantiate that the documents conform to this code.

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

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

Note: The Department forms required in this chapter are available at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services forms.

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

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

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

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

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

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

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

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

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

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

(3) The department shall review and make a determination on an application for permission to start construction of the footings

and foundations within 3 business days of receipt of the application and all forms, fees, construction documents and information required to complete the review.

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

SPS 361.33 Evidence of plan approval. Where plan approval is required by this code, one set of plans bearing the stamp of conditional approval and a copy of the specifications shall be kept at the building site. The plans and specifications shall be open to inspection by the department or its authorized representative.

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

SPS 361.35 Revocation of approval. The department may revoke any approval, issued under this code, for any false statements or misrepresentation of facts on which the approval was based.

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

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

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

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

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

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

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

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

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

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

1. The approved plan is for multifamily dwelling containing less than 11 dwelling units.

2. The original plan was submitted for department review prior to January 1, 2011.

3. The request is submitted prior to expiration of the original approval.

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

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

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

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

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

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

Subchapter IV — Supervision and Inspections

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

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

a. The building contains less than 50,000 cubic feet total volume.

b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.

2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.

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

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

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

plans and specifications. This statement shall be provided on a form prescribed by the department.

Note: The Department forms required in this chapter are available at the Department's Web site at www.dsp.wi.gov through links to Division of Industry Services forms.

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

SPS 361.41 Inspections. (1) ON-SITE. On-site inspections shall be conducted by an authorized representative of the department to determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and this code.

Note: Under s. 101.14 (2) (b) and (c), Stats., fire department chiefs are responsible for periodically inspecting "every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires." Under s. 101.14 (1) (a) and (b) and (2) (a), Stats., the department and any deputy, including deputies who are chiefs of fire departments, may require correction of "any violation of any law or order [such as the orders in chs. SPS 361 to 366] relating to the fire hazard or the prevention of fire." See ch. SPS 314 for further requirements relating to fire inspections and fire prevention.

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

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

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

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

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

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

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

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

(3) PUBLIC MAUSOLEUM. Within 30 days after receiving written notice from a cemetery authority that the construction or conversion of a public mausoleum has been completed, the depart-

ment or authorized representative shall inspect the public mausoleum and provide written notification of violations. Except as provided in s. 157.12 (2) (b), Stats., public mausoleum spaces may not be sold prior to approval by the department or its authorized representative.

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

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: renun. (2) (e) to be (3) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renun. from Comm 61.51 Register December 2004 No. 588, eff. 1-1-05; correction in (2) (c) 2. b. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter V — Product and Standard Review and Approval

SPS 361.50 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 shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment, and products that 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 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 in accordance with s. SPS 361.31.

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

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

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

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

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

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

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

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

(g) Paragraphs (e) and (f) do not apply to an experimental system if 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, the determination shall be made within 6 months of receipt of all required materials.

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

2. Violations of the conditions under which an approval is issued shall constitute a violation of 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 for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party that provided any information on which the approval was based, or as a result of material, equipment or product failure.

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

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with 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. SPS 302.

(5) **UNGRADED OR USED PRODUCTS.** (a) 1. Except as provided in subd. 2., ungraded or used building products may be used or reused as long as the materials possess the essential properties necessary to achieve the level of performance required by this code for the intended use.

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

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

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renun. from Comm 61.60 and am. (3) (d) 4. Register December 2004 No. 588, eff. 1-1-05; correction in (3) (d) 1., 4., (4) (h), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 361.51 Alternate standards. (1) Alternate standards that are equivalent to or more stringent than the standards referenced in this code may be used in lieu of the referenced stan-

dards when approved by the department or if written approval is issued by the department in accordance with sub. (2).

(2) (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.

(3) Determination of approval shall be based on an analysis of the alternate standard and the standard referenced in this code, prepared by a qualified independent third party or the organization that published the standard contained in this code.

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

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

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

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

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; reprinted to correct omission of (5) Register November 2002 No. 563; CR 04-016: renun. from Comm 61.61 Register December 2004 No. 588, eff. 1-1-05.

Subchapter VI — First Class City and Certified Municipality Approvals

SPS 361.60 Certified municipalities and counties.

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

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

1. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to assume the plan examination and building inspection responsibilities.

2. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.

3. Adopt this code in its entirety by ordinance.

4. Forward to the department a copy of the ordinance adopting this code and any subsequent revisions to that ordinance.

5. Forward to the department any information requested by the department relative to the qualifications and ability to perform examination of plans and inspection of buildings.

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

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

1. Employ certified commercial building inspectors to perform the plan examination and building inspection functions.

2. Forward to the department any information requested by the department relative to examination of plans and inspection of buildings.

3. Forward to the department any revisions to the ordinance adopting this code.

4. Notify the department, in writing, at least 30 days prior to the date upon which the municipality or county intends to relinquish the plan examination and building inspection responsibilities.

(c) Second class cities intending to perform the expanded plan examination and inspection specified in sub. (5) (b) shall

comply with pars. (a) 1. to 6. and (b) 3. and 4., sub. (7) (b), and all of the following:

1. Employ at least one person who complies with all of the following:

- a. Is registered under ch. 443, Stats., as an architect or professional engineer.
- b. Is a certified commercial building inspector.
- c. Performs or directly supervises the plan examinations specified in sub. (5) (b).

2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

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

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

- a. Obtain authorization for these inspections from the department.
- b. Use an inspection process that is based on the inspection process used by the department.
- c. Retain inspection records in a manner that is accessible to the department.
- d. Forward to the department any information requested by the department relative to the inspection of buildings.

3. A municipality or county may waive its jurisdiction for the inspection of a specific project, in which case the department shall conduct the inspection.

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

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

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

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

2. The department shall administer and enforce this code in any municipality or county which has not assumed the responsibilities for plan examination and building inspection under sub. (2).

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

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

(4) CERTIFICATION OF INSPECTORS. Inspectors employed by certified municipalities and counties to administer and enforce

this code under sub. (2) shall be certified by the department in accordance with ch. SPS 305 as certified commercial building inspectors.

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

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

Note: Second class cities may also request approval to perform other additional plan review functions under the appointed-agent process in s. SPS 361.61.

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

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

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

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

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

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

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

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

b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. SPS 361.51 shall include the department's plan approval application form specified in s. SPS 361.31, unless a municipally supplied form is submitted.

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

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

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

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

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

6. For an individual building in a multiple-building complex, the submitter may choose whether to submit plans and specifications to a municipality or county having jurisdiction for examination, or to any of the department's offices, even if a previous building in the complex had been reviewed by another office. A subsequent reviewing office may request of the other office complete copies of all pertinent data, including but not limited to petitions, application forms, preliminaries, staff notes and comments. The applicant may be charged a fee to offset the costs of providing these copies. If plans for some of the buildings are submitted to the department and some are submitted to the municipality or county, and then plans for the building components are submitted for all the buildings, the component submitter shall split the submission and submit the plans to the applicable offices.

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

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

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

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

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

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

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

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

(g) *Denial of plan approval.* If the municipality or county determines that the plans submitted do not substantially conform to this code or other legal ordinances and regulations, a denial for

plan approval shall be issued in accordance with all of the following:

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

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

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

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

(6) *INSPECTION.* Inspections shall be conducted by a municipality or county to ascertain whether or not the construction or installation for buildings and structures conforms to the conditionally approved plans, the notice of conditional approval and this code, in accordance with all of following:

(a) All inspections, for the purpose of administration and enforcement of this code, shall be performed by a certified commercial building inspector.

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

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

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

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

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

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

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

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

Note: A list of municipalities and counties providing plan examination and building inspection under this section is available at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services programs.

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

SPS 361.61 Appointed agents. (1) GENERAL. This section establishes the manner under which a city, village, town or county may examine building plans and inspect buildings as an appointed agent for the department relative to s. 101.02 (5) (b), Stats.

(2) CONDITIONS OF PARTICIPATION. (a) Before assuming any of the department's plan examination or building inspection responsibilities that are not listed in s. SPS 361.60 (5), the applicant shall comply with all of the following:

1. Submit a written request to the department, at least 30 days prior to the date upon which the applicant desires to assume agent responsibilities for plan examination or building inspection.

2. Include in the request a description of the desired responsibilities, such as plan examination for buildings that are not within the applicant's jurisdiction, or plan examination for building additions or alterations that are beyond the limits specified in s. SPS 361.60 (5) (c).

3. Include in the request a description of the qualifications and ability the applicant has for assuming the desired responsibilities.

4. Adopt this code in its entirety by ordinance.

5. Forward to the department a copy of the ordinance adopting this code and any subsequent revisions to that ordinance.

6. Receive from the department a written statement prescribing the responsibilities that are to be assumed.

(b) While appointed, an agent shall comply with all of the following:

1. Apply the corresponding requirements in s. SPS 361.60 (5) (d) to (h) and (6).

2. Submit to the department the fees specified in s. SPS 302.31 (1) (h).

3. Provide a monthly report to the department of all projects

completed under this section, in an electronic-based format prescribed by the department.

4. Forward to the department any revisions to the ordinance adopting this code.

5. Notify the department, in writing, at least 30 days prior to the date upon which the appointed agent intends to relinquish the responsibilities assumed under this section.

(3) DETERMINATION. The department shall review and make a determination on a request received under sub. (2) (a) 1. within 20 business days of that receipt.

(4) REVOCATION. The department may revoke the appointment of an agent where the plan examiners or inspectors of the agent do not meet the standards specified by the department, or where other requirements of this section are not met.

Note: A list of municipalities and counties providing plan examination and building inspection under this section is available at the Department's Web site at www.dsps.wi.gov through links to Division of Industry Services programs.

History: CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. from Comm 61.71 and am. (2) (a) (intro.), 2., and (b) 1. Register December 2004 No. 588, eff. 1-1-05; CR 09-104: am. (2) (a) 3., renum. (2) (a) 4., (b) 4., (3) to be (2) (a) 6., (b) 5., (4), cr. (2) (a) 4., 5., (b) 4., (3) Register December 2010 No. 660, eff. 1-1-11; correction in (2) (a) (intro.), 2., (b) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Chapter SPS 362

BUILDINGS AND STRUCTURES

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

SPS 362.0100 Administration. The requirements in IBC chapter 1 are not included as part of this code.

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

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

Note: IBC section 101.2 addresses the scope of the IBC. For the scope of the Wisconsin Commercial Building Code, see s. SPS 361.02. Three or more attached townhouses, as referenced in an exception under IBC section 101.2, are included within the scope listed in s. SPS 361.02. Detached one- and two-family dwellings, as likewise referenced in an exception under IBC section 101.2, and elsewhere in the IBC, are not included within the scope listed in s. SPS 361.02, but are regulated in Wisconsin by chs. SPS 320 to 325, in accordance with subch. 11 of ch. 101, Stats.

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

SPS 362.0202 Definitions. (1) **ADDITIONS.** This is a department definition for this chapter in addition to the definitions in IBC section 202: "High-piled combustible storage" means storage of combustible materials in closely packed piles, or on pal-

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

(2) **SUBSTITUTIONS.** Substitute the following definition for the corresponding definition in IBC section 202: "Approved" means acceptable to the department.

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

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

Register February 2008 No. 626, eff. 3-1-08; correction made in (2) (c) under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (1), (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0307 Pyrophoric materials. This is a department informational note to be used under IBC section 307.4:

Note: See ch. SPS 314 for additional requirements for pyrophoric materials.

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

SPS 362.0310 Use and occupancy classification. This is a department informational note to be used under IBC section 310.2:

Note: See s. SPS 361.02 Notes for statutory definitions of adult family home and community-based residential facility. See s. SPS 361.04 for definitions of dwelling unit and multifamily dwelling.

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

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

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

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

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

(a) The construction of a new building.

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

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

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

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

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

(6) **LIVE LOADS POSTED.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 100 pounds per square foot, such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

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

SPS 362.0401 Chapter ATPC 93 compliance. This is a department informational note to be used under IBC section 401.1:

Note: See ch. ATPC 93 for additional requirements relating to motor fuel dispensing facilities and repair garages and to the storage, handling, processing and transporting of flammable, combustible and hazardous liquids.

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

SPS 362.0406 Motor vehicle-related occupancies — parking garages. Substitute the following wording for the requirements and exception in IBC section 406.2.8: Heating equipment shall be installed in accordance with the *International Mechanical Code*.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (2), renun. (1) to be Comm 62.0406 Register February 2008 No. 626, eff. 3-1-08; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2011 No. 668.

SPS 362.0412 Aircraft-related occupancies. Substitute the following wording for exception 1 in IBC section 412.2.4: Heating equipment that is suspended at least 10 feet above the upper surface of wings or engine enclosures of the highest aircraft which may be housed in the hangar; or at least 8 feet above the floor in shops, offices and other sections of the hangar communicating with storage or service areas.

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

SPS 362.0415 Hazardous materials. (1) Substitute the following wording for the corresponding definition in IBC section 415.2: Immediately dangerous to life and health (IDLH). The concentration of air-borne contaminants which poses a threat of death, immediate or delayed permanent adverse health effects, or effects which could prevent escape from such an environment. This contaminant concentration level is established by the National Institute of Occupational Safety and Health based on both toxicity and flammability. It generally is expressed in parts per million by volume, or milligrams per cubic meter.

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

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

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

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

SPS 362.0702 Fire separation distance. Substitute the following definition for the corresponding definition listed in IBC section 702: "Fire separation distance" means the distance measured at right angles from the face of the building wall to one of the following:

- (1) The closest interior lot line.
- (2) To a permanent no-build easement line.
- (3) To the centerline of a street, an alley or a public way.

(4) To an imaginary line between two buildings on the same property.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0705 Connections between buildings. This is a department exception to the requirements in IBC section 705.1: This section does not apply to connections between buildings, that are in compliance with IBC section 3104.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: renum. from Comm 62.0704 and am. Register August 2011 No. 668, eff. 9-1-11.

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

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

(2) **MUNICIPAL ORDINANCE.** A city, village or town may by ordinance require owners to identify the location of a fire wall at the exterior wall of a building with a sign.

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

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

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

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

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: renum. from Comm 62.0705 and am. (intro.) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0707 Fire barriers. Substitute the following wording for IBC section 707.5: Fire barriers shall extend from the top of the foundation; or horizontal assembly constructed in accordance with IBC section 712; or floor/ceiling assembly below to the underside of the floor or roof sheathing, slab or deck above, or to the underside of the horizontal assembly constructed in accordance with IBC section 712 and shall be securely attached thereto. Such fire barriers shall be continuous through concealed spaces, such as the space above a suspended ceiling.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0708 Shaft enclosures. Substitute the following wording for the 7.2 exception in IBC section 708.2: Is not part of a required exit enclosure.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0716 Ducts and air-transfer openings. (1) **PENETRATIONS OF SHAFT ENCLOSURES.** This is a department exception to the requirements in IBC section 716.5.3: Smoke dampers are not required in ducts that are used in the exhaust portion of laboratory ventilating systems which are designed and installed in accordance with NFPA 45.

(2) **SMOKE DAMPERS IN HEALTH CARE FACILITIES.** This is a department exception to the requirements in IBC section 716.5.5: Smoke dampers are not required in Group I-2 duct penetrations of smoke barriers in fully ducted HVAC systems.

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

SPS 362.0721 Calculated fire resistance. (1) **NON-SYMMETRICAL ASSEMBLIES.** Substitute the following wording for

the exception in each of IBC sections 721.2.1.4.3, 721.3.2.3 and 721.4.1.4: Exception: For an exterior wall with a fire separation distance greater than 10 feet, the fire shall be assumed to occur on the interior side only.

(2) **EXTERIOR WALLS.** Substitute the following wording for IBC Section 721.6.2.3: For an exterior wall with a fire separation distance greater than 10 feet, the wall is assigned a rating dependent on the interior membrane and the framing as described in IBC Tables 721.6.2(1) and 721.6.2(2). The membrane on the outside of the nonfire-exposed side of exterior walls with a fire separation distance greater than 10 feet may consist of sheathing, sheathing paper and siding as described in IBC Table 721.6.2(3).

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0901 Fire protection systems. (1) **MODIFICATIONS.** Substitute the following informational note for the requirements in IBC section 901.3:

Note: Chapter SPS 314 has requirements relating to shutting down or impairing fire sprinkler systems. Chapter SPS 361 has requirements relating to availability of sprinkler documents and to submittal and approval of plans prior to altering, modifying, or removing sprinkler systems.

(2) **FIRE HOSE THREADS.** These are department informational notes to be used under IBC section 901.4:

Note: Section 213.15, Stats., regulates fire hose threads and fittings and reads as follows: "All fire hose fittings, apparatus fittings, 1.5 and 2.5 inches in diameter purchased or procured by a fire department or fire company shall be of the national standard hose thread as adopted by the national fire protection association. No fire department shall utilize hose and equipment not in conformance with the requirement that all threads shall be national standard hose thread as adopted by the national fire protection association. Any person offering for sale nonstandard hose couplings, fittings or apparatus fittings may be fined not less than \$100 nor more than \$500."

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

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

SPS 362.0902 Definitions. Substitute the following definitions and informational note for the corresponding definitions listed in IBC section 902.1:

(1) "Automatic sprinkler system" or "Automatic fire sprinkler system" has the meaning given in s. 145.01 (2), Stats.

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

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

History: CR 00-179; or. Register December 2001 No. 552, eff. 7-1-02; CR 10-103; am. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.0903 Automatic fire sprinkler systems.

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

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

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

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

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

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

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

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

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

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

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

1. The multifamily dwelling does not contain more than 4 dwelling units.

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

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

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

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

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

1. The townhouse does not exceed more than 3 stories above grade plane in height.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Airport control towers.
2. Open parking structures complying with IBC section 406.3.
3. Telecommunications equipment spaces used exclusively for telecommunications equipment, associated electrical power distribution equipment and standby engines, provided that those spaces or areas are equipped throughout with an automatic fire detection system in accordance with IBC section 907.2 and are separated from the remainder of the building with fire barriers consisting of 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

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

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

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

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

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

(b) 1. The requirements in NFPA 13D section 6.3 (4) are not included as part of this code.

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

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

(11) **TESTING AND MAINTENANCE.** Substitute the following informational note for the requirements in IBC section 903.5:

Note: See ch. SPS 314 for requirements for inspection, testing, and maintenance of fire sprinkler systems.

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

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

Note: See ch. SPS 314 for requirements for inspection, testing, and maintenance of alternate automatic fire-extinguishing systems.

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

(a) *Water mist fire protection systems.* Where a water mist fire protection system is installed, it shall comply with NFPA 750.

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

a. There is no municipal water system available to serve the property.

b. There is no provision under this code that requires the building or a portion of the building to have an automatic fire sprinkler system.

c. The municipality where the building is to be located has an adopted ordinance that requires the installation of manual-wet sprinkler systems and requires these systems to meet the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

SPS 362.0907 Fire alarm and detection systems.

(1) **GENERAL.** Substitute the following wording and informational note for the requirements in IBC section 907.1: IBC section 907 covers the application and installation of fire alarm systems and their components.

Note: See ch. SPS 314 for requirements for performance and maintenance of fire alarm systems and their components.

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

Note: Section 101.145 (2) and (3) (a), Stats., addresses installation of smoke detectors and reads as follows: Section 101.145 (2) "A smoke detector required under this section shall be approved by underwriters laboratory."

(3) (a) "The owner of a residential building shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector."

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

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

(3) **PROTECTIVE COVERS.** Substitute the following wording for the requirements in IBC section 907.4.2.5: The building official is authorized to require the installation of listed manual fire alarm box protective covers to prevent malicious false alarms or provide the manual fire alarm box with protection from physical damage. The protective cover shall be transparent or red in color with a transparent face to permit visibility of the manual fire alarm box. Each cover shall include proper operating instructions. Protective covers shall not project more than that permitted by IBC section 1003.3.3.

(4) **EMPLOYEE WORK AREAS.** Substitute the following wording for the requirements in IBC section 907.5.2.3.2: Where employee work areas have audible alarm coverage, the alarm system shall be designed so that visible notification appliances can be integrated into the system.

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

SPS 362.0909 Smoke control systems. (1) **INSPECTION AND TEST REQUIREMENTS.** Substitute the following wording for the requirements in IBC section 909.3: In addition to the ordinary inspection and test requirements that buildings, structures and parts thereof are required to undergo, smoke control systems subject to the provisions of IBC section 909 shall undergo inspections and tests sufficient to verify the proper commissioning of the smoke control design in its final installed condition. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to such inspections and tests. Such commissioning shall be in accordance with generally accepted engineering practice and, where possible, based on published standards for the particular testing involved.

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

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

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

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

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

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

(6) **REPORT FILING.** Substitute the following wording for the requirements in IBC section 909.18.8.3.1: A copy of the final report shall be maintained and made available to the building official upon request.

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

SPS 362.0910 Smoke and heat vents, and draft curtains. (1) **EXCEPTION.** Substitute the following wording for exception 1. in IBC section 910.1: Buildings protected by an approved automatic sprinkler system.

(2) **GROUPS F-1 AND S-1.** Substitute the following wording for the requirements, but not the exception, in IBC section 910.2.1: Buildings and portions thereof used as Group F-1 or S-1 occupancies having more than 50,000 square feet in area that is undivided by full-height walls having smoke resisting characteristics which are similar to those under IBC section 910.3.5.1.

History: CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (title), (1) and (2), r. (3) to (6) Register February 2008 No. 626, eff. 3-1-08; correction made in (2) under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626, eff. 3-1-08.

SPS 362.1004 Egress for outdoor areas. Substitute the following wording for the requirements, but not the exceptions, in IBC section 1004.8: Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be based on the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of

egress requirements for the building shall be based on the sum of the occupant load of the building plus the outdoor areas.

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

SPS 362.1008 Doors, gates and turnstiles.

(1) **CLEAR DOOR OPENINGS FOR NONACCESSIBLE STALLS.** This is a department exception to the requirements in IBC section 1008.1.1: The clear door opening for a nonaccessible toilet stall, shower stall, or other similar compartment, may be less than 32-inches wide.

(2) **DOOR ARRANGEMENT.** This is a department exception to the requirements in IBC section 1008.1.8: Where maneuvering space is provided between the doors in accordance with IBC section 1101.2 such that use by an individual in a wheelchair will not block the operation of the doors.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1009 Stairway width. This is a department rule in addition to the requirements in IBC section 1009.1: Where installing an inclined platform lift or stairway chairlift, the clear-passage width shall be provided with the lift in the unfolded, usable position.

History: CR 14-020: cr. Register August 2014 No. 704, eff. 9-1-14.

SPS 362.1014 Exit access. This is a department exception to the requirements in IBC section 1014.3: The length of a common path of egress travel requirements shall not be limited within townhouse dwelling units provided the townhouse complies with all of the following:

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

(2) Each dwelling unit within the townhouse is separated from other dwelling units by at least 2-hour fire-resistive-rated separation walls constructed in accordance with the requirements of IBC section 705 and do not contain any openings and plumbing equipment or mechanical equipment. The separation wall does not have to comply with the structural stability requirements of IBC section 705.2 and the horizontal continuity requirements of IBC section 705.5.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made to (2) under s. 13.92 (4) (b) 7. Register February 2008 No. 626, eff. 3-1-08.

SPS 362.1015 Refrigerated spaces. Substitute the following wording for the exception in IBC section 1015.5: Where using refrigerants in quantities limited to the amounts based on the volume set forth in ch. SPS 345.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 362.1018 Corridor continuity. This is a department exception to the requirements in IBC section 1018.6: Other spaces or rooms constructed as required for corridors, and that are adjacent to a fire-resistance-rated corridor, shall not be construed as intervening rooms; and may be open to the corridor when all of the following are satisfied:

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

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

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

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. from Comm 62.1017 and am. (intro.) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1021 Exits from stories. (1) Substitute the following wording for the requirements in IBC section 1021.1: All rooms and spaces within each story shall be provided with and have access to the minimum number of approved independent exits required by Table 1021.1 based on the occupant load of the story. For the purposes of this chapter, occupied roof shall be provided with exits as required for stories. The required number of

exits from any story, basement or individual space shall be maintained until arrival at grade or the public way.

(2) This is a department exception to the requirements in IBC section 1021.1: Buildings of Group I-3 occupancy that are used as guard towers, provided the towers are no higher than 2 stories above grade, accommodate no more than 10 occupants, and have a travel distance of no more than 75 feet.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made to (2) (a), (b) and (c) under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. from Comm 62.1019 and am. (title), (1), cr. (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1022 Enclosures required. Substitute the following wording for exceptions 6. and 7. in IBC section 1022.1:

(1) Stairways as required by IBC sections 410.5.3 and 1015.6.1 are not required to be enclosed.

(2) Stairways from balconies, galleries or press boxes as provided for in IBC section 1028.5.1 are not required to be enclosed.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

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

(1) **TYPE A AND TYPE B UNITS.** (a) *Circuit breakers.* Circuit breakers, when provided for use by tenants in occupancies with dwelling and sleeping units, shall comply with ICC/ANSI A117.1 section 309.2 and 309.3.

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

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

(2) **R-2 OCCUPANCY TOILET AND BATHING ROOMS.** (a) When toilet and bathing rooms are provided in dwelling units and sleeping units within an R-2 occupancy the rooms shall conform to ICC/ANSI A117.1 section 1004.11.3.2 and with the requirements specified under pars. (b) and (c).

(b) The minimum clear floor space provided at bathtubs and transfer showers shall be designed to facilitate a person using a wheelchair to reach and operate the bathtub or transfer shower controls without entering the bathtub or transfer shower.

(c) The controls for a roll-in, 60-inch transfer shower may be located on the back wall of the shower.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) (a), cr. (2) (c) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1103 Scoping requirements — limited access spaces. Substitute the following wording for the requirements in IBC section 1103.2.8:

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

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

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08, CR 10-103: r. (1), renum. (2) to be Comm 62.1103, Register August 2011 No. 668, eff. 9-1-11; correction under s. 13.92 (4) (b) 1. and 2., Stats., Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1104 Accessible route. (1) **GOVERNMENT-OWNED OR -OPERATED FACILITIES.** This is a department limitation to the exception in IBC section 1104.4, Exception 1.: Government-owned or -operated facilities that are outside the scope of sub. (2) and IBC section 1104.3.2.

(2) **TWO STORY BUILDINGS OR FACILITIES.** Substitute the following wording for exception 4. under IBC section 1104.4: Where a two story building or facility, including a government-owned or -operated building or facility, has one story with an occupant load of five or fewer persons that does not contain public

use space, that story shall not be required to be connected to the story above or below.

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

SPS 362.1107 Dwelling units and sleeping units.

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

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

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

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

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

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

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

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

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

Note: The Department may grant a variance in accordance with ch. SPS 303 which requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBD-9890 form is available at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services forms.

(b) *Condition.* Substitute the following wording for condition 1 under IBC section 1107.7.4: Not less than 50% of the units

required by IBC section 1107.7.1 on the site are Type A or Type B units.

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

SPS 362.1109 Lifts. (1) Substitute the following wording for the requirements in ICC/ANSI A117.1 section 410.2.1 as referenced in IBC section 1102.1 and as applied to lifts by IBC section 1109.7:

(a) Doors and gates shall be low energy power operated doors or gates complying with ICC/ANSI A117.1 section 404.3, except as provided in par. (b). Doors shall remain open for 20 seconds minimum. On lifts with one door or with doors on opposite ends, the end door clear opening width shall be 32 inches minimum. On lifts with one door on a narrow end and one door on a long side, the end door clear opening width shall be 36 inches minimum. Side door clear opening width shall be 42 inches minimum. Where a door is provided on a long side and on a narrow end of a lift, the side door shall be located with either the strike side or the hinge side in the corner furthest from the door on the narrow end.

(b) 1. A door or gate providing access to a narrow end of a platform that serves only one landing shall be permitted to be of the manual opening, self-closing type, where clearance at the door or gate complies with ICC/ANSI A117.1 sections 404.2.3.1, 404.2.3.4, and 404.2.5, and the floor surface is not steeper than 1:48.

2. Lifts serving 2 landings maximum and having doors or gates on adjacent sides shall be permitted to have self-closing manual doors or gates provided that the side door or gate is located with the strike side furthest from the end door; the clearance at the door or gate complies with ICC/ANSI A117.1 sections 404.2.3.1, 404.2.3.4, and 404.2.5; and the floor surface is not steeper than 1:48.

(2) Substitute the following wording for the requirements in ICC/ANSI A117.1 section 410.5 as referenced in IBC section 1102.1 and as applied to lifts by IBC section 1109.7: Platform lifts with doors on adjacent sides shall provide a clear floor width of 42 inches minimum and clear floor depth of 60 inches minimum.

(3) These are department rules in addition to the requirements in ICC/ANSI A117.1 section 410 as referenced in IBC section 1102.1 and as applied to lifts by IBC section 1109.7:

(a) Controls at platform-lift landings shall comply with the requirements in ICC/ANSI A117.1 sections 407.2.1 and 407.2.1.1 to 407.2.1.4.

(b) Floor designations shall comply with the requirements in ICC/ANSI A117.1 section 407.2.3.1.

(c) Controls on the platform shall comply with the requirements in ICC/ANSI A117.1 sections 407.4.6.2 and 407.4.7.1.1 to 407.4.7.1.3.

History: CR 14-020: cr. Register August 2014 No. 704, eff. 9-1-14.

SPS 362.1110 Signage. (1) **SIGNS.** (a) *General.* Substitute the following wording for the requirements for location 1 in IBC section 1110.1: Except as specified par. (b), accessible parking spaces required in IBC section 1106 for the general public shall be identified with a sign complying with the accessible parking sign requirements specified in s. Trans 200.07.

(b) *Exceptions.* 1. 'Small parking facilities.' Accessible parking spaces required by IBC section 1106.1 are not required to be signed when the total number of parking spaces provided is four or less.

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

(2) **DIRECTIONAL SIGNAGE.** (a) Substitute the following wording for the introductory paragraph of IBC section 1110.2: Signage

indicating directional information or information about functional spaces or signage indicating special accessibility provisions shall comply with ICC A117.1 and be provided at the following locations:

(b) This is a department informational note to be used under IBC section 1110.3.

Note: Refer to s. SPS 362.0400 (5) for requirements for no-smoking signs.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) (title), (2) (title), (a) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1200 Carbon monoxide alarms. These are department rules in addition to the requirements in IBC chapter 12:

(1) DEFINITIONS. In this section:

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

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

(b) "Fuel-burning appliance" means a device that is installed in a building and burns fossil-fuel or carbon based fuel where carbon monoxide is a combustion by-product, including stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces and stoves.

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

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

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

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

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

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

Note: Section 101.149 (2) and (3), Stats., reads:

(2) **INSTALLATION REQUIREMENTS.** (a) Except as provided in par. (b), the owner of a residential building shall install a carbon monoxide detector in all of the following places not later than the date specified under par. (c):

1. In the basement of the building if the basement has a fuel-burning appliance.
2. Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.
3. Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit that has a fuel-burning appliance.

4. In each room that has a fuel-burning appliance and that is not used as a sleeping area. A carbon monoxide detector shall be installed under this subdivision not more than 75 feet from the fuel-burning appliance.

5. In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, except that, if there is no electrical outlet within this distance, the owner shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.

(b) If a unit is not part of a multiunit building, the owner of the residential building need not install more than one carbon monoxide detector in the unit.

(c) 1. Except as provided under subd. 2., the owner of a residential building shall comply with the requirements of this subsection before the building is occupied.

2. The owner of a residential building shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. 101.12, Stats., before October 1, 2008.

(d) Any carbon monoxide detector that bears an Undervriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization satisfies the requirements of this subsection.

(e) The owner shall install every carbon monoxide detector required by this subsection according to the directions and specifications of the manufacturer of the carbon monoxide detector.

(3) **MAINTENANCE REQUIREMENTS.** (a) The owner of a residential building shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.

(b) An occupant of a unit in a residential building may give the owner of the residential building written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person other than the occupant. The owner of the residential building shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.

(c) The owner of a residential building is not liable for damages resulting from any of the following:

1. A false alarm from a carbon monoxide detector if the carbon monoxide detector was reasonably maintained by the owner of the residential building.

2. The failure of a carbon monoxide detector to operate properly if that failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner or the result of a faulty alarm that was reasonably maintained by the owner as required under par. (a).

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

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

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

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

b. All of the fuel-burning appliances in the building are of sealed-combustion type that are inspected in accordance with sub. (3) or rules promulgated by the department of health services under s. 254.74 (1) (am), Stats.

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

b. For the purposes of s. 101.149 (2) (a) 4., Stats., where a fuel-burning appliance is located within a closet or other enclosure affording space only for the appliance and any other mechanical equipment, a carbon monoxide alarm or detector shall be installed either within or outside of the enclosure. Installation may be within the enclosure only if specifically permitted by the manufacturer of the alarm or detector. Installation outside of the enclosure shall be within 75 feet of the appliance in a space adjacent to the enclosure and on the same floor as the appliance.

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

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

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

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

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

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

(d) Carbon monoxide alarms to be installed within a dwelling unit shall be interconnected so that activation of one alarm will

cause activation of all alarms within the dwelling unit, if either of the following conditions applies:

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

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

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

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

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

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

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

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

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

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

(8) **PENALTIES.** (a) If the department of safety and professional services or the department of health services determines after an inspection of a building under this section or s. 254.74 (1g) that the owner of the building has violated sub. (2) or (3), the respective department shall issue an order requiring the person to correct the violation within 5 days or within such shorter period as the respective department determines is necessary to protect public health and safety. If the person does not correct the violation within the time required, he or she shall forfeit \$50 for each day of violation occurring after the date on which the respective department finds that the violation was not corrected.

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

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

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

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

History: EmR0826: emerg. cr. eff. 10-1-08; CR 08-085: cr. Register May 2009 No. 641, eff. 6-1-09; corrections in (3) (a) to (d) and (4) made under s. 13.92 (4) (b) 2. and 7., Stats., Register May 2009 No. 641; CR 09-104: cr. (2) (a) 6. Register December 2010 No. 660, eff. 1-1-11; CR 10-103: am. (2) (a) 1., (3) (d) Register August 2011 No. 668, eff. 9-1-11; correction in (2) (a) 5., (c) 1., 2., (d) 1., 2., (3) (d) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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

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

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

Note: See ch. SPS 382 for requirements for storm water piping.

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

SPS 362.1210 Toilet rooms. These are department rules in addition to the requirements in IBC section 1210.5:

(1) **PRIVACY AND ACCESS.** Every toilet room shall be enclosed and separated from other areas of the building in a manner that will ensure privacy of the users of the toilet rooms. Restriction of access to toilet rooms, such as by use of key locks or other similar devices, is prohibited, except as provided in sub. (2).

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

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

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

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. Comm 62.1209 to be Comm 62.1210 and am. (intro.) Register February 2008 No. 626, eff. 3-1-08.

SPS 362.1405 Exterior walls. (1) This is a department exception in addition to the exceptions in IBC section 1405.3: Where other approved means to avoid condensation in unventilated framed wall, floor, roof and ceiling cavities and box sills are provided.

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

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

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

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

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

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

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

History: CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (2) (c) 3. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1505 Roof covering classification. The requirements in Footnote a in IBC Table 1505.1 are not included as part of this code.

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

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

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

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

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

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

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

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

SPS 362.1509 Rooftop photovoltaic systems. This is a department informational note to be used under IBC section 1509:

Note: See ch. SPS 314 for requirements relating to firefighter access pathways on roofs with rooftop photovoltaic systems.

History: CR 13-105: cr. Register August 2014 No. 704, eff. 9-1-14.

SPS 362.1603 Roof snow load. Substitute the following wording for the requirements in IBC section 1603.1.3: The ground snow load, P_g , shall be indicated. In areas where the ground snow load, P_g , exceeds 10 pounds per square foot, the following additional information shall also be provided, regardless of whether snow loads govern the design of the roof:

- (1) Flat-roof snow load, P_f
- (2) Snow exposure factor, C_e .
- (3) Snow load importance factor, I .
- (4) Thermal factor, C_t .
- (5) Any sloped-roof snow load, P_s .

(6) Any unbalanced, drift or sliding snow loads.

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

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

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

SPS 362.1607 Live loads. (1) **RESIDENTIAL FLOOR LOADS.** Substitute the following wording and live loads for the requirements in line 27 and footnote j of IBC Table 1607.1:

Table 1607.1
Minimum Uniformly Distributed Live Loads
and Minimum Concentrated Live Loads^g
(Partial Table)

Occupancy or Use	Uniform (psf)	Concentrated (lbs.)
27. Residential		
Uninhabitable attics without storage ⁱ	5	
Uninhabitable attics with storage ^{i, j, k}	20	
Habitable attics	40	
Hotels and Group R-2		
Private rooms and corridors serving them	40	
Public rooms and corridors serving them	100	

j. For attics with storage and constructed with trusses, this live load need only be applied to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:

- i. The attic area is accessible by a pull-down stairway or framed opening in accordance with IBC section 1209.2, and
- ii. The truss shall have a bottom chord pitch less than 2:12.
- iii. Bottom chords of trusses shall be designed for the greater of actual imposed dead load or 10 psf, uniformly distributed over the entire span.

(2) **TRUCK AND BUS GARAGES.** Substitute the following wording for the requirements in IBC section 1607.6: Minimum live loads for garages having trucks or buses shall be as specified in IBC Table 1607.6, but shall not be less than 50 pounds per square foot, unless other loads are specifically justified and approved by the department. Actual loads shall be used where they are greater than the loads specified in the table.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: renum. to (3), cr. (1), (2), (4) and (5) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. (1) and Table 1607.1, r. (4) and (5) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1), Table 1607.1, r. (2), renum. (3) to be (2) and am. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1608 Snow loads. (1) **UNBALANCED SNOW LOADS.** This is a department alternative to the requirements in IBC section 1608.1: Unbalanced snow loads on a hip or gable roof may be calculated in accordance with the following equation:

$$S = S_s(I_s)(C_b C_w C_s C_a)$$

Where:

S = Alternate unbalanced roof snow load

S_s = Ground snow load from IBC Figure 1608.2

I_s = Importance factor from IBC section 1608.1 [ASCE 7, Table 7-4]

C_b = Basic roof snow load factor of 0.8

C_w = Wind exposure factor of 1.0

C_s = Slope factor; see Tables 362.1608-1 and 362.1608-2

C_a = Accumulation factor; see Table 362.1608-3

Table 362.1608-1
Non-Slippery Roof^a

Roof Slope, α	Factor, C_s
$\alpha \leq 30^\circ$	1.0
$30^\circ < \alpha \leq 70^\circ$	$(70^\circ - \alpha) / 40^\circ$
$70^\circ < \alpha$	0

^a Such as with shingles.

Table 362.1608-2
Unobstructed Slippery Roof^a

Roof Slope, α	Factor, C_s
$\alpha \leq 15^\circ$	1.0
$15^\circ < \alpha \leq 60^\circ$	$(60^\circ - \alpha) / 45^\circ$
$60^\circ < \alpha$	0

^a Where snow and ice can slide completely off, such as with steel.

Table 362.1608-3
Accumulation Factor

Roof Slope, α	Factor, C_a
$\alpha \leq 15^\circ$	N/A. Analysis for balanced loading only.
$15^\circ < \alpha \leq 20^\circ$	$0.25 + \alpha / 20^\circ$
$20^\circ < \alpha \leq 90^\circ$	1.25

(2) **EXISTING ROOFS.** These are department rules in addition to the requirements in IBC section 1608.1:

(a) *Buildings on the same property.* 1. Where an existing roof, regardless of the date of its construction, is horizontally within 15 feet of a proposed, taller structure on the same property, IBC section 1608.1 or an alternate recognized engineering method shall be applied to the existing roof, to address any drifting or sliding of snow onto the existing roof, as caused by the taller structure.

2. Where an analysis under subd. 1. shows that an existing roof or corresponding supporting elements will not be adequate to support the additional snow load caused by the taller structure, the existing roof or supporting elements shall be strengthened to support those loads, in accordance with this code.

(b) *Buildings on adjoining properties.* Where an existing roof, regardless of the date of its construction, is horizontally within 15 feet of a proposed, taller structure on an adjoining property, the owner of the proposed structure shall notify the adjoining owner of the potential for increased structural loads on the existing roof, due to sliding or drifting of snow, as caused by the taller structure.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: cr. (3) and (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1) and (2), renum. (3) and (4) to be (1) and (2) and am. (1) (intro.), (2) (intro.) and (a) 1. Register February 2008 No. 626, eff. 3-1-08; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 362.1611 Roof drains. This is a department informational note to be used under IBC section 1611.1:

Note: See ch. SPS 382 for requirements to not connect a secondary roof-drain system to a primary roof-drain system, and to discharge a secondary roof-drain system to the ground surface.

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

SPS 362.1613 Earthquake loads. This is a department informational note to be used under IBC section 1613.5:

Note: An interactive Website maintained by the U. S. Geological Service, at <http://earthquake.usgs.gov/research/hazmaps/design/>, can be used in lieu of IBC Figures 1613.5 (1) and (2) to determine the spectral response acceleration values for an inputted zip-code area.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (1), (2), renum. (3) to be Comm 62.1613 Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1700 Structural tests and special inspections. The requirements in IBC chapter 17, except for the requirements in IBC sections 1711 to 1716, are not included as part of this code.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1802 Definition of neutral plane. This is a department definition in addition to the definitions in IBC section 1802.1: NEUTRAL PLANE. A deep foundation's neutral plane is the level at which drag load, accumulated from the top down, added to the long-term static service load, equals the upward acting shaft resistance accumulated from the bottom up, added to the deep foundation's toe resistance.

History: CR 10-103: renum. from Comm 16.1808 (1) and am. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1803 Deep foundations. Item 5 in IBC section 1803.5.5 is not included as part of this code.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1804 Ground improvement. These are department rules in addition to the requirements in IBC section 1804:

(1) **DESIGN OF GROUND IMPROVEMENT.** Ground improvement for support of foundations or floor slabs shall be designed by an architect or engineer who is registered by the department.

(2) **ALLOWABLE FOUNDATION PRESSURE OF IMPROVED GROUND.** The allowable foundation pressure for improved ground shall

incorporate a minimum safety factor of 3 with respect to a bearing capacity failure within the composite improved ground.

(3) **SETTLEMENT OF STRUCTURES SUPPORTED ON IMPROVED GROUND.** The improved ground shall be designed and constructed for a maximum anticipated total settlement of one inch and a maximum anticipated differential settlement of three fourths of an inch, unless it can be shown that the predicted total and differential settlement will not cause any of the following:

(a) Harmful distortion of the structure.

(b) Instability in the structure.

(c) Any element to be loaded beyond its capacity.

(4) **DESIGN CONFIRMATION TESTING.** The registered design professional responsible for the design of the ground improvement shall determine the scope of field testing required to confirm the design, shall supervise the testing, and shall write a report indicating whether the test results confirm the design. At the discretion of that design professional, testing may be limited to a modulus load test to measure deformation behavior of a single ground improvement element. The design of the ground improvement shall be modified as appropriate based on the results of the confirmatory testing.

(5) **QUALITY CONTROL OBSERVATIONS AND TESTING.** The registered design professional responsible for the design of the ground improvement, or a technician working under supervision of that professional, shall observe construction of the ground improvement, perform quality control testing, and upon completion of work, prepare a report stating whether the ground improvement meets the intent of the approved construction documents. A copy of the report shall be provided to the registered design professional in responsible charge of the project, and to the building official if requested.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

SPS 362.1805 Basement floor base course. This is a department rule in addition to the requirements in IBC section 1805.4.1: A required base course shall be placed on a geotextile fabric that is designed to limit migration of silt and fine sand into the base course.

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

SPS 362.1806 Presumptive load-bearing values for saturated soils. This is an additional department footnote for IBC Table 1806.2: Footnote c. Values to be multiplied by 0.5 for saturated soils.

History: CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1807 Shallow post foundations. This is a department alternative to the requirements in IBC section 1807.3.2: The design criteria in ANSI/ASAE EP 486.1 may be used in lieu of the design criteria in IBC section 1807.3.2.

History: CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1808 Foundations. Substitute the following wording for the requirements in IBC section 1808.7.5: Alternate setbacks and clearances are permitted, subject to the approval of the department.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1809 Frost-protected shallow foundations. This is a department rule in addition to the requirements in IBC section 1809.5: Where a frost-protected shallow foundation is relied upon for a heated or semi-heated structure, permanent, legible notices shall be posted near the thermostats of all building heating appliances that indicates all of the following:

(1) That the structure is designed using a frost-protected-shallow foundation.

(2) The minimum monthly average temperature that the structure must be maintained at to avoid frost damage to the foundation.

History: CR 10-103; cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1810 Deep foundations. (1) DOWNDRAG. This is a department rule in addition to the requirements in IBC section 1803.5.5: Investigations and reports for deep foundations shall include analysis of whether downdrag is anticipated. Where downdrag is anticipated, the report shall include a determination of the position of the deep foundation's neutral plane, an estimate of the soil settlement at the neutral plane, and a determination of the maximum load at the neutral plane.

(2) DETERMINATION OF ALLOWABLE LOADS. Substitute the following wording for the requirements in IBC section 1810.3.3:

(a) The allowable axial and lateral loads on deep foundations shall be determined by an approved formula, load tests or static analysis.

(b) The factor of safety to be used for deep foundation design shall depend on the extent of field testing performed to verify capacity.

(c) If the ultimate capacity is assessed solely by static analysis, a minimum factor of safety of 3.0 shall be applied to the ultimate capacity to determine allowable load capacity.

(d) If only static analysis and dynamic field testing are performed, a minimum factor of safety of 2.5 shall be applied to the ultimate capacity to determine allowable load capacity.

(e) 1. If one or more static load tests are performed, in addition to a static analysis, a minimum factor of safety of 2.0 shall be applied to the ultimate capacity to determine allowable load capacity, except as provided in subd. 2.

2. A minimum factor of safety of 1.5 may be used for structures in occupancy category I, provided all of the following conditions are met:

a. The deep foundations are required only to control settlement.

b. The deep foundations are not required to prevent a bearing capacity failure.

c. A static load test, a static analysis and dynamic field testing have been performed.

(3) DRIVING CRITERIA. This is a department rule in addition to the requirements in IBC section 1810.3.3.1.1: Driving criteria for deep foundations shall be submitted prior to installing the foundations, if requested by the building official.

(4) APPROVED FORMULAS. This is a department informational note to be used under IBC section 1810.3.3.1.1:

Note: The Department has approved the following two dynamic driving formulas, when used within the parameters prescribed below.

1. Washington State Department of Transportation formula:

$$R_n = 6.6 F_{eff} W H \ln(10N)$$

Where:

R_n is the ultimate axial compression capacity in kips.

F_{eff} is an efficiency factor based on hammer and pile type.

W is the hammer weight in kips.

H is the drop height of the hammer in feet.

N is the average penetration resistance at the end of driving, in blows per inch.

Acceptable F_{eff} values are:

0.55 for all pile types driven with an air or steam hammer.

0.37 for open-ended diesel hammers for concrete and timber piles.

0.47 for open-ended diesel hammers for steel piles.

0.35 for closed-ended diesel hammers for all pile types.

2. Corrected FHWA-Modified Gates Equation:

$$R_u = [(1.75)((eE_r)^{0.5}) (\log(10N_b)) - 100] (F_o) (F_s) (F_p) (F_h)$$

Where:

R_u is the ultimate axial compression capacity in kips.

e is the hammer efficiency.

E_r is the hammer energy in foot-pounds.

N_b is the final penetration resistance in blows per inch.

F_o is an overall correction factor.

F_s is a correction factor for soil type.

F_p is a correction factor for pile type.

F_h is a correction factor for hammer type.

Acceptable hammer-efficiency values are:

0.75 for drop hammers.

0.85 for other hammers, or an efficiency recommended by the hammer manufacturer.

Acceptable correction factors are:

Overall F_o : 0.94.

Soil F_s : 1.00 for mixed soil profile.

0.87 for sandy soil profile.

1.20 for clayey soil profile.

Pile F_p : 1.00 for closed-ended pipe.

1.02 for open-ended pipe.

0.80 for H-Section piles.

Hammer F_h : 1.00 for open-ended diesel.

0.84 for closed-ended diesel.

1.16 for air or steam single-acting.

1.01 for air or steam double-acting.

1.00 for hydraulic.

If at least 1 static load test is performed to field-check the penetration resistance criteria calculated by the above dynamic formulas, a minimum safety factor of 2.5 must be applied to the ultimate axial compression capacity calculated by the dynamic formula to determine the allowable pile load. If only dynamic testing (including signal matching) is performed to field-check the penetration resistance criteria determined by the dynamic formula, a minimum safety factor of 2.75 must be applied to the ultimate axial compression capacity calculated by the dynamic formula to determine the allowable pile load. If no field testing is performed to check the penetration resistance criteria calculated by the dynamic formula, a minimum safety factor of 3.0 must be applied to the ultimate axial compression capacity calculated by the dynamic formula to determine the allowable pile load.

The above formulas are predicated on the following three conditions: (1) static load testing and/or dynamic testing being performed on pile(s) driven in uniform site soil conditions, (2) test pile(s) being driven with the same hammer and cushion used for installation of production piles, and (3) test pile(s) being of the same type and section used for production piles. If any of the three conditions is not met, additional field testing is required. With static load testing and/or dynamic testing, penetration resistance criteria calculated by the dynamic formula must be modified as appropriate based on the results of the field testing. A site must be defined as a project site, or a portion of it, where subsurface conditions can be characterized as geologically similar in terms of subsurface stratigraphy, including the sequence, thickness, geologic history, engineering properties and groundwater aspects.

(5) FACTOR OF SAFETY FOR UPLIFT. The exception in IBC section 1810.3.3.1.5 is not included as part of this code.

(6) HELICAL PILES. This is a department informational note to be used under IBC section 1810.3.3.1.9:

Note: See sub. (2) for factors of safety that supersede the criteria in this section. For example, under sub. (2) (c), (d) and (e), this factor may be 3, 2.5 or 1.5, respectively.

(7) DEEP FOUNDATIONS IN SUBSIDING AREAS. Substitute the following wording for the requirements in IBC section 1810.3.4:

(a) Where deep foundations are installed through subsiding fills or other subsiding strata and derive support from underlying firmer materials, consideration shall be given to the downward drag load that may be imposed on the deep foundations by the subsiding upper strata.

(b) Where the influence of subsiding fills is considered as imposing loads on the deep foundation, the allowable stresses

specified in this chapter are permitted to be increased where satisfactory substantiating data are submitted.

(c) The position of the deep foundation's neutral plane shall be determined, and the settlement of the soil at the level of the neutral plane shall be estimated. The maximum load in the deep foundation, which occurs at the neutral plane, shall be determined.

(8) **DESIGN CRACKING MOMENT.** Substitute the following equation for IBC equation 18-11: $\phi M_{cr} = 3(f'_c)^{0.5}(S_m)$.

(9) **DRIVEN TIMBER PILES.** Substitute the following wording for the requirements in IBC section 1810.4.1.5: Any sudden decrease in driving resistance of an end-supported timber pile shall be investigated with regard to the possibility of damage. If the sudden decrease in driving resistance cannot be correlated to load-bearing data, the pile shall be removed for inspection or rejected, or shall be assigned a reduced capacity commensurate with the loss of end-bearing in lieu of removing or rejecting the pile.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (3) (e), cr. (6) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renum. Comm 62.1807 to be Comm 62.1808 and am. (1), (2), (3) (intro.), (4) (intro.), (5) (intro.) and (a) and (6) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: (title), (1), (2), (7) renum. from Comm 62.1808, (title), (2), (3), (5) and am., (9) renum. from Comm 62.1809 and am.; cr. (3) to (6), (8) Register August 2011 No. 668, eff. 9-1-11.

SPS 362.1913 Shotcrete clearance. Substitute the following wording for the exception under IBC section 1913.4.2: Subject to the approval of the department, required clearances may be reduced where it is demonstrated by preconstruction tests that adequate encasement of the bars used in the design will be achieved.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. Comm 62.1914 to be Comm 62.1913 and am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.2103 Cast stone masonry units. These are department rules in addition to the requirements in IBC section 2103.4:

(1) Cast stone masonry units covered under this category are homogeneous or faced, dry cast concrete products other than conventional concrete masonry units (brick or block), but of similar size.

(2) Cast stone masonry units shall be made with portland cement, water and suitable mineral aggregates, with or without admixtures, and reinforced if required.

(3) Cast stone masonry units shall have a minimum compressive strength of 6500 psi and a maximum water absorption of 6% when tested as 2- x 2-inch cylinders or cubes.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. (intro.) Register February 2008 No. 626, eff. 3-1-08.

SPS 362.2109 Empirical design of masonry.

(1) **BEARING ON MASONRY.** This is a department rule in addition to the requirements in IBC section 2109.1: Lintels shall be considered structural members and shall be designed in accordance with the applicable provisions of IBC chapter 16.

(2) **JOINTING.** These are department rules in addition to the requirements in IBC section 2109:

(a) **Expansion and shrinkage.** Joints commensurate with lateral stability requirements shall be installed in all exterior masonry to allow for expected growth of clay products and shrinkage of concrete products.

(b) **Vertical jointing.** Vertical movement joints shall be provided at a spacing in compliance with Table 362.2109.

Note: To accomplish the intended purpose, joints should be located at critical locations, such as changes in building heights, changes in framing systems, columns built into exterior walls, major wall openings, and changes in materials.

(c) **Horizontal jointing.** Where supports such as shelf angles or plates are required to carry the weight of masonry above the foundation level, a pressure-relieving joint shall be provided between the structural support and any masonry that occurs below this level. The joint width shall be such as to prevent any load being transmitted from the support to any element directly below. All mortar and rigid materials shall be kept out of this joint. This type of joint shall be provided at all such supports in a concrete frame structure where clay masonry is exposed to the weather.

Table 362.2109
Maximum Spacing of Exterior Masonry Movement Joints
Between Unrestrained Ends† (Feet)

Loading Conditions	Type of Material	Openings (Percent of Total Wall Area)			
		0 to 20		More than 20	
		Joint to Joint	Joint to Corner	Joint to Joint	Joint to Corner
Load-bearing	Clay units	140	70	100	50
	Concrete units	60	30	40	20
Nonload-bearing walls	Clay units	100	50	60	40
	Concrete units	50	25	30	20

†Jointing required is a minimum and is not intended to prevent minor cracking. The distances given for maximum spacing of joints are for a single wall plane. For composite walls, the maximum spacing of joints shall be governed by the masonry material type used in the exterior wythe.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: r. (2), Table 62.2109-1, renum. (3) to be (2), Table 62.2109-2 to be Table 62.2109 and am. (2) (b) Register August 2011 No. 668, eff. 9-1-11; correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 362.2204 Welded Connections. This is a department informational note to be used under IBC section 2204.1:

Note: The rules pertaining to registration of structural welders are specified in ch. SPS 305.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.2210 Trusses spanning 60 feet or greater. The requirements in IBC section 2210.3.4 are not included as part of this code.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.2303 Trusses spanning 60 feet or greater. The requirements in IBC section 2303.4.1.3 are not included as part of this code.

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

SPS 362.2304 Girder ends. This is a department rule in addition to the requirements in IBC section 2304.11.2.5: A mois-

ture barrier shall be provided between an untreated or nondurable wood girder and an exterior masonry or concrete bearing surface.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08.

SPS 362.2409 Glass and glazing for elevators. This is a department informational note to be used under IBC section 2409:

Note: See ch. SPS 318 [ASME A17.1] for additional glass and glazing requirements relating to elevators. Those requirements include a prohibition against elevator hoistway windows that give a false appearance of a floor level.

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

SPS 362.2503 Gypsum board and plaster. The requirements in IBC section 2503.1 are not included as part of this code.

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

SPS 362.2701 Electrical code. This is a department informational note to be used under IBC section 2701.1:

Note: As defined in s. SPS 361.04 (6), "ICC Electrical Code" means ch. SPS 316.

History: CR 01-139: cr. Register June 2002 No. 558, eff. 7-1-02.

SPS 362.2900 Additional criteria for toilets. These are department rules in addition to the requirements in IBC chapter 29:

(1) **PLUMBING FIXTURE ALTERNATIVES.** (a) *Water closets.* 1. Systems or devices recognized under ss. SPS 391.10 and 391.11 may be substituted for water closets required under IBC chapter 29.

2. Privies recognized under ch. SPS 391 may be substituted for water closets required under IBC chapter 29 in any of the following situations:

a. A building accommodating a seasonal occupancy when occupancy of the building does not extend for more than 3 of the 4 seasons.

b. A building accommodating a school or a assembly that is operated by and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.

c. As approved by the department.

3. Portable restrooms recognized under ch. SPS 391 may be substituted for water closets required under IBC chapter 29 for buildings accommodating events or temporary occupancies not exceeding 12 consecutive days or as approved by the department.

(b) *Lavatories.* Waterless antiseptic cleansing provisions may be substituted for lavatories required under IBC chapter 29 where systems or devices under par. (a) 2. are substituted for water closets. Where water-based water closets or urinals are used, water-based lavatories shall be provided in numbers to accommodate the number of people served by the water closets and urinals.

(2) **PERMANENT OUTDOOR TOILETS.** (a) A permanent outdoor toilet room shall be provided with a suitable approach such as a concrete, gravel or cinder walk.

(b) All windows, ventilators, and other openings for a permanent outdoor toilet room shall be screened to limit the entrance of flies, and all doors shall be self closing.

(3) **ENCLOSURE OF FIXTURES.** (a) Water closets and urinals within a toilet room shall be arranged to ensure privacy. Except as provided in par. (b), each water closet shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy. Urinals shall be placed against walls at least 6 feet 8 inches high and arranged individually with or without partitions.

(b) 1. Water closet compartments may be omitted in a single-occupant toilet room having a door with a privacy lock.

2. Toilet rooms located in day-care and child-care facilities and containing 2 or more water closets may have one water closet without an enclosing compartment.

3. Compartments are not required for water closets in prison or jail cells.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. (2) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. (2), cr. (4) (b) 3. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 08-055: am. (1) Register February 2009 No. 638, eff. 3-1-09; correction in (1) (a) 1., 2., 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 362.2901 Plumbing code. This is a department informational note to be used under IBC section 2901.1:

Note: As defined in s. SPS 361.04 (12) and (13), "IPC and International Plumbing Code" and "IPSC and International Private Sewage Code" mean chs. SPS 381 to 387.

History: CR 01-139: cr. Register June 2002 No. 558, eff. 7-1-02.

SPS 362.2902 Plumbing fixtures. (1) **MINIMUM NUMBER OF FIXTURES.** (a) *Exceptions.* These are department exceptions to the requirements in IBC section 2902.1:

1. Where more than one water closet is required for males, urinals may be substituted for up to 50 percent of the required number of water closets.

2. Where water is served in restaurants or where other acceptable arrangements are made to provide drinking water, drinking fountains are not required.

3. For child day care facilities, bathtubs or showers are not required where other personal hygiene washing arrangements are provided that satisfy the licensing requirements of the Wisconsin department of health services.

4. For day nurseries and child day care facilities, children under the age of 30 months need not be considered as a part of the occupant load used to determine the minimum number of water closets.

5. Service sinks may be omitted for any occupancy where privies have been substituted for water closets under s. SPS 362.2900 (1) (a) 2.

(b) *Additional fixtures.* These are department informational notes to be used under IBC sections 2902.1 and 2902.2:

Note: Additional plumbing fixtures may be required for employees by the U.S. department of labor, occupational safety and health act (OSHA) regulations.

Note: Additional plumbing fixtures may be required by the department of health services for restaurants, mobile home parks, camping grounds, camping resorts, recreational camps and educational camps.

Note: Chapter SPS 390 also has requirements for minimum numbers of sanitary fixtures for a public swimming pool, as based on the pool area. For some buildings, the minimum number of sanitary fixtures determined in that manner may be larger than the minimum number determined in accordance with this section. Compliance with this section does not relieve an owner from complying with ch. SPS 390.

Note: Chapter SPS 391 has requirements for equal speed of access to toilets for each gender, at facilities where the public congregates that do not fall under the scope of this chapter.

(c) *Substitutions in IBC Table 2902.1.* 1. Substitute the following wording for the water closets heading in IBC Table 2902.1: Water closets^c (see s. SPS 362.2902 (1) (a) 1. for urinals).

2. Substitute the following wording for the drinking fountains heading in IBC Table 2902.1: Drinking fountains (see s. SPS 362.2902 (1) (a) 2.).

3. In IBC Table 2902.1, substitute the following wording for the required minimum number of water closets for females in type A-4 and A-5 occupancies: 1 per 37 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500.

4. Substitute the following wording for the required number of bathtubs or showers in storage occupancies in IBC Table 2902.1: See the *International Plumbing Code*.

5. Substitute the following wording for the required number of bathtubs or showers in factory and industrial occupancies in IBC Table 2902.1: See the *International Plumbing Code*.

(d) *Addition to IBC Table 2902.1.* This is an additional department footnote for IBC Table 2902.1: Footnote e. Wherever more than 500 people congregate and more than the required minimum number of water closets or urinals are provided for males, twice as many of those additional toilet facilities shall be provided for females.

(2) **LAVATORIES FOR TOILET ROOMS.** This is a department rule in addition to the requirements in IBC section 2902.1: At least one lavatory shall be provided in each toilet room or in a gender-designated lounge adjacent to the toilet room. If a multiple-use lavatory is provided, 24 lineal inches of wash sink, or 20 inches measured along the edge of a circular basin will be considered equivalent to one lavatory.

(3) **DISTRIBUTION OF PLUMBING FACILITIES AND NUMBER OF OCCUPANTS OF EACH SEX.** Substitute the following wording for the requirements in IBC section 2902.3: Except as otherwise specified in IBC Table 2902.1, the required water closets, lavatories, and showers or bathtubs shall be distributed equally between the sexes based on the percentage of each sex anticipated in the occupant load. The occupant load shall be composed of 50% of each sex, unless statistical data approved by the code official indicate a different distribution of the sexes.

Note: The substitution in this subsection is no longer valid because the IBC section 2902.3 that is referred to was repealed during promulgation of the 2009 edition of the IBC.

(4) **PUBLIC FACILITIES.** This is a department exception to the requirements in IBC section 2902.3: Toilet rooms may be omitted in a small retail or mercantile building where all of the following requirements are met:

- (a) No more than 25 occupants are accommodated.
- (b) Other restrooms are conveniently located and available to the patrons and employees during all hours of operation.
- (c) The omission is approved in writing by the local unit of government.
- (d) A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

(5) **LOCATION OF RESTAURANT TOILET ROOMS.** This is a department informational note to be used under IBC section 2902.3:

Note: Additional requirements for restaurant toilet rooms may be applied by the Department of Health Services.

(6) **PAY FACILITIES.** Substitute the following wording for the requirements in IBC section 2902.3.4 All toilet facilities shall be free of charge.

Note: Section 146.085, Stats., prohibits charging a fee for the use of toilet facilities and imposes a fine of \$10 to \$50 for violations.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. (2) Register June 2002 No. 558, eff. 7-1-02; CR 02-002: cr. (1) (c) Register April 2003 No. 568, eff. 5-1-03; CR 04-016: r. and recr. (1) (a), am. (1) (c) 1. and 2., renum. (1) (c) 3., 4., and (4) to (7) to be (1) (c) 4., 5., and (6) to (9), cr. (1) (c) 3., (d), (4) and (5) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) (c) 1. and (d), r. and recr. (1) (c) 3., r. (3), (4) and (8), renum. (5) to (7) and (9) to be (3) to (5) and (6) and am. (4) (intro.), (5) and (6) Register February 2008 No. 626, eff. 3-1-08; CR 08-055: cr. (1) (a) 5. Register February 2009 No. 638, eff. 3-1-09; correction in (1) (a) 3. made under s. 13.92 (4) (b) 6., Stats., Register February 2009 No. 638; correction in (1) (a) 5., (c) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (4) (intro.), (5), (6) made under s. 13.92 (4) (b) 7., Stats., Register September 2014 No. 705.

SPS 362.2903 Drinking facilities. This is a department rule in addition to the requirements in IBC section 2903: Drinking fountains, water coolers and bottled water dispensers may not be located or installed in public restrooms.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 362.3001 Elevators. (1) REFERENCED STANDARDS.

Substitute the following wording for the requirements in IBC section 3001.2: Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of conveyances and their components shall comply with ch. SPS 318.

(2) **CHANGE IN USE.** Substitute the following wording for the requirements in IBC section 3001.4: A change in use of an elevator from freight to passenger, passenger to freight, or from one freight class to another freight class shall comply with ch. SPS 318.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-043: cr. (4) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (4) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (1), renum. (2), (3) to be (1), (2) and am. Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 362.3002 Elevator car to accommodate ambulance stretcher. Substitute the following wording for IBC section 3002.4:

(1) Where passenger elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors served by passenger elevators in all of the following situations:

(a) A building four or more stories above or four or more stories below grade plane.

(b) Any floor above or below the level affording fire department vehicle access, if the floor accommodates any one of the following occupancies:

- 1. Group I.
- 2. R-2.
- 3. Outpatient clinic and ambulatory health care facility.

(2) The elevator car provided for fire department emergency access shall be of such a size and configuration to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position.

(3) Except in hospitals and except where all of a building's elevators are large enough for fire department emergency access, all elevator cars that are provided for fire department emergency access shall be identified by the international symbol for emergency medical services, star of life. The symbol may not be less than 3 inches high and shall be placed on both sides of the elevator hoistway door frame on all floor levels, approximately 60 inches above the floor.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11; CR 14-020: r. and recr. (3) Register August 2014 No. 704, eff. 9-1-14.

SPS 362.3004 Hoistways. (1) VENTING. This is a department rule in addition to the requirements in IBC section 3004.3: A ventilation opening in a hoistway wall, where provided, shall have guards securely anchored to the supporting structure inside the hoistway. The guards shall consist of a wire-mesh screen of at least 0.0915-inch diameter steel wire with openings that will reject a ball one-inch in diameter, or expanded metal screen of equivalent strength and open area.

(2) **AREA OF VENTS.** This is a department rule in addition to the requirements in the exception under IBC 3004.3: The manual override control shall comply with all of the following:

(a) Be a keyed switch of the open-auto-close type with the three positions labeled, that is operated with an FEO-K1 key or other approved key.

(b) Be located adjacent to the elevator hoistway door frame at the level of fire department vehicle access, approximately 48 inches above the floor, or other approved location. This location may be behind a locked panel.

(c) Be labeled "hoistway vent control."

(3) **PLUMBING AND MECHANICAL SYSTEMS.** Substitute the following wording for the requirements and the exception in IBC section 3004.4:

(a) *General.* Except as specified in par. (b), plumbing and mechanical systems shall not be located in an elevator shaft.

(b) 1. Except as provided in subd. 2., A drain or sump complying with ss. SPS 382.33 and 382.36 shall be provided in an elevator pit. Connection of the drain or sump to a sanitary system is prohibited.

2. An elevator pit is exempt from the sump or drain requirement under subd. 1. for any of the following situations:

a. The floor of an elevator walk-in pit is level with the adjacent floor.

b. The elevator does not extend to the building's lowest floor level and the pit floor is not in contact with the earth.

c. The pit floor is above adjacent grade where the elevator hoistway shaft has one or more exterior walls.

d. The pit will not allow the entrance of ground water and will not be greater than 16 inches in depth.

3. The aggregate capacity for drainage from the pit shall be at least one of the following:

a. 30 gpm in a hoistway with one elevator.

b. 50 gpm in a hoistway with two or three elevators.

c. 80 gpm in a hoistway with four elevators.

Note: See s. SPS 382.36 for the width or diameter and depth of a sump pump located in an elevator pit.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-111: r. and recr. (2) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. (2) (intro.) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (2) (intro.) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (2) (b) Register August 2011 No. 668, eff. 9-1-11; correction in (2) (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-020: renum. (2) to (3), cr. (2), (3) (b) 2. d. Register August 2014 NO. 704, eff. 9-1-14.

SPS 362.3006 Machine rooms. (1) **SCOPE.** This is a department rule in addition to the requirements in IBC section 3006: This section applies to elevator machine rooms, machinery spaces, control rooms and control spaces not within the hoistway.

(2) **ACCESS.** This is a department informational note to be used under IBC section 3006.1:

Note: See ch. SPS 318 for additional requirements, including a prohibition against accessing elevator machine rooms, machinery spaces, control rooms, or control spaces through a toilet room, sleeping room or other private space; and a prohibition against accessing spaces, machinery or equipment not related to a conveyance through machine rooms, machinery spaces, control rooms, control spaces, or hoistways.

(3) **TEMPERATURE AND HUMIDITY.** Substitute the following wording for the requirements in IBC section 3006.2: Elevator machine rooms that contain solid-state equipment for elevator operation shall be provided with an independent means to control the temperature and humidity in the machine room.

Note: See IBC section 3003.1.4 and ASME A17.1 section 2.7.9.2 for additional requirements that may apply.

(4) **PRESSURIZATION.** This is a department exception to the requirements in IBC section 3006.3: An elevator machine room which serves a pressurized elevator hoistway and which is not directly connected to the pressurized elevator shaft is not required to be pressurized.

(5) **PLUMBING SYSTEMS.** Substitute the following wording for the requirements in IBC section 3006.6: Plumbing systems not used in connection with the operation of the elevator may not be located in elevator equipment rooms.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-111: renum. (1) and (2) to be (2) and (3) and cr. (1) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. (3) to be (4), cr. (3) Register December 2004 No. 588, eff. 1-1-05; CR 14-020: renum. (1), (2), (4) to (2), (4), (5), cr. (1), (r) (3), cr. (3) Register August 2014 No. 704, eff. 9-1-14; (1) (title), (3) (title) added under s. 13.92 (4) (b) 2., Stats., Register August 2014 No. 704.

SPS 362.3100 Special construction. These are department rules in addition to the requirements in IBC chapter 31: Public mausoleum structures shall be designed, constructed and maintained in accordance with this code. Mausoleums shall be classified as a Group S-1 storage occupancy and shall be constructed of reinforced concrete or other materials of similar durability.

Note: Section 157.12 (2) (d), Stats., reads as follows: "A mausoleum shall be constructed to last as long as possible, taking into consideration the technology and economics applicable to mausoleum construction at the time of construction."

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am., cr. (2) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. (1), renum. (2) to be Comm 62.3100 Register February 2008 No. 626, eff. 3-1-08.

SPS 362.3102 Blower equipment. Substitute the following wording for requirement 2 in IBC section 3102.8.1.2: Blowers shall be provided with inlet screens, belt guards and other protective devices as required to provide protection from injury.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08.

SPS 362.3103 Temporary structures. This is a department rule in addition to the requirements in IBC section 3103: Under IBC sections 3103.1.1 and 3103.2, the requirements for permits and construction documents for temporary structures are at the option of the local code official.

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

SPS 362.3104 Pedestrian walkways and tunnels. Substitute the following wording for the requirements and exception in IBC section 3104.2: Buildings that are connected in accordance with IBC section 3104 shall be considered to be separate structures.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. (1) (title) and (2), renum. (1) to be Comm 62.3104 Register February 2008 No. 626, eff. 3-1-08.

SPS 362.3109 Swimming pool enclosures. Substitute the following informational note for the requirements in IBC section 3109.

Note: See ch. SPS 390 for requirements for swimming pool enclosures.

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

SPS 362.3200 Encroachments into the public right-of-way. The requirements in IBC chapter 32 are not included as part of this code.

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

SPS 362.3300 Safeguards during construction. Except for the requirements in IBC sections 3302.1 and 3303.5, the requirements in IBC chapter 33 are not included as part of this code.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: renum. (1) to be Comm 62.3300 and renum. (2) to be Comm 62.3307 Register June 2002 No. 558, eff. 7-1-02.

SPS 362.3307 Protection of adjoining property. This is a department informational note to be used under IBC chapter 33:

Note: Sections 101.111 (1) to (6), Stats., read as follows:

"(1) **DEFINITION.** In this section 'excavator' means any owner of an interest in land making or causing to be made an excavation.

(2) **CAVE-IN-PREVENTION.** Any excavator shall protect the excavation site in such a manner so as to prevent the soil of adjoining property from caving in or settling.

(3) **LIABILITY FOR UNDERPINNING AND FOUNDATION EXTENSIONS.** (a) If the excavation is made to a depth of 12 feet or less below grade, the excavator may not be held liable for the expense of any necessary underpinning or extension of the foundations of buildings on adjoining properties.

(b) If the excavation is made to a depth in excess of 12 feet below grade, the excavator shall be liable for the expense of any necessary underpinning or extension of the foundations of any

adjoining buildings below the depth of 12 feet below grade. The owners of adjoining buildings shall be liable for the expense of any necessary underpinning or extension of the foundations of their buildings to the depth of 12 feet below grade.

(4) **NOTICE.** Unless waived by adjoining owners, at least 30 days prior to commencing the excavation the excavator shall notify, in writing, all owners of adjoining buildings of his or her intention to excavate. The notice shall state that adjoining buildings may require permanent protection. The owners of adjoining property shall have access to the excavation site for the purpose of protecting their buildings.

(5) **EMPLOYEES NOT LIABLE.** No worker who is an employee of an excavator may be held liable for his or her employer's failure to comply with this section.

(6) **FAILURE TO COMPLY; INJUNCTION.** If any excavator fails to comply with this section, any aggrieved person may commence an action to obtain an order under ch. 813 directing such excavator to comply with this section and restraining the excavator from further violation thereof. If the aggrieved person prevails in the action, he or she shall be reimbursed for all his or her costs and disbursements together with such actual attorney fees as may be approved by the court."

History: CR 01-139: renum. from Comm 62.3300 (2) Register June 2002 No. 558, eff. 7-1-02.

SPS 362.3400 Existing structures. The requirements in IBC chapter 34 are not included as part of this code.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08.

SPS 362.3500 Referenced standards. (1) INTRODUCTION. Substitute the following wording for the introductory paragraph in IBC chapter 35: This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in s. SPS 361.03 (1) (b) and (3) (a).

(3) **ADDITIONS.** This is a department rule in addition to the requirements in IBC chapter 35: The following standards are hereby incorporated by reference into this code:

(b) NFPA 30A-2008, Code for Motor Fuel Dispensing Facilities and Repair Garages.

(c) NFPA 45-2004, Standard on Fire Protection for Laboratories Using Chemicals.

(d) NFPA 750-2010, Standard on Water Mist Fire Protection Systems.

(e) UL 2034-2005, Single and Multiple State Carbon Monoxide Alarms.

(f) UL 2075-2007, Gas and Vapor Detectors and Sensors.

Note: ANSI/SAE standards may be purchased from the American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659.

NFPA standards may be purchased from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

UL standards may be purchased for Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

Copies of the standards adopted under this section are on file in the offices of the department and the legislative reference bureau.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1), r. (2) and (3) (a), renum. (3) (b) to (e) to be (3) (a) to (d) and am. (3) (c) Register February 2008 No. 626, eff. 3-1-08; EmR0826: emerg. cr. (3) (e), eff. 10-1-08; CR 08-085: cr. (3) (e) and (f) Register May 2009 No. 641, eff. 6-1-09; CR 10-103: r. (3) (a), am. (3) (b), (d) Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 362.3600 Appendices. (1) EXCLUSIONS. The provisions in IBC Appendices A, B, D, and F to K are not included as part of this code.

(2) **APPENDIX C.** The provisions in IBC Appendix C apply to Group U agricultural buildings, as described in IBC section C 101.1, that are not exempt from this code as outlined in ss. SPS 361.01 and 361.02 (2) and (3).

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (1) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Chapter SPS 363

ENERGY CONSERVATION

Subchapter I — Purpose and Application

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SPS 363.002 Application.

Subchapter II — Changes, Additions or Omissions to the International Energy Conservation Code (IECC)

SPS 363.0100 Changes, additions or omissions to IECC.
SPS 363.0101 Administration and enforcement.
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SPS 363.0303 Materials, systems and equipment.
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SPS 363.0503 Building mechanical systems.
SPS 363.0504 Service water heating.
SPS 363.0505 Lighting systems.
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SPS 363.0900 Referenced standards.

Note: Chapter Comm 63 as it existed on June 30, 2002 was repealed and a new chapter Comm 63 was created, Register December 2001 No. 552, effective July 1, 2002; Chapter Comm 63 was repealed and recreated, Register February 2008 No. 626, eff. March 1, 2008. Chapter Comm 63 was renumbered chapter SPS 363 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Purpose and Application

SPS 363.001 Purpose. This chapter regulates the design and construction of buildings for the effective use of energy. This chapter provides flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes.

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

SPS 363.002 Application. (1) **MIXED OCCUPANCY.** Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of IECC chapter 4 for residential or IECC chapter 5 for commercial.

(2) **EXEMPT BUILDINGS AND STRUCTURES.** Glazed structures or glazed portions of buildings used for the production of plant life or for maintaining plant life as the primary purpose are exempt from the building thermal envelope provisions of this code, provided that glazed portions are separated from the remainder of the building by building thermal envelope assemblies complying with this chapter.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (2) Register August 2011 No. 668, eff. 9-1-11.

Subchapter II — Changes, Additions or Omissions to the International Energy Conservation Code (IECC)

SPS 363.0100 Changes, additions or omissions to IECC. Changes, additions or omissions to the IECC are specified in this subchapter and are rules of the department and are not requirements of the IECC.

Note: The sections in this chapter are generally numbered to correspond to the numbering used in the IECC, i.e., s. SPS 363.0101 refers to section IECC 101.

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

SPS 363.0101 Administration and enforcement. Except for IECC section 101.5.2, the requirements in IECC sections 101 and 103 to 109 are not included as part of this chapter.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11.

SPS 363.0202 General definitions. (1) **ADDITIONS.** This is a department definition for this chapter in addition to the definitions in IMC section 202: "Effective aperture" or "EA" means for windows, the visible light transmittance times the window wall ratio per wall; and for sky lights, the well efficiency times the visible light transmittance times the sky light area times 0.85 divided by the gross exterior roof area.

(2) **SUBSTITUTIONS.** Substitute the following definition for the corresponding definition listed in IECC section 202: "Approved" has the meaning given in s. SPS 362.0202 (2).

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 363.0302 Exterior design conditions. These are department rules in addition to the requirements in IECC section 302: The exterior design temperatures used for heating and cooling load calculations shall be as specified under Table 363.0302.

Table 363.0302
Exterior Design Conditions

County	Winter Design Temp (F)	Summer	
		Dry Bulb (°F)	Wet Bulb (°F)
Adams	-20	87	75
Ashland	-25	86	70
Barron	-25	86	75
Bayfield	-25	86	70
Brown	-15	87	75
Buffalo	-20	87	75
Burnett	-25	86	75
Calumet	-15	87	75
Chippewa	-25	86	75
Clark	-20	87	75
Columbia	-15	87	75
Crawford	-15	87	75
Dane	-15	87	75
Dodge	-15	87	75
Door	-15	87	75
Douglas	-25	86	70
Dunn	-25	86	75
Eau Claire	-20	87	75
Florence	-25	86	75
Fond du Lac	-15	87	75
Forest	-25	86	75
Grant	-15	87	75
Green	-15	87	75
Green Lake	-15	87	75
Iowa	-15	87	75
Iron	-25	86	70
Jackson	-20	87	75
Jefferson	-10	89	77
Juneau	-20	87	75
Kenosha	-10	89	77
Kewaunee	-15	87	75
La Crosse	-20	87	75
Lafayette	-15	87	75
Langlade	-20	87	75
Lincoln	-25	86	75
Manitowoc	-15	87	75

County	Winter Design Temp (F)	Summer	
		Dry Bulb (°F)	Wet Bulb (°F)
Marathon	-20	87	75
Marinette	-20	87	75
Marquette	-15	87	75
Menominee	-20	87	75
Milwaukee	-10	89	77
Monroe	-20	87	75
Oconto	-20	87	75
Oneida	-25	86	75
Outagamie	-15	87	75
Ozaukee	-10	89	77
Pepin	-20	87	75
Pierce	-25	86	75
Polk	-25	86	75
Portage	-20	87	75
Price	-25	86	75
Racine	-10	89	77
Richland	-15	87	75
Rock	-10	89	77
Rusk	-25	86	75
St. Croix	-25	86	75
Sauk	-15	87	75
Sawyer	-25	86	75
Shawano	-20	87	75
Sheboygan	-15	87	75
Taylor	-25	86	75
Trempealeau	-20	87	75
Vernon	-20	87	75
Vilas	-25	86	75
Walworth	-10	89	77
Washburn	-25	86	75
Washington	-10	89	77
Waukesha	-10	89	77
Waupaca	-20	87	75
Waushara	-15	87	75
Winnebago	-15	87	75
Wood	-20	87	75

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 363.0303 Materials, systems and equipment.

These are department rules in addition to the requirements in IECC section 303.

(1) GENERAL. Except as specified in sub. (2), when available, information on thermal properties, performance of building envelope sections, and components and heat transfer shall be obtained from ASHRAE Handbook of Fundamentals.

(2) EXCEPTIONS. (a) When the information is not available from ASHRAE Handbook of Fundamentals, the data shall be obtained from laboratory or field-test measurements. If laboratory or field test measurements are used for envelope heat transmission, the measurements shall be obtained using one of the following test methods:

1. ASTM C177, Test method by guarded hot plate apparatus.

2. ASTM C335, Test method of horizontal pipe insulation.

3. ASTM C518, Test method by means of the heat flow meter apparatus.

4. ASTM C1363, Test method by means of a hot box apparatus.

(b) For foam plastic insulation that incorporates a substance other than air as the insulating medium, laboratory or field tests shall be conducted on representative samples that have been aged for the equivalent of 5 years or until the R-Value has stabilized to determine thermal properties or performance. The tests shall be conducted by an independent third party.

(c) Integrally insulated concrete masonry systems within the scope of the National Concrete Masonry Association (NCMA)

shall be evaluated for the thermal performance of the masonry or concrete units in accordance with one of the following:

1. NCMA Evaluation Procedures for the Integrally-Insulated Concrete Masonry Walls.

2. Default values as approved by the department.

(d) All other concrete or masonry units not within the scope of the NCMA Evaluation Procedures shall comply with one of the following methods for determining the thermal performance of the assembly or system:

1. Default values as approved by the department.

2. Laboratory or field-test measurements specified in par. (a).

3. Department material approval process as specified in ch. SPS 361 to determine the U-factor.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: r. (1), (2) (title), renum. (2) (a), (b) to be (1), (2) and am. Register December 2010 No. 660, eff. 1-1-11; CR 10-103: renum. from Comm 63.0102 and am. (intro.) Register August 2011 No. 668, eff. 9-1-11; correction in (2) (d) 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 363.0401 Certificate. The requirements in IECC section 401.3 are not included as part of this code.

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

SPS 363.0403 Systems. (1) **ELECTRICAL POWER AND LIGHTING.** This is a department rule in addition to the requirements in IECC section 403: In residential buildings having individual dwelling units, provisions shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units.

(2) **DUCTS.** Substitute the following wording for the requirements in IECC section 403.2.2: All ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with IMC section 603.9.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (2), r. (3) Register August 2011 No. 668, eff. 9-1-11.

SPS 363.0405 Calculation software tools. This is a department informational note to be used under IECC section 405.6:

Note: The federal Department of Energy has developed REScheck™, a computer program that may be used in demonstrating compliance for a residential building which has no more than 3 stories above grade and has 3 or more dwelling units. The REScheck program may be downloaded at <http://www.energycodes.gov/>. When using the program, the applicable code must be defined as the "2009 IECC." The use of the "Wisconsin" option will apply requirements associated with a 1 or 2 family dwelling, which are more restrictive than those associated with low-rise multifamily buildings.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. from Comm 63.0404 and am. Register August 2011 No. 668, eff. 9-1-11.

SPS 363.0501 General application. This is a department rule in addition to the requirements in IECC section 501.2: All of the following rules shall apply regardless of whether the IECC chapter 5 or ASHRAE 90.1 standard is used to determine compliance:

(1) Section SPS 363.0503 (1) relating to design loads.

(2) Sections SPS 363.0503 (3) and (4) relating to economizers.

(3) Section SPS 363.0505 relating to lighting systems.

(4) IECC section 505.2.2.1 relating to dual switching.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 363.0503 Building mechanical systems. (1) **CALCULATION OF HEATING AND COOLING LOADS.** The following wording is a department requirement in addition to the requirements in IECC section 503.2.1: Design heating and cooling loads shall be determined in accordance with s. SPS 363.0302 and Table 363.0302.

(2) **EQUIPMENT AND SYSTEM SIZING.** Substitute the following wording for the requirements and the exceptions in IECC section

503.2.2: Heating and cooling equipment and systems shall be sized to provide the minimum space and system loads calculated in accordance with s. SPS 363.0302.

(3) **HVAC SYSTEM COMPLETION.** The requirements in IECC sections 503.2.9 to 503.2.9.3 are not included as part of this chapter.

(4) **ECONOMIZERS SIMPLE HVAC SYSTEMS.** Substitute the following wording for the requirements in IECC section 503.3.1 the first paragraph and Table 503.3.1 (1): Supply air economizers shall be provided on the following cooling systems:

(a) Package roof top units $\geq 33,000$ Btu/h.

(b) All other cooling systems $\geq 54,000$ Btu/h.

(5) **ECONOMIZERS COMPLEX HVAC SYSTEMS.** Substitute the following wording for the requirements, but not the exceptions, in IECC section 503.4.1: Supply air economizers shall be provided on cooling systems as described under sub. (4). Economizers shall be capable of operating at 100 percent outside air, even if additional mechanical cooling is required to meet the cooling load of the building.

(6) **CLIMATE ZONES 3 AND 4.** Substitute the following wording for the requirements in IECC section 503.4.3.3.2.2: For climate Zones 5 through 8 as indicated in Figure 301.1 and Table 301.1, if an open-circuit cooling tower is used, then a separate heat exchanger shall be required to isolate the cooling tower from the heat pump loop, and heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop and providing an automatic valve to stop the flow of fluid.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction made to (9) under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (3) to (6), Table 503.2.3 (1), Table 503.2.3 (2), Table 63.0503, (8), (9), renum. (7) to be (3), cr. (4), (5), (6) Register August 2011 No. 668, eff. 9-1-11; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 363.0504 Service water heating. (1) **TEMPERATURE CONTROLS.** The requirements in IECC section 504.3 are not included as part of this chapter.

(2) **HEAT TRAPS.** The requirements in IECC section 504.4 are not included as part of this chapter.

(3) **POOL COVERS.** The requirements in IECC section 504.7.3 are not included as part of this chapter.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: cr. (3) Register December 2010 No. 660, eff. 1-1-11.

SPS 363.0505 Lighting systems. (1) **CONTROLS.** These are department rules in addition to the requirements in IECC section 505:

(a) **General.** Except as provided in par. (b), daylight zones in any interior enclosed space greater than 250 square feet and a lighting density more than 0.6 W/ft^2 shall have at least one control that meets all of the following requirements:

1. Controls only luminaires in the daylight zones.

2. Controls at least 50% of the lamps or luminaires in the daylight zone, in a manner described in IECC section 505.2.2.1.

(b) **Exceptions.** The requirements of this subsection do not apply to any of the following:

1. Daylight zones where the effective aperture of glazing is equal or less than 0.1 for vertical glazing and 0.01 for horizontal glazing.

2. Daylight zones where existing adjacent structures or natural objects obstruct daylight to the extent that effective use of daylighting is not feasible.

(2) **LINE-VOLTAGE LIGHTING TRACK AND PLUG-IN BUSWAY.** Substitute the following for the requirements in IECC section 505.5.1.4: The wattage of line-voltage lighting track and plug-in busway which allows the addition or relocation of luminaires without altering the wiring of the system shall be the volt-ampere rating of the branch circuit feeding the luminaires or an integral current limiter controlling the luminaires, or the higher of the

maximum relamping rated wattage of all of the luminaires included in the system, listed on a permanent factory installed label, or 30 W/linear foot.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (1), (2) (a) 3., (3), renum. (2), (4) to be (1), (2) and am. (1) Register August 2011 No. 668, eff. 9-1-11.

SPS 363.0506 Total building performance. This is a department informational note to be used under IECC section 506:

Note: ComCheck is a computer program that may be used only for determining building envelope or lighting compliance. The ComCheck computer program may be downloaded at: <http://www.enrgycodes.gov/>.

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

SPS 363.0900 Referenced standards. This is a department rule in addition to the requirements in IECC chapter 6: The following standards are hereby incorporated by reference into this code:

(1) ASTM C177-04, Test method for steady-state heat flux

measurements and thermal transmission properties by means of the guarded-hot-plate apparatus.

(2) ASTM C335-05, Test method for steady state heat transfer properties of horizontal pipe insulation.

(3) ASTM C518-04, Test Method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

(4) ASTM C1363-05, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

(5) National Concrete Masonry Association (NCMA) Evaluation Procedures of Integrally Insulated Concrete Masonry Walls, January 1, 1999.

Note: ASTM standards may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

NCMA Evaluation Procedures may be obtained from the National Concrete Masonry Association, 2302 Horse Pen Road, Herndon, VA 20171-3499.

Copies of the standards adopted under this section are on file in the offices of the department, the legislative reference bureau.

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

Chapter SPS 364

HEATING, VENTILATING AND AIR CONDITIONING

Subchapter I — Scope
SPS 364.0001 Scope.**Subchapter II — Changes, Additions or Omissions to the International Mechanical Code (IMC)**

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Note: Chapter Comm 64 as it existed on June 30, 2002 was repealed and a new chapter Comm 64 was created, Register December 2001 No. 552, effective July 1, 2002. Chapter Comm 64 was renumbered chapter SPS 364 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Scope

SPS 364.0001 Scope. This chapter shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that provide control of environmental conditions and related processes within buildings. This chapter shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The use of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by ch. SPS 365.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter II — Changes, Additions or Omissions to the International Mechanical Code (IMC)

SPS 364.0100 Changes, additions or omission to the International Mechanical Code (IMC). Changes, additions or omissions to the IMC are specified in this subchapter and are rules of the department and are not requirements of the IMC.

Note: The sections in this subchapter are generally numbered to correspond with the section numbering in the IMC; e.g., s. SPS 364.0102 corresponds to IMC section 102.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. Register December 2004 No. 588, eff. 1-1-05.

SPS 364.0202 Definitions. (1) ADDITIONS. These are department definitions in addition to the definitions for this chapter in IMC section 202:

(c) "DHS" means the department of health services.

(d) "Health care facility" means a hospital, nursing home, or outpatient surgical facility.

(2) **SUBSTITUTIONS.** Substitute the following meanings for the corresponding definitions in IMC section 202: "Approved" has the meaning given in s. SPS 362.0202 (2).

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: r. (2) (b), renum. (2) (c) to be (2) (b) Register June 2002 No. 558, eff. 7-1-02; correction in (2) (b) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568; CR 06-120: am. (1) (intro.), r. (1) (a), (b) and (2) (b), r. and recr. (1) (d), renum. (2) (a) to be (2) Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 1., Stats., Register February 2008 No. 626; corrections in (1) (c) made under s. 13.92 (4) (b) 6., Stats.; CR 10-103: am. (1) (d) Register August 2011 No. 668, eff. 9-1-11; corrections in (2) made under s. 13.92 (4) (b) 1., 7., Stats., Reg-

ister August 2011 No. 668; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0300 Health care facilities. (1) This is a department rule in addition to the requirements in IMC chapter 3: In addition to the requirements in this code, the heating and ventilation systems for health care facilities only shall conform to the applicable provisions of The Facility Guidelines Institute (FGI) Guidelines for Design and Construction of Health Care Facilities, except as provided in sub. (2).

Note: The Guidelines for Design and Construction of Health Care Facilities are not intended for use in the design or construction of HVAC systems for other types of institutional health care facilities including community-based residential facilities (CBRFs) or residential care apartment complexes (RCACs).

(2) (a) The requirements in parts 1 and 5 of FGI guidelines are not included as part of this chapter.

(b) This is a department rule in addition to the requirements in part 6 of the FGI guidelines: Addenda a, b, d, e and f for ASHRAE 170 are included as part of this chapter, except as provided in sub. 2.

(c) Substitute the following definition for the corresponding definition listed in ASHRAE 170 section 3: "Alteration", has the meaning as given in IEBC section 202.

Note: IEBC section 202 defines "alteration" as "any construction or renovation to an existing structure other than a repair or addition. Alterations are classified as Level 1, Level 2, and Level 3".

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. to (1), cr. (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0301 General regulations. (1) SCOPE. Substitute the following wording for the requirements in IMC section 301.1: This chapter shall govern the approval and installation of all equipment and appliances that comprise parts of the building mechanical systems regulated by this code in accordance with subch. 1.

(2) **ENERGY UTILIZATION.** This is a department informational note to be used under IMC section 301.2:

Note: See ch. SPS 363 for additional requirements.

(3) **LISTED AND LABELED.** Substitute the following wording for the requirements in IMC section 301.4:

(a) *General.* All appliances regulated by this chapter shall be listed and labeled as specified in this chapter, unless approved by the department in accordance with par. (b) or the product approval criteria in s. SPS 361.50.

(b) *Unlisted appliances.* The department may approve an installation of an unlisted appliance after receipt of all of the following:

1. A statement from the appliance manufacturer indicating the national standard with which the appliance complies.

2. The results of a test on the output and safety controls in accordance with the national standard used by the manufacturer.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: r. and recr. (2) (a) and (b) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: renum. (1) to (4) to be (2) to (5) and am. (3) (a), cr. (1) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (3) (b), r. (4) and (5) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (3) (b) 2. Register August 2011 No. 668, eff. 9-1-11; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0304 Installation. This is a department informational note to be used under IMC section 304.2:

Note: See s. SPS 361.03 (3) for clarification on the application of different requirements and where the most restrictive requirements apply.

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

SPS 364.0306 Access and service space. This is a department exception to the requirements in IMC section 306.5.1: These provisions do not apply when the installation consists of fans only.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08.

SPS 364.0307 Auxiliary and secondary drain systems. The requirements in IMC section 307.2.3 are not included as part of this chapter.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0309 Temperature control. These are department exceptions to the requirements in IMC section 309.1:

(1) **ALTERNATE MINIMUMS.** For those interior spaces intended for human occupancy listed in Table 364.0309, the heating system shall be capable of maintaining an inside temperature of not less than that shown in the table at 3 feet above the floor.

Table 364.0309
Alternate Minimum Inside Temperature

Occupancy Types	Minimum Inside Temperature (degrees F)
Dry cleaners, laundries, laundry rooms	60
Educational training shops	60
Commercial kitchens	60
Health care facilities, hospitals, nursing homes, ambulatory surgery centers	Footnote a
Factories and machine shops	60
Foundries	NMR
Sawmills	NMR
Garages at private dwellings	NMR
Automotive service and repair garages	60
Car washes, enclosed:	NMR
Self-serve	60
All other types	
Ice skating rinks (indoor)	NMR
Natatoriums	76
Roller skating rinks (indoors)	60

Storage	NMR
Elevator cars	NMR
Janitor closets	NMR
Locker and dressing rooms	70
Shower rooms	70
Food processing	NMR
Printing	60

NMR = No minimum requirement

a For inside temperature requirements in health care facilities, use American Institute of Architects (AIA) Guidelines for Design and Construction of Hospital and Health Care Facilities.

(2) **SEASONAL OCCUPANCIES.** The heating requirements but not the ventilation requirements may be waived during the period of May 1 through October 15 for the following or similar occupancies: drive-in eating places, club houses, outdoor toilets, camp lodge buildings, canning factories and migrant labor camps.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-135: am. (1) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0312 Heating and cooling load calculations. This is a department informational note to be used under IMC section 312:

Note: For design parameters in the IECC refer to ch. SPS 363 or IECC section 503.

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

SPS 364.0313 Other requirements. These are department rules in addition to the requirements in IMC chapter 3:

(1) **BALANCING, FINAL TEST REQUIRED.** Every heating, ventilating and air conditioning system shall be balanced upon installation. The person or agency responsible for balancing of the ventilating system shall document in writing the amount of outdoor air being provided and distributed for the building occupants and any other specialty ventilation. The document shall be retained at the site and shall be made available to the department upon request.

(a) Air systems shall be balanced in a manner to minimize losses from damper throttling by first adjusting fan speed then adjusting dampers to meet design flow conditions. Balancing procedures shall be acceptable to the department. Damper throttling alone may be used for air system balancing with fan motors of 1 hp or less, or if throttling results in no greater than 1/3 hp fan horsepower draw above that required if the fan speed were adjusted.

(b) Either of the following test methods shall be used:

1. Hydronic systems shall be balanced in a manner to minimize valve throttling losses by first trimming the pump impeller or adjusting the pump speed then adjusting the valves to meet design flow conditions.

2. Valve throttling alone may be used for hydronic system balancing under any of the following conditions as specified in subd. 2. a. to d.

a. Pumps with pump motors of 10 hp or less.

b. If throttling results in no greater than 3 hp pump horsepower draw for pumps of 60 hp or less, or no greater than 5% of pump horsepower draw for pumps greater than 60 hp, above that required if the impeller were trimmed.

c. To reserve additional pump pressure capability in open circuit piping systems subject to fouling. Valve throttling pressure drop shall not exceed that expected for future fouling.

d. Where it can be shown that throttling will not increase overall building energy costs.

Note: National Environmental Balancing Bureau (NEBB) Procedural Standards, the Associated Air Balance Council (AABC) National Standards, the Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA), or equivalent balancing procedures are acceptable to the department.

(2) **BALANCING, PROPER WORKING CONDITION.** HVAC control systems shall be tested to assure that control elements are calibrated, adjusted and in proper working condition.

(3) **BALANCING, OPERATING AND MAINTENANCE MANUALS.** (a) The designer or installer shall provide the owner with written instructions for the operation and maintenance of the HVAC systems and equipment. An operating and maintenance manual shall be provided to the building owner or operator. The manual shall include basic data relating to the operation and maintenance of heating, ventilating and air conditioning (HVAC) systems and equipment.

(b) Required routine maintenance actions shall be clearly identified. Where applicable, HVAC controls information such as diagrams, schematics, control sequence descriptions, and maintenance and calibration information shall be included.

(4) **APPLICABILITY.** This is a department rule in addition to the requirements in IMC chapter 1:

(a) The designer or installer shall provide the owner with written instructions for the operation and maintenance of the system and equipment. An operating and maintenance manual shall be provided to the building owner or operator. The manual shall include basic data relating to the operation and maintenance of heating, ventilating and air conditioning (HVAC) systems and equipment.

(b) Required routine maintenance actions shall be clearly identified. Where applicable, HVAC controls information such as diagrams, schematics, control sequence descriptions, and maintenance and calibration information shall be included.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. and recr. (3) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: (4) renun. from Comm 64.0102 Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0401 Ventilation. (1) VENTILATION REQUIRED.

(a) These are department rules in addition to the requirements in IMC section 401.2:

1. Natural ventilation shall be in accordance with s. SPS 364.0402.

2. Mechanical ventilation shall be in accordance with IMC section 403 and as modified in ss. SPS 364.0403 (1) to (6).

(b) These are department exceptions to the requirements of IMC section 401.2:

1. Outdoor air ventilation by natural or mechanical means shall be permitted to be omitted in large volume spaces containing 5,000 or more cubic feet per occupant.

2. A toilet room that has only one water closet or urinal and no bathtub or shower may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

3. A janitor closet that has only one service sink may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the

outside or mechanical exhaust ventilation as specified in Table 364.0403.

(2) **WHEN REQUIRED.** Substitute the following wording for the requirements of IMC section 401.3:

(a) Except as provided in par. (b), ventilation shall be provided during the periods that the room or space is occupied.

(b) Mechanical exhaust ventilation shall be provided for laboratories even when the space or building is not occupied.

(4) **INTAKE OPENINGS.** (a) Substitute the following wording for the requirements in IMC introductory section 401.4: Air intake openings for both mechanical and gravity ventilation systems shall comply with all of the following:

(b) Substitute the following wording for the requirements in IMC section 401.4. 2.: Intake openings shall be located not less than 10 feet horizontally from any hazardous or noxious contaminant source.

(c) This is a department rule in addition to the requirements in IMC section 401.4: The lowest side of outside air intake required openings shall be located at least 12 inches vertically from the adjoining grade level, above adjoining roof surfaces, or above the bottom of an areaway.

(d) These are department exceptions in addition to the requirements in IMC section 401.4 and par. (c):

1. The setback distances as specified in IMC section 401.4 and par. (c) shall not apply to the combustion air intake of a direct vent appliance.

2. Where it can be demonstrated that an engineered system design will prevent the maximum concentration of contaminants brought in through the outside air intake from exceeding the maximum contaminant concentration obtainable by providing the separation distances in accordance with IMC section 401.4 and par. (c), the outdoor air intakes may be located in accordance with such engineered system design.

Note: See ch. SPS 382 for plumbing vent setbacks. That rule requires plumbing vents to be 10 feet from air intakes and 10 feet horizontally from or 2 feet above roof scuttles, doors or openable windows.

Note: See NFPA standard 45, Fire Protection for Laboratories Using Chemicals, adopted under s. SPS 362.3500, for chemical fume hood exhaust location. Health care and related facilities may have additional requirements.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-135: r. and recr. (4) (a) (intro.), cr. (4) (a) 4. and (b) 5., CR 01-139: r. and recr. (4) (a) 3., am. (4) (b) 2. Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. and recr. (1), (2) and (4) (a), r. (3), (4) (b) 2. to 4., am. (4) (b) (intro.), 1. and (5) (intro.), renun. (4) (b) 5. to be (4) (b) 2. and am., cr. (6) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. (1), renun. (4) (a) and (b) to be (4) (c) and (d) and am., cr. (4) (a) and (b), renun. (5) and (6) to be Comm 64.0501 (3) and (5) Register August 2011 No. 668, eff. 9-1-11 correction in (1) (a) 1., 2., (b) 2., 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0402 Natural ventilation. This is a department rule in addition to the requirements in IMC section 402: The use of natural ventilation shall be permitted under either of the following:

(1) In occupancies specified in Table 364.0402.

(2) For any occupancy, provided an engineered design indicates how the ventilation satisfies the needs of the occupancy.

Table 364.0402
Natural Ventilation
Allowed for Specific Occupancies

Occupancy Classification		
Correctional facilities Cells without plumbing features Dining halls < 100 persons Guard stations Day room Booking/waiting Dry cleaners, laundries Coin-operated dry cleaners Coin-operated laundries Storage, pick up Education Auditoriums < 100 persons Media center Music/theater/dance Day care facilities < 20 children (through age 4) Lecture < 100 persons Multiuse assembly < 100 persons Food and beverage service Bars, cocktail lounges < 100 persons Cafeterias, fast food < 100 persons Dining rooms < 100 persons Kitchens (cooking) Hotels, motels, resorts and dormitories Multipurpose assembly < 100 persons Bedroom/living room Conference/meeting < 100 persons Dormitory sleeping areas Gambling casinos < 100 persons Lobbies/prefunction	Business areas Conference rooms < 100 persons Reception areas < 100 persons Main entry lobbies < 100 persons Public spaces Places of religious worship < 100 persons Courtrooms < 100 persons Legislative chambers < 100 persons Libraries < 100 persons Museums/galleries < 100 persons Dwellings units Garages Kitchens Living areas Retail stores, sales floors and showroom floors Sales Dressing rooms Mall common areas Storage rooms Specialty shops Pet shops (animal areas) Supermarkets Car Washes Enclosed parking garages 850 S.F. or less in area and storing 5 or fewer vehicles	Sports and amusement Discos/dance floors < 100 persons Bowling alleys (seating areas) < 100 persons Game arcades < 100 persons Ice arenas without combustion engines < 100 persons Gym, stadium, arena (play area) < 100 persons Spectator areas < 100 persons Swimming pools (pool and deck area) < 100 persons Health club/aerobics room < 100 persons Health club/weight room < 100 persons Theaters Auditoriums < 100 persons Lobbies < 100 persons Stages, studios < 100 persons Transportation Platforms < 100 persons Waiting rooms < 100 persons Workrooms Meat processing Pharmacy (prep. area) Photo studios Copy, printing rooms

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0403 Mechanical ventilation. (1) OUTDOOR AIR REQUIRED. (a) Substitute the following wording for the exception in IMC section 403.2: Where it can be demonstrated that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding the maximum obtainable by providing the rate of outdoor air ventilation determined in accordance with IMC section 403.3, as modified by subs. (2) to (6), the minimum required rate of outdoor air may be reduced in accordance with such engineered system design. A ventilation system complying with IMC section 403.3 without the modifications of subs. (2) to (6) is recognized as meeting this exception.

(b) This is a department rule in addition to the requirements in IMC section 403.2: The outdoor air shall be free from contamination of any kind in proportions detrimental to the health and comfort of the general population exposed to it.

(2) RECIRCULATION PROHIBITED. Substitute the following wording for exception 3 in IMC section 403.2.1: Where mechanical exhaust is governed by Table 364.0403 footnote c., recirculation of air from such spaces is prohibited. All air supplied to such

spaces shall be exhausted, including any air in excess of that required by Table 364.0403.

(3) RECIRCULATION OF AIR. This is a department informational note to be used under IMC section 403.2.1:

Note: The following are examples where the department will accept air transferred from: corridor to toilet room; corridor to cloak room or janitor closet; dining room to kitchen; locker room to toilet room; gymnasium to locker room; showroom to garage; and corridor to school vocational shops.

(4) TRANSFER AIR. Substitute the following wording for the requirements in IMC section 403.2.2: Except where recirculation from such spaces is prohibited by Table 364.0403, air transferred from occupied spaces is not prohibited from serving as makeup air for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges. The amount of transfer air and exhaust air shall be sufficient to provide the flow rates as specified in sub. 5. The required outdoor air rates specified in Table 364.0403 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.

(5) **VENTILATION RATE.** Substitute the following wording for the requirements and exception in IMC section 403.3:

(a) *Ventilation rate determination.* 1. Except as provided in sub. (1) (a) and s. SPS 364.0300, a mechanical ventilation system shall be designed to have the capacity to supply a minimum outdoor airflow rate of 7.5 cfm per person as determined in accordance with Table 364.0403 based on the occupancy of the space and the occupant load or other parameters stated therein. A mechanical ventilation system shall be designed to have the capacity to exhaust air as specified in Table 364.0403 except as provided in par. (c).

2. a. Except as provided in subd. 2. b. to d., the occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 364.0403.

b. The estimated maximum occupant load rate may be determined using other means with justification acceptable to the department to show that a different number of occupants is reasonable.

c. Where there is no value indicated for the net square feet per person in Table 364.0403, the actual number of occupants shall be used to determine the required amount of outside air.

d. Ventilation rates for occupancies not represented in Table 364.0403 shall be determined by an approved engineering analysis, or by using the most similar occupancy in the table.

(b) *Adjacent spaces with differing ventilation requirements.* 1. Except as provided in subd. 2., spaces with different ventilation requirements shall be provided with a complete solid separation, or the most stringent ventilation requirement shall apply to all unseparated areas.

2. The separation as specified in subd. 1. is not required where an engineered ventilation design system will prevent the concentration of contaminants from exceeding that obtainable by providing a physical separation.

(c) *Exceptions for certain occupancies.* 1. 'Toilet rooms.' A toilet room that has only one water closet or urinal and no bathtub or shower may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

2. 'Janitor closets.' A janitor closet that has only one service sink may be provided with either natural ventilation via a window or louvered opening with at least 2 square feet of area openable

directly to the outside or mechanical exhaust ventilation as specified in Table 364.0403.

3. 'Locker and shower rooms.' An adjoining locker room, shower room and toilet room shall be exhausted at the rate specified in Table 364.0403 based on the largest amount of exhaust required for any of the three rooms. A negative pressure relationship shall be maintained in the shower and toilet rooms with respect to the locker room.

5. 'Pool ventilation.' In a natatorium, the volume of supply air and exhaust air may be reduced to a minimum of 1 cfm per square foot of pool surface provided automatic humidity controls perform so as not to create accelerated building material deterioration from moisture condensation.

(d) *Common ventilation system airflow.* 1. Substitute the following wording for the requirements in IMC sections 403.3.1 through 403.3.2.3.4: Where multiple spaces having different ventilation rate requirements are served by a common ventilation system, the minimum amount of outdoor airflow supplied by the ventilation system shall equal the total outdoor airflow required for each space if each space is provided with minimum air changes in accordance with this paragraph.

2. a. Except as provided in subd. 2. d., an air change rate of 6 air changes per hour shall be provided in each space.

b. The air change rate under this subsection shall be determined upon either the actual height of the space or 10 feet from the floor level of the space which ever is less.

c. The air movement providing the required minimum air change shall be that amount that is transferred through the air handling equipment where the return air is diluted or replaced with outside air and supplied back to the space.

d. Air change rate of less than 6 air changes per hour is permitted where mechanical cooling is provided to maintain an interior design temperature of 78°F or lower. The air change rate may not be less than the alternative minimum air change rate per hour specified in Table 364.0403. Air changes are not required to be provided for spaces required to be mechanically exhausted.

(6) **SYSTEM OPERATION.** Substitute the following wording for the requirements in IMC section 403.5: The minimum flow rate of outdoor air that the ventilation system must be capable of supplying during its operation may be based on the rate per person indicated in Table 364.0403 and the actual number of occupants present.

Table 364.0403
Ventilation Requirements

Occupancy Classification	Estimated Maximum Occupant Load (persons per 1,000 sq. ft.) ^a	Exhaust ^c (cfm/net sq. ft. floor area)	Common Ventilation System Alternative – Minimum AC Rate per hour with A/C
<u>Correctional facilities</u>			
Sleeping rooms ^d	20	NR	2.0
Dining halls	100	NR	2.0
Guard stations	40	NR	1.5
<u>Dry cleaners, laundries</u>			
Coin-operated dry cleaners	8	NR	1.0
Coin-operated laundries	8	NR	1.0
Commercial dry cleaners	NA	2.0	NR
Commercial laundries	NA	2.0	NR
Storage, pick up	8	NR	1.0
Apartment laundry rooms	NA	0.5	NR
<u>Education</u>			
Auditoriums	150	NR	2.0
Classrooms	50	NR	2.0
Day care facilities	30	NR	2.0
Laboratories (science)	30	NR	2.0
Music rooms	50	NR	2.0
Special education	35	NR	2.0
Training shops	30	NR	2.0
<u>Food and beverage service</u>			
Bars and cocktail lounges	100	NR	2.0
Cafeterias, fast food	100	NR	2.0
Dining rooms	70	NR	2.0
Kitchens (cooking) ^{d, e}	20	NR	1.0
<u>Health care facilities</u>			
Hospitals	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Nursing homes			
Outpatient surgical facilities			
<u>Hotels, motels, resorts and dorms</u>			
Assembly rooms	120	NR	2.0
Bathrooms ^{c, d}	NA	35 cfm/room	NR
Bedrooms	footnote f	NR	1.0
Conference rooms	50	NR	2.0
Dormitory sleeping areas	20	NR	1.0
Casinos	NA	2.0	NR
Living rooms	footnote f	NR	1.0
Lobbies	30	NR	2.0
<u>Industrial/Factory</u>			
Factories and machine shops	13	NR	NR
Foundries	13	NR	NR
Sawmills	NA	NR	NR
<u>Offices</u>			
Conference rooms	50	NR	1.5
Office spaces	7	NR	1.5
Reception areas	60	NR	1.5
Telecommunication centers and data entry	60	NR	1.5

Table 364.0403 – Continued
Ventilation Requirements

Occupancy Classification	Estimated Maximum Occupant Load (persons per 1,000 sq. ft.) ^a	Exhaust ^c (cfm/net sq. ft. floor area)	Common Ventilation System Alternative – Minimum AC Rate per hour with A/C
<u>Private dwellings, single and multiple</u>			
Living areas	2 people for first bedroom plus one person for each additional bedroom	NR	1.0
Kitchens ^d	NA	100 cfm intermittent or 20 cfm continuous	NR
Toilet rooms and bathrooms ^d	NA	Mechanical exhaust capacity 50 cfm intermittent or 20 cfm continuous per room ^j	NR
Garages, separated by a solid wall for each dwelling	NA	100 cfm/vehicle	NR
Garages, common for multiple units ^c	NA	0.5	NR
<u>Retail stores, sales floors and showroom floors</u>	8	NR	1.0
<u>Seasonal occupancies, camps and lodges</u>			
Dining and recreational areas	15	NR	1.0
Living and sleeping areas	NA	NR	1.0
Club houses	15	NR	1.0
Drive-ins	15	NR	1.0
<u>Specialty shops</u>			
Automotive service and repair garages	NA	0.5	NR
Barber shops	25	NR	1.0
Beauty salons ^h	NA	0.5	NR
Car washes	NA	NR	NR
Clothier, furniture specialty shops	8	NR	1.0
Florist shops	8	NR	1.0
Hardware, drugs, fabrics stores	8	NR	1.0
Supermarkets	8	NR	1.0
<u>Sports and amusement</u>			
Ballrooms and discos	100	NR	2.0
Bleacher areas	363 or 18 in./person	NR	2.0
Bowling centers (seating areas)	70	NR	2.0
Game rooms	70	NR	2.0
Ice skating rinks (indoor)	5	NR	NR
Natoriums	NA	2.0 cfm/sq. ft. pool area	NR
Playing floor (gymnasiums)	30	NR	2.0
Roller skating rinks (indoor)	30	NR	2.0
Spectator areas (non-bleacher)	150	NR	2.0
<u>Storage</u>			
Chlorine storage and handling rooms	NA	2.0	NR
Enclosed parking garages ⁱ	NA	0.5	NR
Warehouses	NA	NR	NR

Table 364.0403 – Continued
Ventilation Requirements

Occupancy Classification	Estimated Maximum Occupant Load (persons per 1,000 sq. ft.) ^a	Exhaust ^c (cfm/net sq. ft. floor area)	Common Ventilation System Alternative – Minimum AC Rate per hour with A/C
<u>Theaters</u>			
Auditoriums	150	NR	2.0
Lobbies	150	NR	2.0
Stages, studios	70	NR	2.0
Ticket booths	60	NR	2.0
<u>Transportation</u>			
Platforms	100	NR	2.0
Waiting rooms	100	NR	2.0
<u>Utility and public spaces</u>			
Elevator cars ^m	NA	NR	NR
Janitor closets	NA	2.0 or 75 cfm/sink ^g	NR
Locker and dressing rooms ^c	NA	0.5	NR
Shower rooms	NA	2.0	NR
Toilet rooms ^{c, d}	NA	75 cfm/TF ^g	NR
<u>Workrooms</u>			
Bank vault	5	NR	NR
Meat processing	10	NR	NR
Pharmacy	20	NR	1.5
Photo studio	10	NR	1.0
Printing	13	footnote j	NR

NA = not applicable; NR = none required; cfm = cubic feet per minute; TF = toilet fixtures (water closets and urinals); A/C = air conditioning

a Based upon net floor area.

b The ventilation rate is based upon cubic feet per minute per square foot of the floor area being ventilated.

c Mechanical exhaust is required and the recirculation of air from these spaces that would otherwise be allowed by IMC section 403.2.1 is prohibited.

d Outdoor air shall be provided at the rate of 1.0 cfm/net sq. ft. floor area. Transfer air is permitted in accordance with IMC section 403.2.2.

e The sum of the outdoor and transfer air from adjacent spaces shall be sufficient to provide an exhaust rate of not less than 1.5 cfm/sf.

f The minimum mechanical ventilation rate is 15 cfm/room of outside air.

g Natural ventilation may be allowed under this section.

h The classification of a 'beauty' salon depends on the types of services provided. Only beauty salons routinely provide chemical processing of hair to produce texture or color changes, or manicures or other services with a similar need for air-borne contaminant and odor control.

i Enclosed parking garages are parking garages with less than 30% open areas in the total wall area enclosing the garage. Ventilation systems in enclosed parking garages shall comply with IMC section 404. A mechanical ventilation system shall not be required in garages having a floor area of 850 square feet or less and used for the storage of 5 or fewer motorized vehicles.

j Refer to IMC chapter 5 for exhaust requirements based upon the chemicals used.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-135: renum. (3) to be (3) (b), cr. (3) (a), (4) (a) 6. and (5) (d), am. (5) (a), (b) 1. a., (c) 1. and (6) Table; CR 01-139: renum. (3) to (6) to be (4), (6), (8) and (9), cr. (3), (5) and (7), am. (6) Table, r. and recr. (6) Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. Table 64.0403 Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1), (4) (a), (6) (a) 3., 6. and (d), am. (2) (a) and (3), renum. (4) (b) to be (4), r. and recr. (6) (intro.), (a) 1., (8) and Table 64.0403 Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (6) (c) 4., (9), r. and recr. Table 64.0403, renum. (2) to (7), (8) to (1) to (6), (5) (d) and am. Register August 2011 No. 668, eff. 9-1-11; correction in (2), (4), (5) (a) 1., 2. a., c., d., (c) 1., 2., 3., (d) 2. d., (6) Table 364.0403 made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0404 Minimum enclosed garage ventilation. (1) Substitute the following wording for the requirements in IMC section 404.2: Automatic operation of the system shall not reduce the ventilation rate below 0.05 cfm per square foot of the floor area and the system shall be capable of producing a ventilation rate of 0.75 cfm per square foot of floor area.

(2) This is a department alternative to the requirements in IMC sections 404.1 and 404.2: Mechanical ventilation systems for enclosed parking garages are not required to operate continuously where the system conforms to all of the following:

(a) The system is arranged to operate automatically upon detection of carbon monoxide at a level of 35 parts per million (ppm) by automatic detection devices.

(b) If diesel-fueled vehicles are stored, the system is arranged to operate automatically upon detection of nitrogen dioxide at a level of one part per million (ppm) by automatic detection devices.

(c) The system includes automatic controls for providing exhaust ventilation at a rate of 0.75 cfm per square foot for at least 5 hours in each 24-hour period.

(d) The system maintains the garage at negative or neutral pressure relative to other spaces.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: r. and recr. (1) Register June 2002 No. 558, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) and (2) (c) Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0407 Chemical and septic toilets. This is a department rule in addition to the requirements in IMC section 400: Chemical or septic toilets and composting privies are prohibited in spaces under negative pressure. Toilet rooms with chemical or septic toilets shall be provided with natural ventilation via a window, louver or skylight with at least 2 square feet of area openable directly to the outside. The opening shall be provided with a screen to limit the passage of insects and vermin.

History: CR 10-103; cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0501 General. (1) Substitute the following wording for the requirements in IMC section 501.1: This chapter shall govern the design, construction and installation of mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; environmental air exhaust systems; hazardous exhaust systems; dust, stock and refuse conveyor systems; subslab soil exhaust systems; smoke control systems; energy recovery ventilation systems and other systems specified in IMC Section 502.

(2) This is a department exception to the requirements in IMC section 501.3: A mechanically exhausted room or space that is within a dwelling unit which is served by an independent heating, ventilating and air conditioning system is not required to be maintained with negative or neutral pressure.

(3) These are department rules in addition to the requirements in IMC section 501.2.1.

(a) Gravity ventilation ducts shall extend not less than 2 feet above the highest portion of the building within a 10-foot radius of the duct and shall be provided with a siphon roof ventilator.

(b) Where barometric relief vents are installed on the roof, the discharge openings shall be no less than 2 feet above the roof surface where the vent pierces the roof.

(5) Substitute the following wording for the requirements in IMC section 401.6: Stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be injurious to health shall be provided with an exhaust system in accordance with IMC chapter 5 or a means of collection and removal of the contaminants. Such exhaust shall discharge directly to an approved location at the exterior of the building.

History: CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120; am. Register February 2008 No. 626, eff. 3-1-08; CR 10-103; renum. to be (2), cr. (1), (3), (5) renum. from Comm 64.0401 (5), (6) and am. Register August 2011 No. 668, eff. 9-1-11; corrections in (3) and (5) made under s. 13.92 (4) (b) 2., Stats., Register August 2011 No. 668.

SPS 364.0502 Required systems. (1) Substitute the following wording for the requirements in IMC section 502.1: An exhaust system shall be provided, maintained and operated as specifically required by this section and for all occupied areas where machines, vats, tanks, furnaces, forges, salamanders and other appliances, equipment and processes in such areas produce or throw off dust particles sufficiently light to float in the air or which emit heat, odors, fumes, spray, gas or smoke, in such quantities to be injurious to health or safety.

(2) This is a department exception in addition to the exceptions in section IMC 502.14: The source capture system is not required when the motor vehicle exhaust system is connected directly to a noncombustible hose that is not more than 10 feet long and discharges directly to the exterior of the building.

History: CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103; renum. to be (1), cr. (2), Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0506 Commercial kitchen grease ducts and exhaust equipment. (2) JOINTS, SEAMS AND PENETRATIONS OF GREASE DUCTS. (a) This is a department alternative to the requirements, but not the exceptions, in IMC section 506.3.2: Joints, seams and penetrations of grease ducts may be made with any other means that provide a liquid-tight seal at 1500°F and that are listed and labeled for the application.

(b) This is a department rule in addition to the requirements in IMC section 506.3.2.: Duct joints may also be flanged joints.

(c) The requirements of IMC section 506.3.2.5 are not included as part of this chapter.

History: CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120; r. (1) and (2) (c), am. (2) (title) and (a), r. and recr. (2) (b), cr. (2) (bm) Register February 2008 No. 626, eff. 3-1-08; CR 10-103; renum. (2) (bm) to be (2) (c) and am. Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0507 Commercial kitchen hoods.

(1) CAPACITY OF HOODS. Substitute the following wording for the introductory paragraph in IMC section 507.13: Commercial food service hoods shall exhaust a minimum net quantity of air determined either through engineering analysis or in accordance with this subsection and IMC sections 507.13.1 through 507.13.4. The net quantity of exhaust air shall be calculated by subtracting any airflow supplied directly to a hood cavity from the total exhaust flow rate of a hood. Where any combination of heavy-duty, medium-duty and light-duty cooking appliances are utilized under a single hood, the exhaust rate required by IMC sections 507.13.1 through 507.13.4 for the heaviest duty appliance covered by the hood shall be used for the entire hood.

(2) DISHWASHING APPLIANCES. The requirements of IMC section 507.13.5 are not included as part of this chapter.

History: CR 00-179; cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139; am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016; renum. to be (3) and am., cr. (1) and (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120; r. and recr. Register February 2008 No. 626, eff. 3-1-08.

SPS 364.0513 Smoke control systems. Substitute the following wording for the requirements in IMC section 513.3: In addition to the inspection and test requirements which buildings, structures and parts thereof are required to undergo, smoke control systems subject to the provisions of section 909 of the *International Building Code* shall undergo inspections and tests sufficient to verify the proper commissioning of the smoke control design in its final installed condition. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to such inspections and tests. Such commissioning shall be in accordance with generally accepted engineering practice and, where possible, based on published standards for the particular testing involved.

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

SPS 364.0514 Energy recovery ventilation systems. This is a department exception to the prohibitions in IMC section 514.2: An engineered energy recovery ventilation system design may be used in the systems specified in IMC section 514.2 provided that corrosion, cross-contamination and fouling are addressed by the engineered system.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103; am. Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0601 General. Substitute the following wording for the requirements in IMC section 601.2 Exception 1: Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors shall be permitted provided that each such corridor is directly supplied with air at a rate greater than the rate of makeup air taken from the corridor.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103; am. Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0602 Plenums. Substitute the following wording for the requirements, but not the exceptions, in IMC section 602.2.1: Except as required by Sections 602.2.1.1 through 602.2.1.5, materials within plenums shall be noncombustible or shall have a flame spread index of not more than 25 and a smoke-developed index of not more than 50 when tested in accordance with ASTM E84, CAN/ULC S102.2 or UL 723.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103; am. Register August 2011 No. 668, eff. 9-1-11.

SPS 364.0606 Smoke detection system control.

(1) This is a department informational note to be used under IMC section 606.2.1:

Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 131, 132, and 134, also refer to NFPA standard 90A section 4-4.2A for air handling units between 2,000 cfm and 15,000 cfm.

(2) This is a department informational note to be used under IMC section 606.4:

Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 131, 132, and 134, also refer to NFPA standard 90A section 4-3.2 for smoke dampers isolating air handling units.

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

SPS 364.0607 Ducts and air-transfer openings.

(1) PENETRATIONS OF SHAFT ENCLOSURES. This is a department exception to the requirements in IMC section 607.5.5: Smoke dampers are not required in ducts that are used in the exhaust portion of laboratory ventilating systems which are designed and installed in accordance with NFPA 45.

(2) SMOKE DAMPERS IN HEALTH CARE FACILITIES. This is a department exception to the requirements in IMC section 607.5.4: Smoke dampers are not required in Group I-2 duct penetrations of smoke barriers in fully ducted HVAC systems.

History: CR 04-016: cr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08.

SPS 364.0801 Chimneys and vents. (1) This is a department informational note to be used under IMC chapter 8:

Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 132, and 134, also refer to NFPA 211 as adopted in these chapters.

(2) This is a department rule in addition to the requirements in IMC section 801.2: Portable or permanently installed, fuel-fired, unvented heating appliances, except during construction or demolition of a building if the appliances are provided in accordance with ch. SPS 314.

Note: See s. SPS 365.0621 for use of portable, gas-fired, unvented heating appliances.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (2), cr. (3) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. (3) Register August 2011 No. 668, eff. 9-1-11; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.0918 Forced-air warm-air furnaces.

(1) This is a department rule in addition to the requirements in IMC section 918.6: The outside air intake openings shall be located at least 12 inches vertical from the adjoining grade level.

(2) Substitute the following wording for the requirements in IMC section 918.6 item 2: Where located less than 10 feet above the surface of any abutting public way or driveway, or at grade level by a sidewalk, street, alley or driveway.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: r. (2), renum. (3) to be (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 364.1001 Boilers, water heaters and pressure vessels. Substitute the following wording for the requirements and exceptions in IMC chapter 10:

(1) The provisions of ch. SPS 341 shall govern the installation, alteration and repair of boilers and pressure vessels. The provisions of chs. SPS 381 to 386 shall govern the installation, alteration and repair of water heaters.

(2) Water heaters utilized both to supply potable hot water and provide hot water for space-heating applications shall be listed and labeled by the manufacturer and shall be installed in accordance with the manufacturer's installation instructions and applicable provisions in chs. SPS 381 to 386.

(3) Water heaters utilized for both potable water heating and space-heating applications shall be sized to prevent the space-heating load from diminishing the required water-heating capacity.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. (4) Register February 2008 No. 626, eff. 3-1-08; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 364.1101 Refrigeration. Substitute the following wording for the requirements and exceptions in IMC chapter 11: Mechanical refrigerating systems installed in public buildings and places of employment shall comply with ch. SPS 345.

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

SPS 364.1500 Referenced standards. (2) This is a department rule in addition to the requirements in IMC chapter 15: The following standards are hereby incorporated by reference into this code:

(a) FGI Guidelines for Design and Construction of Health Care Facilities, 2010.

(b) UL 197-93, Commercial Electric Cooking Appliances - With Revisions Through January 2000.

(c) CAN/ULC S102.2-03, Surface Burning Characteristics of Floor Covering and Miscellaneous Materials, 2003.

Note: FGI guidelines may be purchased from The Facility Guidelines Institute, 1919 McKinney Avenue, Dallas, TX 75201.

UL standards may be purchased from Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

CAN/ULC standards may be purchased from Underwriters Laboratories of Canada, 7 Underwriters Road, Toronto ON, M1R 3B4.

Copies of the standards adopted under this section are on file in the offices of the department and the legislative reference bureau.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568; CR 04-016: r. and recr. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. (1), am. (2) (a), cr. (2) (c) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (2) (a) Register August 2011 No. 668, eff. 9-1-11.

SPS 364.1600 Appendices. IMC Appendices A and B are not included as part of this chapter.

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

Chapter SPS 365

FUEL GAS APPLIANCES

Subchapter I — Scope
SPS 365.0001 Scope.**Subchapter II — Changes, Additions or Omissions to the International Fuel Gas Code (IFGC)**

SPS 365.0100	Changes, Additions or Omissions to the International Fuel Gas Code (IFGC).
SPS 365.0101	Administration.
SPS 365.0202	Definitions.
SPS 365.0300	Statutory requirements.

SPS 365.0301	General regulations.
SPS 365.0303	Appliance location.
SPS 365.0400	Gas piping installations.
SPS 365.0501	Chimneys and vents.
SPS 365.0621	Portable unvented room heaters.
SPS 365.0630	Infrared radiant heaters.
SPS 365.0631	Boilers.
SPS 365.0632	Equipment installed in existing unlisted boilers.
SPS 365.0800	Referenced standards.
SPS 365.0900	Appendices.

Note: Chapter Comm 65 was renumbered chapter SPS 365 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Scope

SPS 365.0001 Scope. This chapter shall regulate the design, installation, operation, maintenance of fuel gas piping systems, fuel gas utilization equipment and gaseous hydrogen systems.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08.

Subchapter II — Changes, Additions or Omissions to the International Fuel Gas Code (IFGC)

SPS 365.0100 Changes, Additions or Omissions to the International Fuel Gas Code (IFGC). Changes, additions or omissions to the international fuel gas code are specified in this subchapter and are rules of the department and are not requirements of the IFGC.

Note: The sections in this chapter are generally numbered to correspond to the numbering used in the IFGC, i.e., s. SPS 365.0202 refers to IFGC section 202.

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

SPS 365.0101 Administration. Except for IFGC section 102.8, the requirements in IFGC chapter 1 are not included as part of this chapter.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: am. Register December 2004 No. 588, eff. 1-1-05.

SPS 365.0202 Definitions. (1) ADDITIONS. This is a department definition for this chapter in addition to the definitions in IFGC section 202: "DHS" means the department of health services.

(2) SUBSTITUTIONS. This is a department substitution for the corresponding definition in IFGC section 202: "Approved" has the meaning given in s. SPS 362.0202 (2).

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register April 2003 No. 568; CR 04-016: am. (2) Register December 2004 No. 588, eff. 1-1-05; CR 06-120: r. and recr. Register February 2008 No. 626, eff. 3-1-08; corrections in (1) made under s. 13.92 (4) (b) 6., Stats., Register May 2009 No. 641; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 365.0300 Statutory requirements. These are department informational notes to be used under IFGC chapter 3:

Note: Section 101.16 (4), Stats., requires "(a) The person actually performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department, showing that the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(b) 1. A person who owns, leases, or uses a propane gas system and who is a customer of a retail supplier shall notify the retail supplier of propane gas for the propane gas system of any interruption in the operation of the propane gas system due to the replacement, modification, repair, or servicing of the propane gas system by any person other than the retail supplier. The customer shall provide the notice at least 7 days in advance of the interruption in the operation of the propane gas system, except as provided in subd. 2. The retail supplier, or the person replacing, modifying, repairing, or servicing the propane gas system, shall perform a check for leaks or other defects in the propane gas system before placing the propane gas system back into operation in the manner required by rule.

2. If the interruption of a propane gas system subject to subd. 1. is due to emergency repair or servicing, the customer shall provide the notice to the retail supplier as soon as possible and no later than 24 hours after the repair or servicing is completed."

History: CR 08-092: cr. Register May 2009 No. 641, eff. 6-1-09.

SPS 365.0301 General regulations. (1) SCOPE. Substitute the following wording for the requirements in IFGC section 301.1: This chapter shall govern the approval and installation of all equipment and appliances that comprise parts of the installations regulated by this code.

(2) LISTED AND LABELED. Substitute the following wording for the requirements in IFGC section 301.3: The requirements as specified in s. SPS 364.0301 (3) shall apply.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: am. (1) Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 365.0303 Appliance location. (1) GENERAL. This is a department rule in addition to the requirements in IFGC section 303.1: If the air entering the heat exchanger of all gas-fired equipment is 30°F or lower, the heat exchanger and burners shall be constructed of corrosion-resistant materials.

(2) PROHIBITED LOCATIONS. The exceptions 3. and 4. in IFGC section 303.3 are not included as a part of this code.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 10-103: am. (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 365.0400 Gas piping installations. Substitute the following wording for the requirements and exceptions in IFGC chapter 4: All gas piping and gas piping installations shall comply with NFPA 54, National Fuel Gas Code.

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

SPS 365.0501 Chimneys and vents. (1) This is a department informational note to be used under IFGC chapter 5:

Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 132, and 134, also refer to NFPA 211 as adopted in these chapters.

(2) The requirements in section IFGC 501.8 item 8 are not included as a part of this chapter.

(3) Substitute the following wording for the requirements in section IFGC 501.8 item 10: Infrared radiant heaters listed for unvented use and not provided with flue collars.

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

SPS 365.0621 Portable unvented room heaters. Substitute the following wording for the requirements in IFGC section 621: Portable, gas-fired, unvented heating appliances are

prohibited, except during construction or demolition of a building if the appliances are provided in accordance with ch. SPS 314.

Note: See s. SPS 364.0801 (2) for use of portable unvented heating appliances that are fired with other fuels.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 04-016: r. and recr. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renum. from s. Comm 65.0620 and am. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 365.0630 Infrared radiant heaters. This is a department rule in addition to the requirements in IFGC section 630.1: Unvented infrared radiant heaters may be used only in the following occupancies:

(1) Groups F and S.

(2) Groups U and H only with written approval.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. from s. Comm 65.0629 and am. (intro.) Register February 2008 No. 626, eff. 3-1-08; CR 10-103: r. and recr. Register August 2011 No. 668, eff. 9-1-11.

SPS 365.0631 Boilers. Substitute the following wording for the requirements in IFGC section 631: The provisions of ch. SPS 341 shall govern the installation, alteration and repair of boilers and pressure vessels.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. from s. Comm 65.0630 and am. Register February 2008 No. 626, eff.

3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 365.0632 Equipment installed in existing unlisted boilers. The requirements in IFGC section 632 are not included as part of this chapter.

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

SPS 365.0800 Referenced standards. This is a department rule in addition to the requirements in IFGC chapter 8: The following standard is hereby incorporated by reference into this code: ANSI Z223.1/NFPA 54-2009, National Fuel Gas Code.

Note: NFPA standards may be purchased from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

Copies of the standard adopted under this section are on file in the offices of the department and the legislative reference bureau.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; CR 04-016: am. Register December 2004 No. 588, eff. 1-1-05; CR 06-120: renum. from s. Comm 65.0700 and am. Register February 2008 No. 626, eff. 3-1-08; CR 11-002: am. Register August 2011 No. 668, eff. 9-1-11.

SPS 365.0900 Appendices. IFGC Appendices A to D are not included as part of this chapter.

History: CR 00-179: cr. Register December 2001 No. 552, eff. 7-1-02; CR 06-120: renum. from s. Comm 65.0800 Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 1., Stats., Register February 2008 No. 626.

Chapter SPS 366

EXISTING BUILDINGS

Subchapter I — Purpose, Scope and Application

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Note: Chapter Comm 66 was renumbered chapter SPS 366 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Purpose, Scope and Application

SPS 366.0001 Purpose and scope. (1) **PURPOSE.** The purpose of ch. SPS 366 is to establish minimum requirements to safeguard public health, safety and welfare insofar as existing public buildings and place of employment are affected by the repair, alteration, change of occupancy, addition or relocation.

(2) **SCOPE.** The scope of ch. SPS 366 is as specified in s. SPS 361.02.

(3) **INTENT.** The intent of this chapter is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 366.0100 Changes, additions or omissions to IEBC. Changes, additions or omissions to the IEBC are specified in this subchapter and are rules of the department and are not requirements of the IEBC.

Note: The requirements of s. 101.132, Stats., may be more restrictive than the administrative rules when a project involves the remodeling of housing. The term "remodeled" has the meaning given in s. 101.132 (1) (b), Stats., and the term "housing" has the meaning given in s. 106.50 (1m) (L), Stats. Section 101.132 (2) (b), Stats., regarding remodeling percentages, reads:

1. If more than 50 percent of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.

2. If 25 percent to 50 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.

3. If less than 25 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. (a) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. (a) regardless of when the housing was first intended for occupancy.

Note: Section 101.126, Stats., requires the owner of a building to provide a separate room or designated space within or adjacent to the building for the separation, temporary storage and collection of recyclable materials that are likely to be generated by the building occupants, if there is an increase in the size of the building by 50% or more or an alteration of 50% or more of the existing area of a building that is 10,000 square feet or more in area. See Appendix B for guidelines for recommended designated areas.

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

SPS 366.0101 Administration. Except for IEBC section 102.4, substitute the following wording for the requirements in IEBC chapter 1:

(1) **APPLICATION.** The provisions of the IEBC shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the IBC, IMC, IPC, and IRC as applicable shall be considered in compliance with the provisions of this code.

(2) **CHANGE OF OCCUPANCY TO A PUBLIC BUILDING OCCUPANCY.** (a) Except as provided in par. (b), where a building or portion of a building that has not been previously occupied or used as a public building or place of employment is to be changed to an occupancy or use that constitutes a public building or place of employment, the building or portion of a building shall comply with the IBC for new construction.

(b) 1. Under par. (a) the IBC rules for new construction do apply to the properties of existing building materials.

2. An alteration or a change of occupancy in a qualified historic building which has not been previously occupied or used as a public building or place of employment may utilize the provisions of the IEBC as modified by this subchapter.

(3) **TEMPORARY USE.** A municipal fire or building code official may allow an existing building or a portion of an existing building to be used temporarily in a manner that differs from the approved use for the building or space subject to all of the following provisions:

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

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

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

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

(4) **COMPLIANCE METHOD.** (a) The repair, alteration, change of occupancy, addition, or relocation of all existing buildings shall comply with one of the methods listed in par. (b) or (c) as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work by the code official. Para-

graphs (b) and (c) shall not be applied in combination with each other.

(b) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IEBC chapters 4 through 12 shall be considered in compliance with the provisions of this code.

(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC chapter 13 shall be considered in compliance with the provisions of this code.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. (2) to be (2) (a) and am., cr. (2) (b) Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0202 General definitions. (1) ADDITIONS. This is a department definition for this chapter in addition to the definitions in IEBC section 202: "Exhibit building" means a qualified historic building that is open to the general public only for display or tours.

(2) SUBSTITUTIONS. (a) Substitute the following definition for the corresponding definition in IEBC section 202: "Historic building" means a "qualified historic building" as defined under s. 101.121 (2) (c), Stats.

Note: Section 101.121 (2) (c) of the Statutes reads as follows: "Qualified historic building" means a historic building which:

1. Is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places;

2. Is included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district;

2m. Is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places;

3. Is listed on a certified local register of historic property; or

4. Is included in a district which is listed on a certified local register of historic property, and has been determined by the city, village, town or county to contribute to the historic significance of the district.

(b) Substitute the following definition for the corresponding definition in IEBC section 202: "Unsafe" means buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "dangerous," or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; CR 10-103: am. (2), cr. (2) (b) Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0300 Prescriptive compliance method. The requirements in IEBC Chapter 3 are not included as part of this code, except for the requirements in IEBC Section 310 when applied by IEBC Section 1301.2.5.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0500 Carbon monoxide alarms for CBRF's accommodating fewer than 20 residents. These are department rules in addition to the requirements in IEBC chapter 5 and are established under the authority of s. 101.127, Stats.:

(1) (a) Existing buildings converted to be community-based residential facilities accommodating fewer than 20 residents shall be provided with carbon monoxide alarms by July 1, 2013, when either one of the following conditions exists:

1. The building contains fuel-burning appliances.

2. The building has an attached garage.

(b) This section applies to community-based residential facilities described under par. (a) in existence prior to January 1, 2005.

Note: Pursuant to s. 101.01 (12), Stats., an existing building converted to be community-based residential facility accommodating fewer than 20 residents is not defined to be a "public building." See also s. SPS 361.02 (5).

(2) Carbon monoxide alarms shall be listed and labeled to be in conformance with one of the following standards:

(a) UL 2034.

(b) UL 2075.

(3) (a) A carbon monoxide alarm shall be installed in accordance with the instructions of its manufacturer.

(b) A carbon monoxide alarm shall be provided on each floor level of an existing building accommodating a community-based residential facility described under sub. (1) (a), if the building contains fuel-burning appliances.

(c) A carbon monoxide alarm shall be provided on each floor level where sleeping units are located in an existing building accommodating a community-based residential facility described under sub. (1) (a), if the building has an attached garage and no fuel-burning appliances.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0503 Smoke alarms. These are department rules in addition to the requirements in IEBC section 503:

(1) No smoke alarm, including an alarm that exists on September 1, 2011, may remain in service for more than that specified by the manufacturer.

(2) The replacement of a smoke alarm that uses a battery as its primary power source shall be a new smoke alarm that complies with UL 217 and either of the following:

(a) The alarm is hardwired in accordance with IBC section 907.2.11.4 and has backup power in accordance with that section.

(b) The alarm uses, as its primary power source, a non-replaceable, non-removable battery that is capable of powering the alarm for at least 10 years.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0506 Structural evaluation. The requirements in IEBC sections 506.2 to 506.2.5 are not included as part of this code.

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

SPS 366.0509 Plumbing. The requirements in IEBC section 509 are not included as part of this code.

Note: See the Wisconsin Uniform Plumbing Code, chs. SPS 382 to 387, for plumbing and water conservation provisions.

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

SPS 366.0602 Building elements and materials. (1) **MATERIALS AND METHODS.** Substitute the following wording for the requirements in IEBC section 602.4: All new work shall comply with materials and methods requirements in the IBC, IECC, IFGC, IMC, and IPC, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(2) **INTERNATIONAL FUEL GAS CODE.** The requirements in IEBC section 602.4.1 are not included as part of this code.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0604 Stairway width. This is a department rule in addition to the requirements in IEBC section 604: Where installing an inclined platform lift or stairway chairlift, the clear passage width shall be provided with the lift in the unfolded, usable position — except where an existing, previously approved lift is being replaced, the clear passage width may remain as it was with the original lift in place, but it may not be reduced by the replacement.

History: CR 14-020: cr. Register August 2014 No. 704, eff. 9-1-14.

SPS 366.0605 Lifts. (1) Substitute the following wording for the requirements in ICC/ANSI A117.1 section 410.2.1 as referenced by IEBC section 605.1:

(a) Doors and gates shall be low energy power operated doors or gates complying with ICC/ANSI A117.1 section 404.3, except as provided in par. (b). Doors shall remain open for 20 seconds minimum. On lifts with one door or with doors on opposite ends,

the end door clear opening width shall be 32 inches minimum. On lifts with one door on a narrow end and one door on a long side, the end door clear opening width shall be 36 inches minimum. Side door clear opening width shall be 42 inches minimum. Where a door is provided on a long side and on a narrow end of a lift, the side door shall be located with either the strike side or the hinge side in the corner furthest from the door on the narrow end.

(b) 1. A door or gate providing access to a narrow end of a platform that serves only one landing shall be permitted to be of the manual-opening, self-closing type, where clearance at the door or gate complies with the requirements in ICC/ANSI A117.1 sections 404.2.3.1, 404.2.3.4, and 404.2.5, and the floor surface is not steeper than 1:48.

2. Lifts serving 2 landings maximum and having doors or gates on adjacent sides shall be permitted to have self-closing manual doors or gates provided that the side door or gate is located with the strike side furthest from the end door and clearance at the door or gate complies with the requirements in ICC/ANSI A117.1 sections 404.2.3.1, 404.2.3.4, and 404.2.5, and the floor surface is not steeper than 1:48.

(2) Substitute the following wording for the requirements in ICC/ANSI A117.1 section 410.5 as referenced by IIBC section 605.1: Clear floor space of platform lifts shall comply with one of the following:

(a) Platforms lifts with a single door or with doors on opposite ends shall provide a clear floor width of 36 inches minimum and a clear floor depth of 54 inches minimum.

(b) Platform lifts with doors on adjacent sides shall provide a clear floor width of 36 inches minimum and clear floor depth of 60 minimum.

(3) These are department rules in addition to the requirements in ICC/ANSI A117.1 section 410 as referenced by IIBC section 605.1:

(a) Controls at platform lift landings shall comply with the requirements in ICC/ANSI A117.1 sections 407.2.1 and 407.2.1.1 to 407.2.1.4.

(b) Floor designations shall comply with the requirements in ICC/ANSI A117.1 section 407.2.3.1.

(c) Controls on the platform shall comply with the requirements in ICC/ANSI A117.1 sections 407.4.6.2 and 407.4.7.1.1 to 407.4.7.1.3.

History: CR 14-020; cr. Register August 2014 No. 704, eff. 9-1-14.

SPS 366.0607 Energy conservation requirements. Substitute the following wording for the requirements in IIBC section 607.1:

(1) ADDITIONS, ALTERATIONS, RENOVATIONS OR REPAIRS. Except as specified in sub. (2), additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of IECC as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with the IECC. Additions, alterations, renovations, or repairs shall not create an unsafe or hazardous condition or overload existing building systems.

(2) EXCEPTIONS. All of the following need not comply provided the energy use of the building is not increased:

- (a) Storm windows installed over existing fenestration.
- (b) Glass only replacements in an existing sash and frame.
- (c) Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
- (d) Construction where the existing roof, wall or floor cavity is not exposed.
- (e) Reroofing for roofs where neither the sheathing nor the insulation is exposed.

(f) Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

(g) Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

(h) Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

(3) REROOFING. This is a department rule in addition to the requirements in IIBC section 607: Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103; cr. (2) (e) to (h), (3) Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0704 Automatic sprinkler systems. This is a department exception to the requirement in IIBC section 704.2: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings.

History: CR 10-103; renum. from Comm 66.0701 and am. Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0709 Altered existing mechanical systems. The exception to the requirements in IIBC section 709.1 and the requirements in IIBC section 709.2 are not included as part of this code.

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

SPS 366.0710 Minimum plumbing fixtures. Substitute the following wording for the requirements in IIBC section 710.1: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

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

SPS 366.0711 Minimum energy conservation requirements. Substitute the following wording for the requirements in IIBC section 711: Level 2 alterations to existing buildings or structures shall comply with s. SPS 366.0607.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 366.0802 Emergency Controls. The requirements in IIBC section 802.2.1 are not included as part of this code.

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

SPS 366.0808 Minimum energy conservation requirements. Substitute the following wording for the requirements in IIBC section 808.1: Level 3 alterations to existing buildings or structures shall comply with s. SPS 366.0607.

History: CR 06-120; cr. Register February 2008 No. 626, eff. 3-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 366.0809 Plumbing. These are department rules in addition to the requirements in IIBC chapter 8:

(1) Pursuant to s. 101.128, Stats., level 3 alterations within an existing facility where the public congregates shall necessitate that plumbing fixtures serving the work area be provided in a ratio of at least 2 water closets for females as to each water closet and urinal for the males.

(2) (a) Under this section "facility where the public congregates" has the meaning has given in s. 101.128 (1) (b), Stats.

Note: Section 101.128 (1) (b), Stats., reads: "Facility where the public congregates" means any of the following that has a general capacity or a seating capacity of 500 or more persons:

- 1. An amusement facility.
- 2. A convention or trade hall or center.

3. A specialty event center.
4. A sports or entertainment arena, center or building.
5. A stadium.
6. An airport, bus terminal, train station or other transportation center.

(b) Under this section "alterations" has the meaning has given in s. 101.128 (1) (d), Stats., for "renovation".

Note: Section 101.128 (1) (d), Stats., reads: "Renovation" means any structural remodeling, improvement or alteration of an existing facility where the public congregates. "Renovation" does not include any of the following:

1. Reroofing.
2. Cosmetic remodeling, including painting or the installation of wall covering, of paneling, of floor covering or of suspended ceilings.
3. An alteration to an electrical or mechanical system.

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

SPS 366.0901 Change of occupancy. (1) CHANGE IN OCCUPANCY WITH NO OCCUPANCY CLASSIFICATION. Substitute the following wording for the requirements in IIBC section 901.2: A change in occupancy, as defined in IIBC section 202, with no change of occupancy classification may not be made to any structure that will subject the structure to any special provisions of this code, including the provisions of IIBC sections 902 through 911, without the approval of the code official.

(2) CHANGE OF OCCUPANCY CLASSIFICATION. This is a department rule in addition to the requirements in IIBC section 901.3: Buildings undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with IECC.

(3) CERTIFICATION OF OCCUPANCY REQUIRED. The requirements in IIBC section 901.4 are not included as part of this code.

(4) STANDPIPE SYSTEMS. This is a department rule in addition to the requirements in IIBC section 912.2: Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with chapter 9 of the IBC when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R-1 or R-2 occupancy.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (1) Register August 2011 No. 668, eff. 9-1-11.

SPS 366.0911 Other requirements. (1) ELEVATOR RECALL. This is a department rule in addition to the requirements in IIBC section 911: At least one existing elevator shall be provided with emergency recall operation and emergency in-car operation complying with ch. SPS 318 when an existing building or structure that is greater than 60 feet in height is changed to include a Group R-1 or R-2 occupancy.

(2) CARBON MONOXIDE ALARMS. This is a department rule in addition to the requirements in IIBC section 911: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with s. SPS 362.1200.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; EmR0826: emerg. renum. to be (1), cr. (1) (title) and (2), eff. 10-1-08; CR 08-085: renum. to be (1), cr. (1) (title) and (2) Register May 2009 No. 641, eff. 6-1-09; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 366.0912 Plumbing. Substitute the following wording for the requirements in IIBC section 910: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. from Comm 66.0910 Register August 2011 No. 668, eff. 9-1-11.

SPS 366.1002 Fire Protection Systems. This is a department exception to the requirements in IIBC section 1002.3: An automatic sprinkler system is not required for additions to individual dwelling units within existing townhouses that are not already protected with an automatic sprinkler system.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.

SPS 366.1101 Historic buildings. (1) SCOPE. This is a department rule in addition to the requirements in IIBC section 1101.1: Any historic building is exempt from the energy requirements of this code.

(2) REPORT. The requirements in IIBC section 1101.2 are not included as part of this code.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: renum. (1) to be (2), (2) to be Comm 66.1105 and am. (2) (title), cr. (1) Register August 2011 No. 668, eff. 9-1-11.

SPS 366.1105 Exhibit buildings. These are department rules in addition to the requirements in IIBC section 1105: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

(1) The building shall be open to the public only under the supervision of a tour guide.

(2) The building may not be lived in, slept in or worked in, except for the purpose of demonstrating to the public how people lived in a particular era.

(3) Smoking is prohibited in the building.

(4) Open flame equipment may not be used in the building, except for fire places and other mechanical equipment original to the building.

(5) Fire extinguishers shall be installed in exhibit buildings and may be located in a nonconspicuous location but accessible to the occupants.

(6) (a) At least one smoke detector shall be provided for each 1,200 square feet of floor area with a minimum of one smoke detector per floor level.

(b) 1. Except as specified in subd. 2., where electricity is provided in the exhibit building, the smoke detectors shall be connected to the electrical power.

2. Where no electrical power is provided to an exhibit building, the smoke detectors shall be of a battery type.

3. Smoke detectors shall be tested weekly.

(7) Exhibit buildings provided with only one means of egress shall be restricted to a total capacity of 12 people, and not more than 6 people may be located above or below the first floor at any one time.

(8) Stairways without 6-foot, 4-inch vertical headroom clearance shall have signs posted warning occupants of the headroom clearance available.

(9) Exit signs shall be provided in accordance with the prevailing code in exhibit buildings occupied prior to ½-hour before sunrise and ½-hour after sunset and in all areas not provided with natural lighting.

History: CR 10-103: renum. from Comm 66.1101 (2) Register August 2011 No. 668, eff. 9-1-11; correction in (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668.

SPS 366.1301 Applicability. (1) Substitute the following wording for the requirements in IIBC section 1301.2: The provisions of sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

(2) ACCESSIBILITY REQUIREMENTS. Substitute the following wording for the requirements in IIBC section 1301.2.5: All portions of the buildings proposed for change of occupancy or being altered shall conform to the accessibility provisions of IIBC section 310.

(3) The requirements in IIBC section 1301.3.2 are not included as part of this code.

History: CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 10-103: am. (title), renum. (2) to be (3), cr. (2) Register August 2011 No. 668, eff. 9-1-11.

SPS 366.1400 Construction safeguards. The requirements in IIBC chapter 14 are not included as part of this code.

History: CR 10-103: cr. Register August 2011 No. 668, eff. 9-1-11.