



**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

**CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 01-139**

AN ORDER to repeal Comm 5.61 (1) Note 1, 14.03 (9) (c) and (10) (d), 14.28 (2) (d), 32.16 (9) and (21), 63.0602 (2), 63.0802 (3), 63.0901, 64.0202 (2) (b), 71.21 (7) (b) 3., 71.26 Note, 81.01 (209) Note, 82.31 (16) (d) 2. d. Note and 82.40 (5) (a) Note; to renumber Comm 14.03 (9) (d), 61.51 (2) (e), 62.0100 (1) and (2), 62.0202 (1) (b) and (c) to (k), 62.3300 (1) and (2), 63.0602 (3), 63.0802 (4) and (5), 64.0202 (2) (c), 64.0403 (3) to (6) and 65.0305 (1) (intro.) and (a) and (b); to amend Comm 2.31 (1) (a), (b), (b) Note, (g), (h) and (i), (3) and (5), 2.51 (2), 2.52 (3) (title) and (a), 3.03 (5) (f) 2., 5.34 (1) and (3) (a) (intro.), 5.35 (5) (a) (intro.), 5.50 (2), 5.56 (1), 5.61 (1), 7.41 (4) (d) Note, 9.24 (1), 9.28 (1) (a), 10.26 (2) (intro.), 14.03 (9) (b) Note, 16.04 (2) Note 3, 16.08 (1) Note, 16.17 (1) (b) and (2) (a) Note, 16.25 (1) (c), 16.41, 16.45 (3) Note and (4) (a) 1., 2. and 3. (intro.), 16.48 Note, 16.65 (2) (a) 1. and (4) (a) (intro.), 30.10 (7) Note, 30.145, 32.16 (19), 32.24 (1) (b) Note and (5) (c) 1., 32.26 (1) Note, 34.23 (2) (a), 34.28, 34.31 (1) (a) Note, 34.36, 34.39, 34.40, 41.49 (5) (b), 45.18 (4) (b) 3. c., 45.19 (8), (9), and (12) (b) 1. Note, 61.03 (13) (a) 1., Table 61.30-2 (title), 62.2900 (2), 62.3406, 62.3500 (2), 63.0900 Note, 63.1011 (3), 64.1500 (2) and Note, 65.0301, 65.0304 (3) and (title), 65.0503 (1) (b), 65.0700 and Note, 71.21 (2), (5), and (6) (intro.), 71.24 (1) (d) 1., 71.26, 71.30 (2), 75.001 (1) (e) Note, 81.01 (209), 82.10 (3), 82.36 (19) Note, 82.40 (5) (b) 5. Note and (c) Note, 84.20 (4) (b) 9. e. Note and (5) (L) 3. Note and (o) 2. b. and 3., 84.30 (4) (e) 2. Note, 90.16 (1), 90.17 (2) and 91.12 (1) (b) 3. and (5) Note; to repeal and recreate Comm 41.28 (3) Note, Table 61.30-3, 64.0301 (2) (a) and (b), 64.0403 (6), 64.0404 (1), 71.21 (7) (b) 2. and 82 Appendix A-82.40 (5); and to create Comm 5.34 (3) (a) 4. Note and (5) (a) 4. Note 14.03 (10) Note (1), 61.20 (1) Notes (2) and (3), 62.3500 Note and 64.0403 (3), (5) and (7), relating to construction of public buildings and places of employment.

Submitted by **DEPARTMENT OF COMMERCE**

12-03-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-01 REPORT SENT TO AGENCY.

RS:REL:jal;rv





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### CLEARINGHOUSE RULE 01-139

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

- a. The rule should explain that it is modifying a rule that has not yet taken effect.
- b. In s. Comm 41.28 (3) Note, the word "to" should be inserted after the word "relating."
- c. In s. Comm 64.0403 (3), the phrase "shall be" should be replaced by the word "is."
- d. In s. Comm 64.0403 (6) (a) 1., the word "therein" should be replaced by the phrase "in Table 64.0403." Also, in sub. (6) (b) 2., the phrase "shall not be" should be replaced by the phrase "is not."
- e. In s. Comm 64.0403 (7), the phrase "shall be permitted to" should be replaced by the word "may."
- f. In the amendment to the Note in s. Comm 82.36 (19), the notation "(a)" should be inserted after the reference to s. Comm 82.36 (19) in both the treatment clause in SECTION 96 and the text of the amendment.
- g. In s. Comm 84.20 (4) (b) 9. e. Note, the notation "ch. Comm" before "90" should be deleted.

**4. Adequacy of References to Related Statutes, Rules and Forms**

The department should ensure that the rules adopted by the department on September 10, 2001 replacing chs. Comm 50 to 64, 66 and 69 with chs. Comm 61 to 65 are promulgated either before or simultaneously with this rule.



State of Wisconsin \ Department of Commerce

# HEARING DRAFT OF PROPOSED RULES

**Rule Numbers:** Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41,  
45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91

**Relating to:** Construction of Public Buildings and Places of  
Employment

**ORDER OF THE  
DEPARTMENT OF COMMERCE**

**CREATING RULES**

The Wisconsin Department of Commerce proposes an order to repeal Comm 5.61 (1) Note 1, 14.03 (9) (c), 14.03 (10) (d), 14.28 (2) (d), 32.16 (9) and (21), 63.0602 (2), 63.0802 (3), 63.0901, 64.0202 (2) (b), 71.21 (7) (b) 3., 71.26 Note, 81.01 (209) Note, 82.31 (16) (d) 2. d. Note, and 82.40 (5) (a) Note;

to renumber Comm 14.03 (9) (d), 61.51 (2) (e), 62.0100 (1) and (2), 62.0202 (1) (b) and (c) to (k), 62.3300 (1) and (2), 63.0602 (3), 63.0802 (4) and (5), 64.0202 (2) (c), 64.0403 (3) to (6), and 65.0305 (1) (intro.) and (a) and (b);

to amend Comm 2.31 (1) (a), (b), (b) Note, (g), (h), and (i); 2.31 (3) and (5); 2.51 (2); 2.52 (3) (title) and (a); 3.03 (5) (f) 2.; 5.34 (1) and (3) (a) (intro.); 5.35 (5) (a) (intro.); 5.50 (2); 5.56 (1); 5.61 (1); 7.41 (4) (d) Note; 9.24 (1); 9.28 (1) (a); 10.26 (2) (intro.); 14.03 (9) (b) Note; 16.04 (2) Note 3; 16.08 (1) Note; 16.17 (1) (b) and (2) (a) Note; 16.25 (1) (c); 16.41; 16.45 (3) Note and (4) (a) 1., 2., and 3. (intro.); 16.48 Note; 16.65 (2) (a) 1. and (4) (a) (intro.); 30.10 (7) Note; 30.145; 32.16 (19); 32.24 (1) (b) Note and (5) (c) 1.; 32.26 (1) Note; 34.23 (2) (a); 34.28; 34.31 (1) (a) Note; 34.36; 34.39; 34.40; 41.49 (5) (b); 45.18 (4) (b) 3. c.; 45.19 (8), (9), and (12) (b) 1. Note; 61.03 (13) (a) 1.; Table 61.30-2 (title); 62.2900 (2); 62.3406; 62.3500 (2); 63.0900 Note; 63.1011 (3); 64.1500 (2) and Note; 65.0301; 65.0304 (3) (title) and (3); 65.0503 (1) (b); 65.0700 and Note; 71.21 (2), (5), and (6) (intro.); 71.24 (1) (d) 1.; 71.26; 71.30 (2); 75.001 (1) (e) Note; 81.01 (209); 82.10 (3); 82.36 (19) Note; 82.40 (5) (b) 5. Note and (c) Note; 84.20 (4) (b) 9. e. Note, and (5) (L) 3. Note and (o) 2. b. and 3.; 84.30 (4) (e) 2. Note; 90.16 (1); 90.17 (2); and 91.12 (1) (b) 3. and (5) Note;

to repeal and recreate Comm 41.28 (3) Note, Table 61.30-3, 64.0301 (2) (a) and (b); 64.0403 (6), 64.0404 (1), 71.21 (7) (b) 2., and 82 Appendix A-82.40 (5);

and to create Comm 5.34 (3) (a) 4. Note and (5) (a) 4. Note; 14.03 (10) Note (1); 61.20 (1) Notes (2) and (3); 62.3500 Note; and 64.0403 (3), (5), and (7), relating to construction of public buildings and places of employment.

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**ANALYSIS OF PROPOSED RULES**

**Statutory Authority and Statutes Interpreted**

Statutory Authority: ss. 101.02 (1) and (15), 101.055, 101.09 (3), 101.12 (3), 101.14 (1) and (4), 101.17, 101.175, 101.19, 101.82 (1), 101.973 (1), 145.02 (2), and 145.26, Stats.

Statutes Interpreted: ss. 101.02 (1) and (15), 101.055, 101.09 (3), 101.12 (3), 101.14 (1) and (4), 101.17, 101.175, 101.19, 101.82 (1), 101.973 (1), 145.02 (2), and 145.26, Stats.

Under the statutes cited, the Department protects public health, safety, and welfare by promulgating construction and fire safety requirements for public buildings and places of employment. Currently, these requirements are primarily contained in chapters Comm 50 to 64, 66, and 69. Through rules which were adopted by the Department on September 10, 2001, and which will become effective on July 1, 2002, those chapters are being replaced with chapters Comm 61 to 65.

Numerous other Commerce codes administered by the Department contain cross references to the construction and fire safety requirements in chapters Comm 50 to 64, 66, and 69. This rule package converts all of those cross references to chapters Comm 61 to 65, and is projected to have a simultaneous effective date of July 1, 2002.

This rule package also includes the following changes to chapters Comm 61 to 65, and several minor clarifications for chapters Comm 14 and 61 to 65:

1. Comm Table 61.30-3, which lists the fire protection systems that must receive plan approval from the Department or an authorized representative prior to installation, is expanded to include fire protection systems in (a) buildings exceeding 60 feet in height, (b) state-owned buildings except hospitals and nursing homes, and (c) mercantile buildings which combine retail areas with rack storage and which have floor areas exceeding 50,000 square feet.
2. Code text and informational notes in chapters Comm 62 to 65 that pertain to incorporation of several nationally recognized standards are modified to be consistent in each chapter.

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*File reference: Such As/Analysis*

SECTION 1. Comm 2.31 (1) (a), (b), (b) Note, (g), (h) and (i) are amended to read:

Comm 2.31 (1) (a) *General*. Fees relating to the submittal of all plans, submitted in accordance with the requirements of chs. ~~Comm 50 to 64 and 66~~ 61 to 65, shall be determined in accordance with this section.

(b) *Plan review fees*. Fees relating to the submittal of all building plans, heating, ventilating and air conditioning (HVAC) plans, and fire protection system plans shall be computed on the basis of the total gross square footage of each building or affected area. The fees shall be determined in accordance with Table 2.31-1 for buildings not located in municipalities that have assumed building inspection responsibilities. The fees shall be determined in accordance with Table 2.31-2 for buildings located in agent municipalities and counties that have assumed the building inspection responsibilities specified under s. 101.12 (3) (g), Stats., and ch. ~~Comm 50~~ 61.

*Note:* See ch. ~~Comm 50~~ 61 for the types of buildings and components that must be submitted for review. Fees for component plans that are an integral part of the building project are included in the "Building Plans" or "HVAC Plans" fees provided they are submitted prior to final inspection. Also, see the Safety and Buildings Division's Plan Submittal Kit (SBD-8927) for detailed information on all submittal processes relating to component plans such as lighting and pre-engineered structural components.

(g) *Second class city*. A second class city that is certified to perform the expanded plan examinations specified in s. ~~Comm 50.21 (5)(b) or 66.24 (5)(b)~~ 61.70 (5) (b) shall submit to the department the fee specified in Table 2.31-3 for each building or structure reviewed which exceeds the limits specified in s. ~~Comm 50.21 (5)(e) or 66.24 (5)(e)~~ 61.70 (5) (c).

(h) *Appointed agent*. An agent that is appointed by the department under s. ~~Comm 50.22 or 66.24 (8)~~ 61.71 to perform plan examinations shall submit to the department the fees specified in Table 2.31-3 for each building or structure reviewed under s. ~~Comm 50.22 or 66.24 (8)~~ 61.71.

(i) *Notice fee*. The fee for notifying the department of electing to use a registered individual for building design and supervision in lieu of departmental plan approval, under s. ~~Comm 50.12 (1t) or 66.14 (1t)~~ 61.30 (1) (b) 3., shall be \$20.00 for the building plans and related components, \$20.00 for the heating, ventilating and air conditioning plans and related components, \$20.00 for the fire alarm system plans and \$20.00 for the fire suppression system plans.

SECTION 2. Comm 2.31 (3) and (5) are amended to read:

**Comm 2.31 (3) PRIORITY PLAN REVIEW.** An appointment may be made with the department to facilitate the examination of plans. The plans shall comply with the provisions of s. ~~Comm 50.12~~ 61.31. The fee for this type of plan submittal shall be determined at twice the normal rate, based on the appropriate category of plan specified under this section.

**(5) COMPLETION STATEMENT.** A fee of \$10.00 shall be assessed for any project where the department has issued orders for a completion statement to be submitted as required by s. ~~Comm 50.10~~ 61.50.



SECTION 3. Comm 2.51 (2) is amended to read:

**Comm 2.51 (2)** The fee for a special inspection of an installation of a material, equipment or product for which an experimental approval has been issued in accordance with s. Comm 20.18, ~~50.19 or 66.25~~ or 61.60 shall be determined in accordance with s. Comm 2.04 (2).

SECTION 4. Comm 2.52 (3) (title) and (a) are amended to read:

**Comm 2.52 (3)** ~~PETITIONS FOR VARIANCE ON RULES UNDER CHS. COMM 50 TO 64, BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE, AND CH. COMM 66, UNIFORM MULTIFAMILY DWELLING CODE 61 TO 65, WISCONSIN COMMERCIAL BUILDING CODE.~~ (a) The fee for reviewing petitions for variance on rules under chs. Comm ~~50 to 64 and 66~~ 61 to 65 shall be \$500.00 per petition.

SECTION 5. Comm 3.03 (5) (f) 2. is amended to read:

Comm 3.03 (5) (f) 2. If a petition for variance is submitted with a request for a plan review under either s. Comm ~~50.12~~ 61.31 or ~~83.07 and 83.08~~ 83.22, the processing times of this subsection for the petition and the processing times of ss. Comm ~~50.12 (5) 61.31 (3) (a) and 83.07 (1) (d) 83.22 (3) (a)~~ for the plan review shall run consecutively, with the petition being processed first.

SECTION 6. Comm 5.34 (1) is amended to read:

**Comm 5.34 (1) GENERAL.** No person may perform structural welding under ss. ~~Comm 34.39 and 53.53 chs. Comm 34 and 61 to 65~~ unless the person holds a registration issued by the department as a registered welder.

SECTION 7. Comm 5.34 (3) (a) (intro.) is amended to read:

Comm 5.34 (3) (a) The person applying for a welder registration shall have taken and passed, not more than one year before the date the application is received by the department, one or more tests in accordance with the following standards as ~~adopted by reference~~ referenced in chs. Comm ~~50 to 64~~ 61 to 65:

SECTION 8. Comm 5.34 (3) (a) 4. Note is created to read:

Comm 5.34 (3) (a) 4. **Note:** Copies of American Welding Society standards can be obtained from the American Welding Society, 550 N.W. LeJeune Road, Miami, FL 33126.

SECTION 9. Comm 5.35 (5) (a) (intro.) is amended to read:

Comm 5.35 (5) (a) Ensure that the welding tests, the testing facilities and testing equipment conform with the following appropriate standard or standards as adopted by reference referenced in chs. Comm 50 to 64 61 to 65:

SECTION 10. Comm 5.35 (5) (a) 4. Note is created to read:

Comm 5.35 (5) (a) 4. **Note:** Copies of American Welding Society standards can be obtained from the American Welding Society, 550 N.W. LeJeune Road, Miami, FL 33126.

SECTION 11. Comm 5.50 (2) is amended to read:

**Comm 5.50 (2)** No person may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by ~~s. Comm 51-23 (6)~~ ch. Comm 14 unless the person holds a license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, a registered automatic fire sprinkler fitter-maintenance or a registered automatic fire sprinkler system tester.

SECTION 12. Comm 5.56 (1) is amended to read:

**Comm 5.56 (1) GENERAL.** A person who holds a registration issued by the department as a registered automatic fire sprinkler system tester may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by ~~s. Comm 51-23 (6)~~ ch. Comm 14 and NFPA 25.

SECTION 13. Comm 5.61 (1) is amended to read:

**Comm 5.61 (1) GENERAL.** A person who holds a certification issued by the department as a certified commercial building inspector may conduct inspections of public buildings and places of employment for the purpose of administering and enforcing ~~ch. Comm 50 to 64, 66, 69 or~~ chs. Comm 61 to 65, 70 and 75 to 79.

SECTION 14. Comm 5.61 (1) Note 1 is repealed.

SECTION 15. Comm 7.41 (4) (d) Note is amended to read:

Comm 7.41 (4) (d) **Note:** See chs. Comm ~~50-64~~ 61 to 65 for complete building and heating, ventilating and air conditioning requirements. Complete requirements for automatic fire suppression systems are also contained in these chapters.

SECTION 16. Comm 9.24 (1) is amended to read:

**Comm 9.24 (1) ALL BUILDINGS.** Means of egress in all buildings shall comply with applicable requirements of chs. ~~ILHR-50 to 64~~ Comm 61 to 65.

SECTION 17. Comm 9.28 (1) (a) is amended to read:

Comm 9.28 (1) (a) Except as provided in par. (b), portable fire extinguishers shall be provided in all buildings according to the requirements in chs. ~~ILHR-50 to 64~~ Comm 61 to 65.

SECTION 18. Comm 10.26 (2) (intro.) is amended to read:

Comm 10.26 (2) (intro.) **BUILDING ELEMENTS.** Chapters ~~Comm 50-64~~ 61 to 65 in lieu of the following NFPA standards:

SECTION 19. Comm 14.03 (9) (b) Note is amended to read:

Comm 14.03 (9) (b) Note: Open burning is also subject to the rules of the department of natural resources and to local ordinances and regulations. Burning outside the incorporated limits of cities and villages is regulated by the department of natural resources under ch. NR 30—Forest Fire Control and ss. 26.11 to 26.13, Stats.

SECTION 20. Comm 14.03 (9) (c) is repealed.

SECTION 21. Comm 14.03 (9) (d) is renumbered Comm 14.03 (9) (c).

SECTION 22. Comm 14.03 (10) (d) is repealed.

SECTION 23. Comm 14.03 (10) Note (1) is created to read:

Comm 14.03 (10) Note (1): Bonfires may be subject to local ordinances and regulations.

SECTION 24. Comm 14.48 (2) (d) is repealed.

SECTION 25. Comm 16.04 (2) Note (3) is amended to read:

Comm 16.04 (2) Note (3): Section ~~Comm 66.04 (1) (a)~~ 61.03 (4) (b) prohibits any municipality from adopting an ordinance establishing restrictions on the electrical construction of multifamily dwellings covered by the Uniform Multifamily Dwelling Code as defined in s. Comm 62.0202.

SECTION 26. Comm 16.08 (1) Note is amended to read:

Comm 16.08 (1) **Note:** The federal and state Fair Housing Acts, the federal Americans with Disabilities Act and the Wisconsin Commercial Building Code (Chs. Comm 50 to 64 61 to 65) contain requirements relating to making buildings accessible to and usable by people with disabilities. Some of those requirements apply to the installation of various electrical devices. For example, in the federal fair housing accessibility guidelines, devices such as light switches, electrical outlets, thermostats and other environmental controls would meet the requirements if operable parts of the controls are located no higher than 48 inches, and no lower than 15 inches, above the floor. If the reach is over an obstruction between 20 and 25 inches in depth, the maximum height is reduced to 44 inches for forward approach; or 46 inches for side approach, provided the obstruction is no more than 24 inches in depth. Complete copies of the federal Fair Housing Accessibility Guidelines or the federal Americans with Disabilities Act Accessibility Guidelines can be obtained from the Superintendent of Documents, New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

SECTION 27. Comm 16.17 (1) (b) and (2) (a) Note are amended to read:

Comm 16.17 (1) (b) "Floors" means stories as specified in chs. Comm 50 to 64 and 66 61 to 65.

(2) (a) **Note:** See ~~s. Comm 51.04~~ chs. Comm 61 to 65 for fire-resistive standards.

SECTION 28. Comm 16.25 (1) (c) is amended to read:

Comm 16.25 (1) (c) This is a department rule in addition to the requirements of NEC 230-2 (b): For rowhouse construction as defined in ch. Comm 66 a building which is not more than 3 stories in height and which contains only 3 or more attached, vertically separated, side-by-side or back-to-back dwelling units, with each dwelling unit served by an individual exterior exit within 6 feet of the exit discharge grade, a separate service drop or lateral shall be permitted for each 2 attached units.

SECTION 29. Comm 16.41 is amended to read:

**Comm 16.41 Wiring methods [NEC 518-4]. (1) WIRING METHODS [NEC 518-4].** Substitute the following wording for NEC 518-4 Exception No. 1: Exception No. 1. Nonmetallic-sheathed cable, Type AC cable, electrical nonmetallic tubing, and rigid nonmetallic conduit shall be permitted to be installed in those buildings that are classified as Type 7 or 8 5 construction in accordance with ~~s. Comm 51.03~~ chs. Comm 61 to 65.

(2) OCCUPANCY CLASSIFICATION [NEC 518-4]. This is a department rule in addition to the requirements of NEC 518-4: The wiring methods required by this section shall apply to the entire area within each assembly hall occupancy classification as specified in ~~ch. Comm 55~~ chs. Comm 61 to 65 and to places of assembly in connection with ~~ch. Comm 56~~ occupancies schools and other places of instruction.

SECTION 30. Comm 16.45 (3) Note and (4) (a) 1., 2. and 3. (intro.) are amended to read:

Comm 16.45 (3) **Note:** ~~Section Comm 52.01 requires~~ Chapters Comm 61 to 65 require an on-premise fuel supply for high-rise buildings.

(4) (a) 1. Emergency illumination shall include all required exit lights and emergency lighting required by the ~~Illumination Code, ch. Comm 73, Part G~~ chs. Comm 61 to 65.

2. When standby emergency power is required by ~~s. Comm 16.46~~ chs. Comm 61 to 65, the required exit lights and emergency lighting shall be supplied from the standby source.

3. When standby emergency power is not required by ~~s. Comm 16.46~~ chs. Comm 61 to 65, required exit lights shall be supplied by one of the sources of power specified in NEC 700-12, or shall be permitted to be supplied from a separate switch or circuit breaker in a branch circuit panelboard, under the following conditions:

SECTION 31. Comm 16.48 Note is amended to read:

~~Comm 16.48 Note: Section Comm 52.01 requires~~ Chapters Comm 61 to 65 require an on-premise fuel supply for high-rise buildings.

SECTION 32. Comm 16.65 (2) (a) 1. and (4) (a) (intro.) are amended to read:

Comm 16.65 (2) (a) 1. New construction, additions, alterations and changes of use of public buildings and places of employment requiring submittal of building plans under ~~ss. Comm 50.03 and 50.12~~ s. Comm 61.30 for the classes of occupancies specified under sub. (4) (a).

(4) (a) *Specific inspections.* The department may inspect all electrical wiring in new construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ~~ss. Comm 50.03 and 50.12~~ s. Comm 61.30 in all of the following occupancies that are not within the boundaries of municipalities exercising jurisdiction:

SECTION 33. Comm 30.10 (7) Note is amended to read:

~~Comm 30.10 (7) Note: Fire Under ch. Comm 14, fire extinguishers should~~ are to be maintained as specified in NFPA 10, as incorporated by reference in chs. Comm 50 to 64 Standard for Portable Fire Extinguishers.

SECTION 34. Comm 30.145, as created by Clearinghouse Rule No. 01-044, is amended to read:

**Comm 30.145 Facility safety.** Fire department buildings and facilities shall comply with ~~chs. Comm 32 and 50 to 64~~ 61 to 65.

SECTION 35. Comm 32.16 (9) is repealed.

SECTION 36. Comm 32.16 (19) is amended to read:

**Comm 32.16 (19) Chapters Comm 50 to 64, Building and Heating, Ventilating and Air Conditioning 61 to 65, Wisconsin Commercial Building Code.**

SECTION 37. Comm 32.16 (21) is repealed.

SECTION 38. Comm 32.24 (1) (b) Note is amended to read:

Comm 32.24 (1) (b) Note: See chs. Comm 50 to 64 61 to 65 for complete plan submittal and ventilation requirements.

SECTION 39. Comm 32.24 (5) (c) 1. is amended to read:

Comm 32.24 (5) (c) 1. All fuel-fired kilns located inside of a building shall be enclosed in a fire resistive enclosure as specified in s. ~~Comm 51.08~~ comm 61 to 65 comply with chs. Comm 61 to 65.

SECTION 40. Comm 32.26 (1) Note is amended to read:

Comm 32.26 (1) Note: See chs. Comm 50 to 64 61 to 65 for complete plan submittal and ventilation requirements.

SECTION 41. Comm 34.23 (2) (a) is amended to read:

Comm 34.23 (2) (a) Permanent foundations for amusement rides, attractions and structures shall comply with ~~ch. ILHR 53~~ chs. Comm 61 to 65.

SECTION 42. Comm 34.28 is amended to read:

**Comm 34.28 Design and construction of tents.** The design and construction of tents shall comply with the requirements specified in ~~ch. ILHR 62, subch. III~~ chs. Comm 61 to 65.

SECTION 43. Comm 34.31 (1) (a) Note is amended to read:

Comm 34.31 (1) (a) Note: See s. ~~Ind 70.06 (1)~~ DWD 270.06 for additional information.

SECTION 44. Comm 34.36 is amended to read:

**Comm 34.36 Flammable and combustible liquids and gases.** Storage, dispensing and use of flammable and combustible liquids and liquefied petroleum gases shall comply with requirements of chs. Comm 10 and ~~Comm 11~~ 40.

SECTION 45. Comm 34.39 and 34.40 are amended to read:

**Comm 34.39 Welding.** Welding of structural members and other critical parts of amusement rides and attractions shall comply with ~~the requirements of s. ILHR 53.53 chs.~~ Comm 61 to 65.

~~Note: See Appendix for reprint of s. ILHR 53.53.~~

**Comm 34.40 Air compressors and equipment.** Air compressors, air compressor tanks and related equipment shall be constructed, tested, maintained and inspected as specified in ~~chs. ILHR 41 and 42 ch.~~ Comm 41.

SECTION 46. Comm 41.28 (3) Note is repealed and recreated to read:

**Comm 41.28 (3) Note:** Chapters Comm 61 to 65 may have other requirements relating to the installation, alteration or repair of a boiler or pressure vessel, such as requirements relating enclosures, location, safety controls, combustion air, and venting.

Wisconsin Administrative Codes may be obtained by contacting the State Department of Administration, Document Sales and Distribution, P.O. Box 7840, Madison, Wisconsin 53707, telephone 608/266-3358, or on the Internet at [www.legis.state.wi.us/rsb/code/](http://www.legis.state.wi.us/rsb/code/).

SECTION 47. Comm 41.49 (5) (b) is amended to read:

Comm 41.49 (5) (b) Welded repairs to the boiler shall be made by welders qualified in accordance with s. ~~Comm 53.53~~ 5.34 or the ASME Code section IX.

SECTION 48. Comm 45.18 (4) (b) 3. c. is amended to read:

Comm 45.18 (4) (b) 3. c. Personnel density and means of egress are in compliance with ~~chs. ILHR 50 to 64~~ Comm 61 to 65;

SECTION 49. Comm 45.19 (8), (9) and (12) (b) 1. Note are amended to read:

**Comm 45.19 (8) GAS FUEL EQUIPMENT.** Gas fuel devices and equipment used with refrigerating systems shall be installed in accordance with ~~chs. ILHR 50 to 64~~ Comm 61 to 65.

**(9) AIR DUCT INSTALLATION.** Air duct systems of air-conditioning equipment for human comfort using refrigerating systems shall be installed in accordance with ~~chs. ILHR 50 to 64~~ Comm 61 to 65. Air ducts passing through a machinery room shall be of tight construction and shall have no openings in such rooms.

**(12) (b) 1. Note:** See the Commercial Building Code, ~~chs. ILHR 50 to 64~~ Comm 61 to 65, for means of egress requirements.

SECTION 50. Comm 61.03 (13) (a) 1. is amended to read:

Comm 61.03 (13) (a) 1. Design and construction-related requirements shall apply that are addressed in IFC section 102.6; IFC chapters 2 to 5 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, 32, 36, 37, and 39 to 44.

SECTION 51. Comm 61.20 (1) Notes (2) and (3) are created to read:

Comm 61.20 (1) Note (2): 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 (3): 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.

SECTION 52. Comm Table 61.30-2 (title) is amended to read:

**Table 61.30-2**  
**(title) Buildings Exempt from Plan Review if Registered**

SECTION 53. Comm Table 61.30-3 is repealed and recreated to read:

**Table 61.30-3**  
**Building Components and Systems**

Building Component or System	Building Type or Occupancy
Pre-manufactured and Pre-engineered Structural Components	Public Buildings or Places of Employment
Heating, Ventilating and Air Conditioning System	Public Buildings or Places of Employment
Fire Protection System	Atria Public Building or Places of Employment
	Public Buildings Exceeding 60 Feet in Height
	Educational Group E
	Institutional Group I-1, I-3
	Mercantile Group M Buildings That Combine Retail Areas With Rack Storage and Have Floor Areas Exceeding 50,000 Square Feet
	Residential Group R-1
	State-Owned Buildings Except Hospitals and Nursing Homes



SECTION 54. Comm 61.51 (2) (e) is renumbered Comm 61.51 (3).

SECTION 55. Comm 62.0100 (1) and (2) are renumbered Comm 62.0100 and 62.0115.

SECTION 56. Comm 62.0202 (1) (b) and (c) to (k) are renumbered Comm 62.0202 (2) (c) and 62.0202 (1) (b) to (j).

SECTION 57. Comm 62.2900 (2) is amended to read:

**Comm 62.2900 (2) SERVICE SINK.** In every building where a service sink is required by IBC Table 2902.1, the service sink shall be located in a service closet or room that is provided with the supplies necessary for the sanitary upkeep of the toilet rooms.

SECTION 58. Comm 62.3300 (1) and (2) are renumbered Comm 62.3300 and 62.3307.

SECTION 59. Comm 62.3406 is amended to read:

**Comm 62.3406 Historic buildings.** Substitute the following wording for the requirements in IBC section 3406.1: The construction, repair, alteration, addition, restoration, movement, and change of occupancy of historic structures buildings shall comply with ch. Comm 70.

SECTION 60. Comm 62.3500 (2) is amended to read:

**Comm 62.3500 (2)** This is a department rule in addition to the requirements in IBC chapter 35: The following NFPA standard is hereby incorporated by reference into this code: NFPA 750-1996, Standard on Water Mist Fire Protection Systems.

SECTION 61. Comm 62.3500 Note is created to read:

**Comm 62.3500 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 standards adopted under this section are on file in the offices of the department, the secretary of state and the revisor of statutes.

For requirements or limitations in how these standards are to be applied, refer to the code section that requires compliance with the standard.

SECTION 62. Comm 63.0602 (2) is repealed.

SECTION 63. Comm 63.0602 (3) is renumbered Comm 63.0602 (2).

SECTION 64. Comm 63.0802 (3) is repealed.

SECTION 65. Comm 63.0802 (4) and (5) are renumbered Comm 63.0802 (3) and (4).

SECTION 66. Comm 63.0900 Note is amended to read:

Comm 63.0900 Note: ASHRAE standards may be purchased from the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329.

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, Virginia VA 20171-3499.

Copies of the standards adopted under this section are on file in the offices of the department, the secretary of state and the revisor of statutes.

For requirements or limitations in how these standards are to be applied, refer to the code section that requires compliance with the standard.

SECTION 67. Comm 63.0901 is repealed.

SECTION 68. Comm 63.1011 (3) is amended to read:

**Comm 63.1011 (3) AIR LEAKAGE REQUIREMENTS FOR EXTERIOR ENVELOPE.** Openings and penetrations in the building envelope shall be sealed or gasketed in accordance with s. Comm 63.0802 ~~(4)~~ (3).

SECTION 69. Comm 64.0202 (2) (b) is repealed.

SECTION 70. Comm 64.0202 (2) (c) is renumbered Comm 64.0202 (2) (b).

SECTION 71. Comm 64.0301 (2) (a) and (b) are repealed and recreated to read:

Comm 64.0301 (2) (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. Comm 61.60.

(b) *Unlisted equipment.* The department may approve an installation of unlisted equipment after receipt of all of the following:

1. A statement from the equipment manufacturer indicating the national standard with which the equipment complies.

2. The results of a test conducted by a Wisconsin registered engineer on the output and safety controls in accordance with the national standard used by the manufacturer.

SECTION 72. Comm 64.0403 (3) to (6) are renumbered Comm 64.0403 (4), (6), (8) and (9).

SECTION 73. Comm 64.0403 (3) is created to read:

**Comm 64.0403 (3) RECIRCULATION PROHIBITED.** Substitute the following wording for exception 3 in IMC section 403.2.1: Where mechanical exhaust is required by Table 64.0403, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 64.0403.

SECTION 74. Comm 64.0403 (5) is created to read:

**Comm 64.0403 (5) 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 64.0403, 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 IMC sections 403.3 and 403.3.1. The required outdoor air rates specified in Table 64.0403 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.

SECTION 75. Comm 64.0403 (6) is repealed and recreated to read:

**Comm 64.0403 (6) VENTILATION RATE.** Substitute the following wording for the requirements and exceptions in IMC section 403.3:

(a) *Ventilation rate determination.* 1. Except as provided in pars. (c) and (d), ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 64.0403 based on the occupancy of the space, the occupant load and a minimum of 7.5 cfm of outside air per person, or other parameters stated therein.

2. a. Except as provided in subpars. 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 64.0403.

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 64.0403, 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 64.0403 shall be determined by an approved engineering analysis, or by using the most similar occupancy in the table.

3. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of this chapter.

Note: See Table 64.0403 for specific occupancies.

(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. shall not be 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 64.0403.

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 64.0403.

3. 'Locker and shower rooms.' An adjoining locker room, shower room and toilet room shall be exhausted at the rate specified in Table 64.0403 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.

4. 'Chemical or septic toilets.' 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.

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) *Outside air requirements waived.* 1. If a mechanical air supply system is provided and the requirement for outdoor air determined in accordance with Table 64.0403 is less than 5% of the minimum required air changes per hour, the requirement for outside air may be eliminated.

2. The requirement for outside air or percent of openings specified in Table 64.0403 may be omitted in large volume spaces containing 5,000 or more cubic feet per occupant. Required exhaust ventilation and makeup air shall not be omitted.

SECTION 76. Comm 64.0403 (7) is created to read:

**Comm 64.0403 (7) SYSTEM OPERATION.** Substitute the following wording for the requirements in IMC section 403.3.1: The minimum flow rate of outdoor air that the ventilation system must be capable of supplying during its operation shall be permitted to be based on the rate per person indicated in Table 64.0403 and the actual number of occupants present.

SECTION 77. Comm 64.0404 (1) is repealed and recreated to read:

**Comm 64.0404 (1) ENCLOSED PARKING GARAGES.** Substitute the following wording for the requirements in IMC section 404.1: Mechanical ventilation systems for enclosed parking garages are not required to operate continuously where the system meets 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 fuel 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 1/2 cfm per square foot for at least five hours in each 24-hour period.

(d) The system maintains the garage at negative or neutral pressure relative to other spaces.

SECTION 78. Comm 64.1500 (2) and Note are amended to read:

**Comm 64.1500 (2)** ~~These are~~ This is a department rules rule in addition to the requirements in IMC chapter 15: The following standard is hereby incorporated by reference into this code: ~~American Institute of Architects (AIA), R673-1996-97, AIA Guidelines for Design and Construction of Hospital and Health Care Facilities, The American Institute of Architects, Order Department, 9 Jay Gould Court, P.O. Box 753, Waldorf, MD 20601 1996-97.~~

Note: NFPA standards may be purchased from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

AIA guidelines may be purchased from the American Institute of Architects, Order Department, 9 Jay Gould Court, P.O. Box 753, Waldorf, MD 20601.

Copies of the adopted standards adopted under this section are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies may be purchased through the respective organizations as listed in the IMC.

Note: The tables in this section provide a comprehensive listing of all of the standards adopted by reference in this chapter. For requirements or limitations in how these standards are to be applied, refer to the code section that requires compliance with the standard.

SECTION 79. Comm 65.0301 is amended to read:

**Comm 65.0301 General regulations.** Substitute the following wording for the requirements in IFGC section ~~304.10~~ 301.3: The requirements as specified in s. Comm 64.0301 (2) (b) shall apply.

SECTION 80. Comm 65.0304 (3) (title) and (3) are amended to read:

**Comm 65.0304 (3) (title) ALL AIR FROM INSIDE THE BUILDING SPACES WITHOUT OPENINGS TO THE OUTSIDE.** This is a department rule in addition to the requirements in IFGC section ~~304.10~~ 304.9: When the space providing air for combustion, ventilation and dilution of flue gases has a minimum volume of 250 cubic feet per 1,000 Btu per hour combined input rating of all appliances, the use of inside air for combustion shall be allowed.

SECTION 81. Comm 65.0305 (1) (intro.) and (a) and (b) are renumbered Comm 65.0305 (intro.) and (1) and (2).

SECTION 82. Comm 65.0503 (1) (b) is amended to read:

Comm 65.0503 (1) (b) All vertical exit terminals of a gas appliance mechanical draft system shall be located in accordance with IMC section 804.3.5, items 3 and 6.

SECTION 83. Comm 65.0700 and Note are amended to read:

**Comm 65.0700 Referenced standards.** This is a department rule in addition to the requirements in IFGC chapter 7: The following standard is hereby incorporated by reference into this code: ANSI Z223.1/NFPA 54-1999, 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 adopted standards standard adopted under this section are on file in the offices of the department, the secretary of state and the revisor of statutes. ~~Copies may be purchased through the respective organizations as listed in the IMC.~~

~~Note: The tables in this section provide a comprehensive listing of all of the standards adopted by reference in this chapter. For requirements or limitations in how these standards are this standard is to be applied, refer to the code section that requires compliance with the standard.~~

SECTION 84. Comm 71.21 (2), (5) and (6) (intro.) are amended to read:

**Comm 71.21 (2) MATERIAL TESTS AND STANDARDS.** The installation of, as well as all materials used in the construction of, solar energy systems shall meet the applicable requirements specified in chs. ~~ILHR Comm 20 to 25, 50 to 64~~ 61 to 65, and ~~Comm 82 to 87~~ 81 to 87 and this chapter. Where different chapters specify different requirements, the most restrictive material test and installation standard shall apply.

**(5) SMOKE DETECTORS.** All dwellings that contain air systems with wood-frame collectors shall be provided with smoke detectors as specified in s. ~~ILHR Comm 21.09.~~

**(6) FIRE PROTECTION.** The design and installation of the solar energy system and components shall provide a level of fire safety consistent with chs. ~~ILHR Comm 20 to 25~~ for one- and 2-family dwellings, or chs. ~~ILHR 50 to 64~~ Comm 61 to 65 for commercial buildings.

SECTION 85. Comm 71.21 (7) (b) 2. is repealed and recreated to read:

Comm 71.21 (7) (b) 2. Wind, snow and seismic. The collector, including any mounting hardware and building components, shall be designed and constructed to resist the wind and snow loads specified in chs. Comm 20 to 25 for one- and 2-family dwellings, or the wind, snow and seismic loads specified in chs. Comm 61 to 65 for commercial buildings.

SECTION 86. Comm 71.21 (7) (b) 3. is repealed.

SECTION 87. Comm 71.24 (1) (d) 1. is amended to read:

Comm 71.24 (1) (d) 1. 'Interior ducts.' Interior ducts shall comply with s. ~~ILHR 23.08~~ chs. Comm 20 to 25 for one- and 2-family dwellings or ~~ss. ILHR 64.31 to 64.35 and 64.41~~ chs. Comm 61 to 65 for commercial buildings.

SECTION 88. Comm 71.26 is amended to read:

**Comm 71.26 Electrical requirements.** All electrical work shall conform to the requirements of the Wisconsin Electrical Code, Volume 2, ch. Comm 16.

SECTION 89. Comm 71.26 Note is repealed.

SECTION 90. Comm 71.30 (2) is amended to read:

**Comm 71.30 (2) ELECTRICAL REQUIREMENTS.** All electrical wiring, installation, equipment and materials used in the construction and installation of photovoltaic solar energy systems shall comply with the requirements of the Wisconsin Electrical Code, Vol. 2, ch. Comm 16.

SECTION 91. Comm 75.001 (1) (e) Note is amended to read:

Comm 75.001 (1) (e) **Note:** The owner of a qualified historic building may select which code will apply to the building. The options include (1) complying with ch. Comm 70 - Historic Building Code; (2) complying with chs. Comm 50 to 64 ~~Building and Heating, Ventilating and Air Conditioning Code~~ 61 to 65 - Wisconsin Commercial Building Code; (3) complying with the Building and Heating, Ventilating and Air Conditioning Code that was in effect at the time of the last approved addition, alteration, or change in use, provided the building and use have remained unchanged since then; or (4) complying with these orders, provided the building was constructed prior October 9, 1914, and continues to have the same use as on that date.

SECTION 92. Comm 81.01 (209) is amended to read:

**Comm 81.01 (209) "Row-house Rowhouse"** has the meaning specified under s. ~~Comm 51.01 (114a)~~ means a building which is not more than 3 stories in height and which contains only 3 or more attached, vertically separated, side-by-side or back-to-back dwelling units, with each dwelling unit served by an individual exterior exit within 6 feet of the exit discharge grade.

SECTION 93. Comm 81.01 (209) Note is repealed.

SECTION 94. Comm 82.10 (3) is amended to read:

**Comm 82.10 (3)** To fulfill the basic needs of sanitation and personal hygiene, each dwelling connected to a ~~private onsite wastewater treatment system or public sewer, POWTS or other treatment system~~ shall be provided with at least the following plumbing fixtures prior to occupancy: one water closet, one ~~wash-basin lavatory~~, one kitchen sink and one bathtub or shower, except a system or device recognized under ch. Comm 91 or s. Comm 82.37 may be substituted for the water closet. All other structures intended for human occupancy shall be equipped with sanitary facilities in sufficient numbers as specified in chs. ~~Comm 50 to 64~~ 61 to 65 and 90.

SECTION 95. Comm 82.31 (16) (d) 2. d. Note is repealed.

SECTION 96. Comm 82.36 (19) Note is amended to read:



Comm 82.36 (19) Note: See ~~s. Comm 53.11 (4) (d)~~ chs. Comm 61 to 65 as to provisions relating to the structural design of the roof for controlled flow drain systems.

SECTION 97. Comm 82.40 (5) (a) Note is repealed.

SECTION 98. Comm 82.40 (5) (b) 5. Note is amended to read:

Comm 82.40 (5) (b) 5. Note: See ~~s. Comm 63.29~~ A-82.40 (5) for pipe insulation requirements.

SECTION 99. Comm 82.40 (5) (c) Note is amended to read:

Comm 82.40 (5) (c) Note: Water heaters are to be installed in accordance with the requirements specified in ~~chs. Comm 50 to 64~~ 61 to 65 and chs. Comm 20 to 25 with respect to energy efficiency, enclosures and venting.

SECTION 100. Comm 82 Appendix A-82.40 (5) is repealed and recreated to read:

**A-82.40 (5) PIPING INSULATION.** The following is a reprint of s. Comm 63.1029 (1) and (2) and Table 63.1029.

**Comm 63.1029 Insulation, materials and construction.** (1) GENERAL. Insulation required by subs. (2) and (3) shall be suitably protected from damage. Insulation shall be installed in accordance with practices acceptable to the department. The department accepts MICA Commercial and Industrial Insulation Standards as an insulation installation practice.

(2) PIPING INSULATION. Except as provided in pars. (a) to (c), recirculating plumbing system piping, plumbing piping in the first 8 feet from storage tanks for noncirculating systems, any piping served by a self-regulating electric heating cable, HVAC system piping, and related HVAC fluid conveying conduit, such as heat exchanger bodies, shall be thermally insulated in accordance with Table 63.1029 or equivalent. The following piping or conduit is exempted from this subsection:

(a) Factory-installed piping or conduit within HVAC equipment tested and rated in accordance with s. Comm 63.1020;

(b) Piping or conduit for which no insulation is specified in Table 63.1029.

(c) Where it can be shown that the heat gain or heat loss to or from piping or conduit without insulation will not increase building energy use.

**Table 63.1029**  
**Plumbing and HVAC Piping Minimum Insulation [in. <sup>2</sup> (R-value)]**

Fluid Design Operating Temp. Range, °F	Insulation Conductivity <sup>a</sup>		Nominal Pipe Diameter [in. (R-value)]					
	Conductivity Range Btu in./ (h ft <sup>2</sup> °F)	Mean Rating Temp. °F	Runouts <sup>b</sup> up to 2	1 and less	1-1/4 to 2	2-1/2 to 4	5 & 6	8 & up

Heating systems (Steam, Steam Condensate, and Hot Water)								
Above 350	0.32-0.34	250	1.5(R-4.4)	1.5(R-4.4)	2.5(R-7.4)	3.0(R-8.8)	3.5(R-10.3)	3.5(R-10.3)
251-350	0.29-0.31	200	1.5(R-4.8)	1.5(R-4.8)	2.5(R-8.1)	2.5(R-8.1)	3.5(R-11.3)	3.5(R-11.3)
201-250	0.27-0.30	150	1.0(R-3.3)	1.0(R-3.3)	1.5(R-5.0)	2.0(R-6.7)	2.0(R-6.7)	3.5(R-11.7)
141-200	0.25-0.29	125	0.5(R-1.8)	0.5(R-1.8)	1.5(R-5.2)	1.5(R-5.2)	1.5(R-5.2)	1.5(R-5.2)
105-140	0.24-0.28	100	0.5(R-1.8)	0.5(R-1.8)	1.0(R-3.6)	1.0(R-3.6)	1.0(R-3.6)	1.5(R-5.4)
Domestic and Service Hot Water systems <sup>c</sup>								
105 and greater	0.24-0.28	100	0.5(R-1.8)	1.0(R-3.6)	1.0(R-3.6)	1.5(R-5.4)	1.5(R-5.4)	1.5(R-5.4)
Cooling systems (Chilled water, brine, and refrigerant) <sup>d</sup>								
40-55	0.23-0.27	75	0.5(R-1.9)	0.5(R-1.9)	0.75(R-2.8)	1.0(R-3.7)	1.0(R-3.7)	1.0(R-3.7)
Below 40	0.23-0.27	75	1.0(R-3.7)	1.0(R-3.7)	1.5(R-5.6)	1.5(R-5.6)	1.5(R-5.6)	1.5(R-5.6)

<sup>a</sup> For insulation outside the state conductivity range, the minimum thickness (T) shall be determined as follows:  $T = PR [(1 + t/PR)^{K/k} - 1]$ , where T = minimum insulation thickness for material with conductivity K, in.; PR = actual outside radius of pipe, in.; t = insulation thickness, in.; K = conductivity of alternate material at mean rating temperature indicated for the applicable fluid temperature; and k = the lower value of the conductivity range listed for the applicable fluid temperature.

<sup>b</sup> Runouts to individual terminal units not exceeding 12 ft. in length.

<sup>c</sup> Applies to recirculating sections of service or domestic hot water systems and first 8 ft. from storage tank for nonrecirculating systems.

<sup>d</sup> The required minimum thickness does not consider water vapor transmission and condensation.

SECTION 101. Comm 84.20 (4) (b) 9. e. Note is amended to read:

Comm 84.20 (4) (b) 9. e. Note: Chapters Comm 50 to 64 61 to 65 and ch. Comm 90 contain provisions for toilet rooms and sanitary facilities, for public buildings and places of employment, including provisions concerning toilet facilities for the handicapped people with disabilities, fixture compartments, number of fixtures for the different types of occupancies, and toilet room finishes.

SECTION 102. Comm 84.20 (5) (L) 3. Note is amended to read:

Comm 84.20 (5) (L) 3. Note: ~~Section Comm 52.60 (5) (a) specifies~~ Chapters Comm 61 to 65 specify slip-resistant requirements for shower rooms and compartments in public buildings and places of employment.

SECTION 103. Comm 84.20 (5) (o) 2. b. and 3. are amended to read:

Comm 84.20 (5) (o) 2. b. Hinged, closed-front seats, without covers, which are encased with a continuous plastic sleeve capable of providing a clean surface for every user and for which a specific material approval under s. Comm ~~50.19~~ 61.60 has been issued.

3. Water closets which are required to be provided in day care centers or individual living units or sleeping units of residential occupancies within the scope of ~~either ch. chs.~~ Comm 57 or 61 to 65 may be of a round-bowl type with a hinged, closed front seat with or without a cover.

SECTION 104. Comm 84.30 (4) (e) 2. Note is amended to read:

Comm 84.30 (4) (e) 2. Note: Portions of a water supply system that supply water to a water-based fire sprinkler protection system are to also conform to the requirements specified in s. Comm 51.23 chs. Comm 61 to 65.

SECTION 105. Comm 90.16 (1) is amended to read:

**Comm 90.16 (1) GENERAL REQUIREMENTS.** All pools shall be provided with conveniently located dressing, shower and toilet facilities except as stated in sub. (2). All applicable building requirements of chs. ~~Comm 50 to 54, 63 and 64~~ 61 to 65 apply to the construction of indoor pool housing and bathhouses.

SECTION 106. Comm 90.17 (2) is amended to read:

**Comm 90.17 (2) LIGHTING.** All pools and adjacent associated paved areas that are intended to be used after daylight hours shall be provided with area lighting. There shall be ~~enough lights~~ adequate lighting of the appropriate design and in the proper locations to illuminate the pool and associated areas in accordance with ~~ch. Comm 73~~ chs. Comm 61 to 65. Submarine lighting may be used.

SECTION 107. Comm 91.12 (1) (b) 3. is amended to read:

Comm 91.12 (1) (b) 3. Privies for public use shall meet the requirements of this section and ~~s. Comm 52-63~~ chs. Comm 61 to 65.

SECTION 108. Comm 91.12 (5) Note is amended to read:

Comm 91.12 (5) Note: The requirements of the commercial building code, chs. ~~Comm 50-64~~ 61 to 65, apply to the structures built over those privies serving public buildings and places of employment.

(END)

\*\*\*\*\*

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(b), Stats., these rules shall become effective on July 1, 2002.

\*\*\*\*\*



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD#: (608) 264-8777  
www.commerce.state.wi.us

Scott McCallum, Governor  
Philip Edw. Albert, Secretary

March 7, 2002

Donald J. Schneider  
Senate Chief Clerk  
Room 501  
119 Martin Luther King Blvd  
Madison, Wisconsin 53703

John A. Scocos  
Assembly Chief Clerk  
Room 402  
1 East Main Street  
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE  
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 01-139

RULE NO.: Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41, 45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91

RELATING TO: Construction of Public Buildings and Places of Employment

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written in a cursive style.

Philip Edw. Albert  
Secretary



P.O. Box 7970  
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Scott McCallum, Governor  
Philip Edw. Albert, Secretary

March 7, 2002

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53702

Representative Scott Jensen  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 01-139

RULE NO.: Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41, 45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91

RELATING TO: Construction of Public Buildings and Places of Employment

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
  - a) Rule Report.
  - b) Public Hearing Attendance Record.
  - c) Public Hearing Comment and Agency Response Form.
  - d) Legislative Council Rules Clearinghouse Report.
  - e) Response to Legislative Council Rules Clearinghouse Report.
  - f) Fiscal Estimate.
  - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a horizontal line.

Philip Edw. Albert  
Secretary

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 01-139

RULE NO.: Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41, 45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91

RELATING TO: Construction of Public Buildings and Places of Employment

Final regulatory flexibility analysis not required. (Statement of determination required.)

Sections 101.02 (1) and (15) and 101.973 (1), Stats., authorize the Department to promulgate rules prescribing minimum construction and operation standards for public buildings and places of employment, including multifamily dwellings. The proposed rules of Clearinghouse Rule Number 01-139 are minimum requirements to meet the directive of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

3. Nature and estimated cost of preparation of any reports by small businesses.

YFOTALP/STW JAKF  
JBY JAWA YLJBLA R

Lawrence C. ...

4. Nature and estimated cost of other measures and investments required of small businesses.

Small Business Administration, U.S. Department of Commerce

Washington, D.C. 20540

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

Small Business Administration, U.S. Department of Commerce  
Washington, D.C. 20540

# RULE REPORT

## Department of Commerce

Rule No.: Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41, 45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91

Relating to: Construction of Public Buildings and Places of Employment

*Agency contact person for substantive questions:*

Name James Smith

Title Program Manager

Telephone Number 608-266-0251

*Agency contact person for internal processing:*

Name Sam Rockweiler

Title Code Development Consultant

Telephone Number 608-266-0797

1. Agency statutory authority under which the agency intends to promulgate the rule(s).  
ss. 101.02 (1) and (15), 101.055, 101.09 (3), 101.12 (3), 101.14 (1) and (4), 101.17, 101.175, 101.19, 101.82 (1), 101.973 (1), 145.02 (2), and 145.26, Stats.,

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).  
None known.

3. Citation of court decisions which are applicable to the proposed rule(s).

None known.



4. Description of the proposed rule(s).

Numerous Commerce codes administered by the Department contain cross references to construction and fire safety requirements that are currently in chapters Comm 50 to 64, 66, and 69 for public buildings and places of employment. On July 1, 2002, chapters Comm 50 to 64, 66, and 69 will be replaced with newly adopted chapters Comm 61 to 65. This rule package converts all of the cross references in the other Commerce codes to chapters Comm 61 to 65, and is projected to have a simultaneous effective date of July 1, 2002.

The proposed rules would also expand the types of fire protection systems that must receive plan approval from the Department or an agent to include systems for (a) public buildings exceeding 60 feet in height, (b) state-owned buildings except hospitals and nursing homes, and (c) mercantile buildings which combine retail areas with rack storage and which have floor areas exceeding 50,000 square feet.

The proposed rules also include several minor editorial improvements to newly adopted chapters Comm 61 to 65 and chapter Comm 14.

5. Reason for the proposed rule(s).

This adoption would prevent the various, related Commerce codes from becoming outdated with numerous incorrect and misleading cross references to the Wisconsin Commercial Building Code.

Adoption of the expanded submittal requirements for fire protection systems would increase the likelihood of compliance with nationally recognized standards for these systems, and thereby increase fire safety for the owners and occupants of the affected buildings.

Adoption of the editorial changes for chapters Comm 14 and 61 to 65 would improve the clarity of the affected requirements and simplify their application.

**Fiscal Estimate — 2001 Session**

- Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number Comm 2, 3, 5, 7, 9, 10, etc

Subject  
 Construction of Public Buildings and Places of Employment

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget  
 Yes       No  
 Decrease Costs

Local:  No Local Government Costs

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties       Others  
 School Districts       WTCS Districts

Fund Sources Affected

- GPR       FED       PRO       PRS       SEG       SEG-S

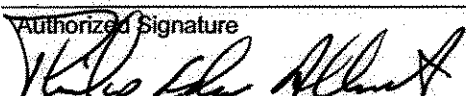
Affected Chapter 20 Appropriations

**Assumptions Used in Arriving at Fiscal Estimate**

The Department is promulgating minor changes that primarily relate to administering the Commercial Building Code and numerous other Commerce codes that contain cross references to that code. These changes are expected to have no significant long-term impacts on costs or revenues at either state or local levels.

**Long-Range Fiscal Implications**

None known

Prepared By: James Smith	Telephone No. 266-0251	Agency Commerce
Authorized Signature 	Telephone No.	Date (mm/dd/ccyy) 11/26/99

**Fiscal Estimate Worksheet — 2001 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number Comm 2, 3, 5, 7, 9, 10, etc

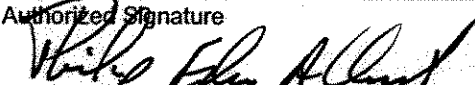
Subject  
 Construction of Public Buildings and Places of Employment

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations — Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( 0.00 FTE )	( - 0.00 FTE )
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>Total State Costs by Category</b>	\$ 0	\$ - 0
<b>B. State Costs by Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
State Revenues	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>Total State Revenues</b>	\$	\$ -

**Net Annualized Fiscal Impact**

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: James Smith	Telephone No. 266-0251	Agency Commerce
Authorized Signature 	Telephone No.	Date (mm/dd/ccyy) 11/26/01



**PUBLIC HEARING COMMENT AND AGENCY RESPONSE  
DEPARTMENT OF COMMERCE**

Rule Number: Chs. Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34,  
41, 45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91  
Relating To: Construction of Public Buildings

Hearing Location: Madison, Wis.  
Hearing Date: January 4, 2002

Commenting In	For Info.	Exh. No.	Presenter, Group Represented, City, State	Comments/Recommendations	Agency Response
				No comments were received.	

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 01-139

RULE NO.: Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41, 45, 61 to 65, 71, 75, 81, 82, 84, 90, and 91

RELATING TO: Construction of Public Buildings and Places of Employment

Agency contact person for substantive questions.

Name: James Smith

Title: Program Manager

Telephone No. 608-266-0251

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

7. Review rules for permit action deadline [s. 227.15(2)(h)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached