

Clearinghouse Rule 23-007

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND  
DEPARTMENT OF SAFETY AND : PROFESSIONAL SERVICES  
PROFESSIONAL SERVICES : ADOPTING RULES  
: (CLEARINGHOUSE RULE )  
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PROPOSED ORDER

An order of the Department of Safety and Professional services **to repeal** SPS 361.02 (4), 361.03 (15) (b), 361.31 (2) (b) 2. b., (2) (c), 362.0202 (2) (h), 362.0504, 362.0506, 362.0603, 362.0705, 362.0713, 362.0902, 362.0903 (4) (a) 2., (b), (5) (cm), (7) (b), (12), (16) and (17), 362.0904 (3), 362.0915, 362.1004, 362.1010, 362.1013, 362.1029, 362.1206, 362.1210 (2m), 362.1506, 362.1507, 362.1607, 362.1613, 362.1700, 362.1807, 362.1808, 362.1908, 362.2503, 363.0401 (5), 363.0403 (5), (6), (8), (9), (10), and (11), 363.0406, 363.0407, 363.0408, 363.0502, 363.0503 (1), (2), (3), and (4), 363.5402, 363.5502, 363.5503, 364.0300 (1) (Note), 364.0506 (2) (c), 364.0507 (2), 364.0802, 364.1500 (1m), (2m), and (Note), 366.0605, 366.0902 (2), 366.0903, 366.0904, 366.1204, and 366.1301 (2); **to renumber** SPS 362.0202 (1) (a), 362.0202 (2) (f), 362.0202 (2) (i), 362.1405, 362.3307, 366.0603, 366.0909, and 366.0908; **to renumber and amend** SPS 362.1101, 362.1107, 362.1111, 362.1203, 362.1204, 362.1503, 366.0400, 366.0600, 366.0606, 366.0609, 366.0804, 366.0809, 366.0810, 366.1010, 366.1011, 366.1012, 366.1205, and 366.1401; **To amend** SPS 361.03 (12) (intro), (12) (a), (13) (b), (14) (intro), (a), (b), (c), (d), and (Note), 361.03 (15) (g), 361.04 (12), (13), (13g), and (14), 361.05 (1), (2), (3), (4), and (5), 361.30 (1) (b) 1., 361.31 (2) (b) 1., (3) (a), (3) (Note 1), (4) (a) 1., 361.32 (1) and (2), 361.36 (1) (a), (b), (c), (d), (e), (f), and (g), 361 Subchapter V (title), 361.45 (title), 361.46 (title), (1), (2) (intro), (b), (f), (g), and (3), 361.47 (1) (a), (b), (2) (title), (a), (b), (3) (a) 1., 3., (b) 3., (5), (6) (a), (c), (d) 1., (e), and (f), 361.48 (intro.), 361.485 (1) and (2), 361.51 (8) (b), 361.60 (5) (c) 3., 362.0308, 362.0310, 362.0412 (1) and (2), 362.0415 (1), 362.0423, 362.0903 (1), (2), (3), (4) (a) (intro.), (5) (a), (b) 1., (Note 1), (9), (10) (a), and (14), 362.0907 (3), (5) (a), and (b), 362.1006 (1) (intro.) and (b), 362.1015, 362.1020 (intro) and (2), 362.1603 (1) and (3), 362.1802, 362.1806, 362.1810 (8), 362.2211, 362.2510, 362.2902 (1) (a) 2., (d), (e), and (2) (a), 362.3001 (1) and (2), 362.3002 (1) (a) 2. b., 362.3500 (3), 362.3600 (1), 363.0101, 363.0302, 363.0303 (1) (Note), (2) (a) 1., 2., 3., and 4., 363.0401 (1) (b), (2), and (3), 363.0403 (1), (2), (3) (intro.), (b), (4), and (7) (intro.), 363.0600 (1), (2), (3), and (4), 363.5101, 363.5302, 363.5303 (1) (Note), (2) (a) 1., 2., 3., and 4., 363.5403 (2), 363.5405, 363.5600 (1), (2), (3), and (4), 364.0202 (1) (f), 364.0300 (1), 364.0309 (1) (table) a., 364.0401 (2) (b), 364.0402 (table), 364.0403 (5) d. 1., 364.0403 (table) c., and m., 364.0501 (3) (intro.) and (6), 364.0505, 364.0606 (1) and (2), 364.0701, 364.1500

(3), 365.0800, 365.0900, 366.0101 (4) (b) and (c), 366.0701, 366.0702 (1) and (2), 366.0902 (1), 366.1201 (1) and (2), 366.1301 (3) and (4), and 382.40 (5) (b); **to repeal and recreate** 361.31 (1) (b) 2. (Note 2), 361.36 (2), 362.0202 (2) (c), 362.0706, 362.0903 (18) (b) and (c), 362.1009, 362.1011, 362.2902 (4), 363.0402, 363.0404, 364.0300 (2), and 364.0403 (table); **to create** SPS 361.02 (2) (Note), (3) (i), and (Note), 361.03 (15) (g) (Note), 361.04 (13w), 361.45 (Note), 362.0202 (1) (d), 362.0420, 362.0717 (3), 362.0903 (4) (a) 1m., 362.0903 (5) (c) and (d), 362.0903 (18) (am), 362.0903 (19), (20), (21), (22), and (23), 362.0907 (6), 362.0912, 362.0913, 362.1006 (6), 362.1016, 362.1020 (4), 362.1030, 362.1209 , 362.1210 (3m), 362.1603 (7), 362.2902 (1) (a) 6., (d) (Note), (2) (c), and (7), 363.0403 (12), (13), 364.0402 (table) (Note), 364.0403 (5) (c) 6., 364.1500 (4), 365.0501 (4), 366.0303, 366.0306, 366.1201 (1) (a), (b), and (c), and SPS 382.40 (bm), relating to Commercial Building Code and affecting small business.

Analysis prepared by the Department of Safety and Professional Services.

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### ANALYSIS

**Statutes interpreted:** Sections 101.02 (15)(j), 101.023, 101.025, 101.027 (2), 101.12, and 101.13, Stats., which relate to standards for the approval, construction, alteration, addition to, repair, maintenance, and inspection of public buildings and places of employment and components.

**Statutory authority:** Sections 101.02 (1), 101.02 (15) (j), 101.025, 101.027 (2), 101.128 (2) (b), 101.13 (1m) (a), 101.132 (2) (c) 1. and (e) 2., and 101.14 (4) (a), Stats.

#### **Explanation of agency authority:**

**Section 101.02 (1), Stats.** – The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings...”

**Section 101.02 (15) (j), Stats.** – “The department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe.”

**Section 101.025, Stats.** – Establishes requirements for standards for ventilation in public buildings and places of employment.

**Section 101.027 (2), Stats.** – “The department shall review the energy conservation code and shall promulgate rules that change the requirements of the energy conservation code to improve energy conservation. No rule may be promulgated that has not taken into account the cost of the energy conservation code requirement, as changed by the rule, in relationship to the benefits derived from that requirement, including the reasonably foreseeable economic and environmental benefits to the state from any reduction in the use of imported fossil fuel. The proposed rules changing the energy conservation code

shall be submitted to the legislature in the manner provided under s. 227.19. In conducting a review under this subsection, the department shall consider incorporating, into the energy conservation code, design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code or an energy efficiency code other than the International Energy Conservation Code if that energy efficiency code is used to prescribe design requirements for the purpose of conserving energy in buildings and is generally accepted and used by engineers and the construction industry.”

**Section 101.128 (2) (b), Stats.** – “The department shall promulgate rules that establish standards that the owner of a facility where the public congregates shall meet to achieve the equal speed of access required under par. (a).”

**Section 101.13 (1m) (a), Stats.** – “Except as provided in par. (b), the department shall by rule provide minimum requirements to facilitate the use of public buildings and places of employment by physically disabled persons where traffic might reasonably be expected by such persons.”

**Sections 101.132 (2) (c) 1. and (e) 1., Stats.** – “The department shall promulgate rules that specify the materials to be included in the submittal, the procedures to be followed upon receipt of a submittal, reasonable time limitations for reviewing submittals and issuing or denying permits and qualifications for authorized representatives.”

“The department shall promulgate rules establishing minimum accessibility requirements for the design and construction of covered multifamily housing and the remodeling of housing that are consistent with this subsection, that incorporate the applicable standards under ANSI A117.1 and that set forth permit and variance procedures for purposes of par. (c).”

**Section 101.14 (4) (a), Stats.** – “The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employees and frequenters of places of employment and public buildings.”

**Related statute or rules:**

- Chapter SPS 314, Fire Prevention.
- Chapter SPS 316, Electrical Code.
- Chapter SPS 318, Elevators, Escalators, and Lift Devices.
- Chapters SPS 320 to 325, Uniform Dwelling Code.
- Chapter SPS 328, Smoke Detectors and Carbon Monoxide Detectors.
- Chapters SPS 381 to 387, Plumbing.

**Plain language analysis:**

The primary objective of this rulemaking project is to evaluate and update the *Wisconsin Commercial Building Code*, chapters SPS 361-366. This rulemaking update intends to keep this Code consistent with dynamic, contemporary regional and national construction and fire prevention practices and standards, and with legislation enacted since the previous update of this Code. The update is also needed in order to meet the content and timeliness requirements for the energy conservation provisions of this Code as established in sections 101.027 (2) and (3) of the Wisconsin Statutes.

In addition, the project evaluated other administrative code chapters that may be affected by this update of the *Wisconsin Commercial Building Code* including, at least, chapters SPS 303, 305, 314, 316, 318, 340, 343, and 345, relating to administrative procedures; licenses, certifications and registrations; fire prevention; electrical; elevators, escalators, and lift devices; gas systems; boilers and pressure vessels; anhydrous ammonia; mechanical refrigeration; rental unit energy efficiency; solar energy systems; cleaning methods for historic buildings; buildings constructed prior to 1914; and plumbing; respectively.

This evaluation identified a need to move the authority for certain plumbing requirements out of ch. SPS 362 of the Commercial Building Code and into ch. 382 of the Wisconsin Plumbing Code. That change is incorporated into this rule project to ensure that the removal from the Commercial Building Code and insertion in the Plumbing Code happen simultaneously to avoid either a gap or overlap in regulation.

#### **Summary of, and comparison with, existing or proposed federal regulation:**

*Energy Conservation Requirements* - Section 304 (a) of the Energy Conservation and Production Act (ECPA) (Pub. L. No. 94-385), as amended, requires the US Department of Energy (DOE) to establish energy conservation standards and encourage states and local governments to adopt and enforce those standards through their building codes and other construction control mechanisms.

42 U.S.C. 6833 requires the DOE secretary to review any new revision of the International Energy Conservation Code (IECC) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ANSI/ASHRAE/IESNA) Standard 90.1 within 12 months after the publication date to determine whether the revision will improve energy efficiency in commercial buildings. If the DOE Secretary determines that the standard will achieve energy savings, each state is required to review the standards no later than 2 years after publication and certify that the state has reviewed and updated provisions of the state's commercial building code to incorporate provisions of the revised standards to the extent that the code will meet or exceed the revised standard.

DOE issued a determination on February 27, 2018, that ASHRAE Standard 90.1-2016, as compared to ASHRAE Standard 90.1-2013, would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of

approximately 8.3% energy cost savings, 7.9% source energy savings, 6.8% site energy savings, and 4.2% carbon emissions savings.

DOE issued a determination on July 2, 2021, that ASHRAE Standard 90.1-2019, as compared to ASHRAE Standard 90.1-2016, would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of approximately 4.3% energy cost savings, 4.3% source energy savings, 4.7% site energy savings, and 4.2% carbon emissions savings.

On December 10, 2019, DOE issued a determination that the 2018 IECC, as compared to then 2015 IECC would achieve greater energy efficiency in buildings subject to the code as compared to the 2018 IECC. DOE estimates national savings in residential buildings of approximately 1.97% energy cost savings, 1.91% source energy savings, 1.68% site energy savings.

On July 19, 2021, DOE issued a determination that the 2021 IECC, as compared to the 2018 IECC, would achieve greater energy efficiency in buildings subject to the code as compared to the 2018 IECC. DOE estimates national savings in residential buildings of approximately 8.66% energy cost savings, 8.79% source energy savings, 9.38% site energy savings.

Similar to federal requirements, s. 101.027 (2), Wis. Stats., requires the department to review the energy conservation code and promulgate rules to improve energy conservation. The department is required to consider any cost of the required compared to any reasonable economic and environmental benefit of the requirement.

The review process used to evaluate the IECC and ASHRAE Standard 90.1 as part of this rule revision meets both federal and state requirements for reviewing energy conservation standards for use in commercial buildings. Wisconsin modifications to the IECC and ASHRAE Standard 90.1 are found in ch. SPS 363.

*Accessibility Requirements* -In addition to energy conservation requirements, commercial buildings are also required to meet federal requirements for accessibility for the disabled. These regulations include the following:

28 CFR 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.

28 CFR 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.

24 CFR 40 – Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures.

24 CFR 41 – Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.

## 24 CFR 100 – Discriminatory Conduct Under the Fair Housing Act.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines. 24 CFR 40 and 41 provide technical guidance on the design, construction, and alteration of dwelling units as required by the federal Fair Housing Amendments Act of 1988. The American National Standard: Accessible and Usable Buildings and Facilities, (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities which are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the IBC. Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard.

### **Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

A preliminary hearing on the statement of scope was held on December 28, 2020. The following people and entities commented on the proposed scope:

- Timothy Schmitz, Lead Senior Regional Manager of Government Relations with the International Code Council (ICC), submitted written comments in support of updating SPS 361 to 366 summarized as follows:
  - Implementation of current model building codes is one of the nation's best defenses against natural disasters, incorporating the latest technology to provide the safest and most resilient structures possible.
  - Offered to continue to serve as a resource to DSPPS throughout the code update process.
- Robert G. DuPont, Founder of the Alliance for Regulatory Coordination, submitted written comments in support of Statement of Scope 149-20 summarized as follows:
  - Expressed support for the use of contemporary model codes dealing with safety and resilience of buildings, accessibility, energy conservation, and fire prevention, as this best serves and protects Wisconsin citizens, businesses, and visitors.
  - Also expresses support for updates to the code to reflect legislation passed since the last code update.

No amendments were made to the scope statement as a result of the hearing comments received.

## **Comparison with rules in adjacent states:**

### **Illinois:**

Currently, State Board of Education (ISBE) enforces building codes for their own structures. All other codes in the state are adopted by local municipalities, fire protection districts and counties. The IL Energy Conservation Act requires the State to adopt the current version of the IECC for all commercial and residential occupancies. The residential portion of the state's adoption is a mini-max code statewide. Illinois also adopts its own Statewide plumbing code.

The 2018 IECC applies to residential and commercial construction for which permits are issued statewide. The Illinois State Board of Education has adopted the 2018 IECC, 2015 IBC, IFC, IMC, IFGC, IPMC, IEBC for Pre-K thru 12 public Education Facilities (other than vehicular), but do not apply to Chicago. IBC adopted by Dept. of Health for hospitals where local codes do not apply.

The below codes are in effect for State owned facilities:

- *2015 International Building Code*
- *2018 International Energy Conservation Code*
- *2015 International Existing Building Code*
- *2015 International Fire Code (excluding Chapter 4)*
- *2015 International Fuel Gas Code*
- *2015 International Mechanical Code*
- *2015 International Property Maintenance Code*

### **Iowa:**

The State of Iowa imposes a combination of state required codes and locally adopted codes. When municipalities update their codes, they are required to update to the codes adopted by the state. The Iowa Building Code Bureau adopts the IBC, IRC, IMC, IEBC and IECC. The State Fire Marshal adopts the IFC. The Iowa Plumbing and Mechanical Code Advisory Council is responsible for the adoption of the state plumbing code. The state adopted versions of IFC and IECC are required to be enforced for all occupancies statewide by state and local government enforcement agencies. Local jurisdictions have the option of adopting the remaining state adopted codes or a stricter code as determined by the jurisdiction. Consequently, many local jurisdictions have adopted the IPC.

The Iowa Code with amendments is based on the 2015 editions of the International Codes, except for the IMC which is the 2021 edition and the IECC which is the 2012 edition. The state IFC and IECC are required for all construction. Iowa is a home-rule state and there is no law forcing them to update their codes. When they do update their codes, local jurisdictions with populations in excess of 15,000 have the option of adopting the prevailing state adopted codes or a stricter code as determined by the jurisdiction.

## **Michigan:**

The Michigan Construction and Fire Codes are promulgated by the Construction Code Commission and State Fire Safety Board and are evaluated for revisions or modifications every three years (statutorily mandated) except for the residential code, which is on a flexible cycle of every three to six years. Once codes have been passed by those bodies, the regulations must be approved by the state legislature.

The code adoption process follows the I-Code three-year cycle (except for the IRC, which is a 3-6-year flex cycle), with a target effective date in January one year following the release of the new I-Codes. Codes are updated as needed every year.

The current editions of the MI Building, Residential, Mechanical, Plumbing, and Existing Building Codes have not been posted at this time.

## **Minnesota:**

The adopting authority for the Minnesota State Building Code is the Minnesota Department of Labor and Industry (DLI), Construction Codes & Licensing Division (CCLD). Jurisdictions that adopt building codes must adopt the Minnesota State Building Code or remain at their present level. CCLD has the authority to develop fire codes but delegates the authority to the State Fire Marshal who appoints a committee of fire chiefs and fire marshals to review and make recommendations for rulemaking. The State Fire Marshal administers the Minnesota Fire Code.

In 2015, the Minnesota Legislature passed a law requiring ICC codes be updated no more than every six years. That restriction does not apply to the codes administered by the authoritative state electrical board, plumbing board and high-pressure piping board.

## **Summary of factual data and analytical methodologies:**

This proposed rule was developed in consultation with the Wisconsin Commercial Building Code Council. The Commercial Building Code Council is authorized and created under s. 15.407 (18), Stats, and includes 11 members from different areas affected by the commercial building code. The council's duties are outlined in s. 101.023, Stats., which states:

“The commercial building code council shall review the rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. In preparing rules under this chapter that relate to public buildings and to buildings that are places of employment, the department shall consult with the commercial building code council.”



Beginning in February 2021, the Wisconsin Commercial Building Code Council held monthly meetings to comprehensively review significant changes adopted in updated versions of the model building codes and other standards incorporated by reference in the rule. Standards incorporated by reference in the proposed rule have been submitted to the Attorney General for approval pursuant to s. 227.21 (2), Stats.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rule was posted on the Department of Safety and Professional Services' website for 60 days in order to solicit input from small businesses, local units of government, and individuals for use in completing the economic impact analysis. The following comments were received:

-- Gail Nordheim from 350 Wisconsin:

"350 Wisconsin is a part of an international coalition of organizations seeking to make transformational progress toward environmental justice and toward solving our planet's climate crisis. Building decarbonization is central to 350 Wisconsin's mission. The Department of Energy states that commercial buildings generate 16% of all U.S. carbon dioxide emissions. Therefore we applaud the Department of Safety and Professional Services in their efforts to update the commercial building codes now under review. These updates will reduce emissions. By adopting this version of the code the state agency is doing the right thing as this code update puts Wisconsin on the path to being a regional leader.

The economic impact of the updated codes is clear. A 2019 analysis by the Midwest Energy Efficiency Alliance indicated that if Wisconsin updated to the 2018 International Energy Conservation Codes (IECC), it would save 15% of energy costs based on a weighted average of all building types. This would result in a first year savings of \$2,700,000 based on commercial construction levels in Wisconsin. The proposed codes move Wisconsin to the 2021 IECC for even greater savings.

Updating Wisconsin's Commercial Energy Code would lead to substantial positive economic impacts including but not limited to:

1. High-quality job creation in construction-related industries;
2. Reduction in utility bills for consumers whereby energy cost savings can lead to more disposable income for people to use in the wider economy;
3. Health cost savings and improved occupant health and comfort;
4. Reduction in electricity use;
5. Cost-effectiveness in construction, cheaper to build to the most updated code when looking at the life cycle cost;
6. Greater building resilience following extreme weather events;
7. Ability to market buildings as healthier with lower utility costs to businesses/tenants; and

8. Greater access to federal funding opportunities regarding codes and energy efficiency.

If we were to enact codes that match the 2021 standards, we could save up to 30% more energy, which could result in \$170 million in savings for Wisconsinites by 2030. Updating codes would result in energy savings, monetary savings, more resilient towns and cities, more jobs and put money back into consumer's pockets."

-- Justin Koscher from Polyisocyanurate Insulation Manufacturers Association (PIMA):  
"The Polyisocyanurate Insulation Manufacturers Association (PIMA) is writing in support of the proposed rule updating Wisconsin's commercial building energy code (chapter SPS 363), which is part of the Department's larger update to the Commercial Building Code, chapters SPS 361-366. Adopting this draft rule will bring the State's commercial building energy code in line with the 2021 International Energy Conservation Code (IECC) and fulfills a key recommendation from the Governor's Task Force on Climate Change. Also, we applaud the State for removing the weakening amendments adopted in prior code adoption cycles that had the effect of diluting the energy code's effectiveness in reducing energy waste and building operating costs. Keeping the State's energy code updated to the current version of the IECC is an important and cost-effective policy for addressing the negative economic and environmental impacts caused by building energy waste – a sector that is responsible for 40% of total U.S. energy use. This practice will help Wisconsin achieve a range of benefits, including:

- Reduced air pollution;
- Consumer and business cost savings;
- Increased flexibility and reliability of our energy system and grid;
- Reduced peak energy demand; and
- Improved energy productivity.

Maintaining the State's energy code to current standards ensures that Wisconsin will benefit from the regular improvements in construction practices and component technologies. This is especially true for commercial buildings where the relatively fast pace of innovation has resulted in significant energy savings over the last several code cycles. Under the 2021 IECC, the average energy use intensity of commercial buildings in Wisconsin will improve by approximately 9% compared to the current State code. For every model code update, the Pacific Northwest National Laboratory and U.S. Department of Energy provide state-specific data on energy savings and incremental construction costs illustrating that building owners and occupants (and the State as a whole) quickly benefit from the adoption of the IECC without weakening amendments. The simple pay-back for the 2018 IECC and 2021 IECC in Wisconsin is two years and immediate, respectively."

-- Eric Lacey from Responsible Energy Codes Alliance (RECA):

"The Pending Rule updating the Wisconsin Commercial Building Code would generate positive energy and cost savings for the owners and occupants of commercial buildings statewide and would help Wisconsin achieve meaningful greenhouse gas reduction in a cost-effective manner. We urge the Department to move quickly to finalize this rule and to continue to improve both commercial and residential statewide energy codes going forward. RECA's members and supporters have been involved in energy code development and adoption for over twenty years, and we offer our assistance and experience as you work to maximize building energy efficiency."

-- Ben Rabe from New Buildings Institute (NBI):

"NBI is a national non-profit supporting better buildings that reduce energy use and carbon emissions through research, policy guidance and market transformation. We pride ourselves on technical expertise in cost-effective, scalable technologies that reduce energy use and carbon emissions in buildings in both the residential and commercial sectors. NBI urges to fully adopt the 2021 IECC commercial provision, which also apply to large multifamily buildings.

Wisconsin's current commercial energy code is based on the 2015 IECC and ASHRAE 90.1-2013 and was adopted in 2018. Since then, other Midwestern states such as Illinois, Minnesota, and Michigan have begun the process to adopt the 2021 IECC or equivalent as their commercial energy code. The 2021 IECC is a clear and substantial improvement over the 2015 version and will provide a range of energy efficiency, comfort, resiliency, and environmental benefits for the owners and occupants of commercial and large multifamily buildings in Wisconsin. A recent study by the U.S. Department of Energy (DOE) indicates that if Wisconsin updates from the 2015 IECC to the 2021 IECC, Wisconsin residents would experience the following savings:

- \$0.055 per square foot in annual savings
- \$1.144 per square foot decrease in construction costs
- \$3.23 per square foot in life-cycle cost savings over a 30-year period
- 5.3 metric ton reduction in statewide CO<sub>2</sub> emissions by 5.3 over a 30-year period

Additionally, these changes to the energy code will help the State meet the goal for all electricity consumed within the state to be 100 percent carbon-free by 2050 outlined in the Clean Energy Plan. For these reasons, NBI encourages Wisconsin to move forward with the adoption of the 2021 IECC commercial provisions."

-- Stacey Paradis from Midwest Energy Efficiency Alliance (MEEA):

"Thank you for the opportunity to provide comments on the adoption of the 2021 International Energy Conservation Code (IECC) for commercial buildings. The Midwest Energy Efficiency Alliance (MEEA) is a member-based non-profit organization serving as a collaborative network, promoting energy efficiency to optimize energy generation, reduce consumption, create jobs and decrease carbon emissions in all Midwest

communities. MEEA has previously worked in Wisconsin on energy codes and provided technical assistance to the Wisconsin Department of Safety and Professional Services in previous energy code adoption cycles.

MEEA supports the current Wisconsin Commercial Building Code draft rules published for public comment. Updating the statewide commercial energy code to the 2021 IECC would not only improve building efficiency, create more comfortable and healthier indoor environments and result in greater building resilience, but it would also provide numerous economic benefits to Wisconsin's residents and business owners. Adopting the 2021 IECC will reduce energy use and costs for Wisconsin residents and business owners, provide the state with health cost savings, create jobs and allow Wisconsin to access future federal funding for energy code and energy efficiency advancements. In order to realize greater economic, resilience and health benefits, MEEA strongly encourages Wisconsin to adopt the 2021 IECC for commercial buildings."

The Department evaluated whether the rules would have an environmental impact and concluded that the rules do not result in any possible significant, adverse environmental or social impacts. Therefore, preparation of an environmental assessment or environmental impact statement under Wisconsin Stat. § 1.11 was not necessary.

The Council completed an evaluation of the potential impact on housing under Wisconsin Stat. § 227.115 and concluded the rules do not impact housing.

#### **Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

#### **Effect on small business:**

These proposed rules may have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., and will be submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a substantial number of small businesses. The Department's Regulatory Review Coordinator, Jennifer Garrett, may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-6795.

#### **Agency contact person:**

Joseph Ricker, Attorney, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-2242; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

#### **Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Joseph Ricker, Attorney, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

Comments must be received on or before a date to be determined to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. SPS 361.02 (2) (Note), (3) (i), and (Note) are created to read:

**SPS 361.02 (2) Note:** This includes buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes under s. 101.05 (1), Stats., and rural school buildings under the conditions set by s. 101.05 (4), Stats.

**(3) (i)** A “micro school” for 8 or less students for grades pre-k thru and including 12<sup>th</sup> provided that the school, as established, falls under the scope of ch. SPS 320.02.

**Note:** The department no longer reviews community based residential facilities (CBRFs). Contact the department of health services (DHS) for submittal requirements.

SECTION 2. SPS 361.02 (4) is repealed.

SECTION 3. SPS 361.03 (12) (intro), (a), (13) (b), (14) (intro), (a), (b), (c), (d), and (Note) are amended to read:

**SPS 361.03 (12) TEMPORARY USE.** A municipal fire or delegated building code official authorized by the department 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 consecutive days, except the official may grant extensions for demonstrated cause.

**(13) (b)** Existing bleachers, grandstands, and folding and telescopic seating shall comply with IBC ~~section 1029.1.1~~ s. 1030.1.1.

**(14)** The ~~2015~~ 2021 IFC does not apply to chs. SPS 361 to 366 except as follows:

**(a)** Design and construction-related requirements shall apply that are addressed in the IFC ~~sections~~ s. 102.6; IFC ~~chapters~~ chs. 2 to 4; IFC ~~sections~~ ss. 501 to 502 and 504 to 510; IFC ~~sections~~ ss. 601 to ~~605~~ 606 and ~~607 to 609~~; IFC ~~chapters~~ chs. 7 and 8; IFC ~~sections~~ ss. 901.1 to ~~901.4.3, 901.4.5, 901.4.4, 901.4.6~~ to 909.18.9, and 909.20, 909.22 to 913, 1203, and 1207; IFC ~~chapters~~ chs. 10, 11, 21, and 22; IFC ~~section 2311.7~~ s. 2311.8, and IFC ~~chapters~~ chs. 24 to 37, 50, 51, 54 to 57, 59, 60, 62 to 67, and 80

(b) Occupant loads addressed in IFC ~~section 1004.5~~ s. 1005.6 shall apply but shall be established by the ~~owner rather than~~ designer and approved by the code official.

(c) Construction-related inspections and reports shall apply that are addressed in IFC ~~chapters~~ chs. 2 to 8; IFC ~~sections 901 ss. 901.1 to 901.4.4, 901.4.6 to 909.18.9, and 909.20, and 909.22~~ to 913; and IFC ~~chapters~~ chs. 10, 11, 21, 22, 24 to 37, 50, 51, 54 to 57, 59, 60, and 62 to 67, but may be performed or compiled by any qualified agency, rather than by a special inspector.

(d) Use and operation provisions shall apply ~~which that~~ that are a contingency of design and construction-related requirements and ~~which that~~ that are addressed in IFC ~~chapters~~ chs. 2 to 4; IFC ~~sections ss. 501 and 502 and 504 to 510~~; IFC ~~sections ss. 601 to 605 and 607 to 609 606~~; IFC ~~chapters~~ chs. 7 and 8; IFC ~~sections ss. 901.1 to 901.4.3, 901.4.5 901.4.4, and 901.4.6~~ to 909.18.9, ~~and 909.20, 909.22~~ to 913, 1203 and 1207; and IFC ~~chapters~~ chs. 10, 11, 21, 22, 24 to 37, 50, 51, 54 to 57, 59, 60, 62 to 67, and 80.

**Note:** A copy of the ~~2015~~ 2021 IFC may be viewed or acquired at [codes.iccsafe.org](http://codes.iccsafe.org).

SECTION 4. SPS 361.03 (15) (b) is repealed.

SECTION 5. SPS 361.03 (15) (g) is amended to read:

**SPS 361.03 (15) (g)** All requirements that specify obtaining a permit or certificate of occupancy. This global deletion does not in any way restrict the power of a local municipality to require a certificate of occupancy.

SECTION 6. SPS 361.03 (15) (g) (Note) is created to read:

**SPS 361.03 (15) (g) Note:** 361.03 (15) (b) was repealed as part of the 2021 code update.

SECTION 7. SPS 361.04 (12), (13), and (13g) are amended to read:

**SPS 361.04 (12)** “IPC” and “International Plumbing Code” mean the Wisconsin plumbing code, chs. SPS 381 to 387.

**(13)** “IPSC” and “International Private Sewage Code” mean the Wisconsin plumbing code / powts, chs. SPS 381 to 387.

**(13g)** “IRC” or “International Residential Code” means the *International Residential Code* ~~Code~~ uniform dwelling code, chs. SPS 320 to 325.

SECTION 8. SPS 361.04 (13w) is created to read:

**SPS 361.04 (13w)** “Modular commercial building element” means any modular commercial building, modular multifamily dwelling, modular commercial building

system, modular multifamily dwelling system, modular commercial building system component, or modular multifamily dwelling system component.

SECTION 9. SPS 361.04 (14) is amended to read:

**SPS 361.04 (14)** “Multifamily dwelling” has the meaning given in s. ~~101.971(2)~~ 101.01(8m), Stats.

SECTION 10. SPS 361.05 (1), (2), (3), (4), and (5) are amended to read:

**SPS 361.05 (1)** IBC. The *International Building Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 362~~ is chs. SPS 361 to 366 are incorporated by reference into chs. SPS 361 to 366.

**(2)** IECC. The *International Energy Conservation Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 363~~ is chs. SPS 361 to 366 are incorporated by reference into chs. SPS 361 to 366.

**(3)** IMC. The *International Mechanical Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 364~~ is chs. SPS 361 to 366 are incorporated by reference into chs. SPS 361 to 366.

**(4)** IFGC. The *International Fuel Gas Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 365~~ is chs. SPS 361 to 366 are incorporated by reference into chs. SPS 361 to 366.

**(5)** IEBC. The *International Existing Building Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 366~~ is chs. SPS 361 to 366 are incorporated by reference into chs. SPS 361 to 366.

SECTION 11. SPS 361.30 (1) (b) 1. is amended to read:

**SPS 361.30 (1) (b) 1.** Single-story buildings and structures of less than 1,000 square feet located on individual parcels or lease sites at Wisconsin state fair park.

SECTION 12. SPS 361.31 (1) (b) 2. (Note 2) is repealed and recreated to read:

**SPS 361.31 (1) (b) 2. Note 2:** As a result of the change to the ESLA electronic submittal only process any reference to a document, drawing, or other material to be submitted in s. A-E 2.02 and this section should be understood to apply equally to paper and electronic version of those materials.

SECTION 13. SPS 361.31 (2) (b) 1. is amended to read:

**SPS 361.31 (2) (b) 1.** ~~Except as provided in subd. 2., at least 4 sets of construction~~ Construction documents, including construction specifications, shall be submitted to the department or authorized representative for review through the eSLA system.

SECTION 14. SPS 361.31 (2) (b) 2. b. and (2) (c) are repealed.

SECTION 15. SPS 361.31 (3) (a), (Note 1), and (4) (a) 1. are amended to read:

**SPS 361.31 (3) (a)** A plan review application, including the information required by sub. 2, shall be form shall be included with the construction documents and information submitted to the department for examination and approval using the eSLA electronic safety and licensing application process. 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 1:** ~~The Department forms required in this chapter~~ requirements for submitting through the eSLA system, including timeframes for submittal and review procedures, are available at the Department's website at <https://www.dsps.wi.gov>, through links to ~~Division of Industry Services forms~~ <https://esla.wi.gov>, or the customer information page.

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

SECTION 16. SPS 361.32 (1) and (2) are amended to read:

**SPS 361.32 (1)** A building owner or building owner's representative 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 or building owner's representative 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.

SECTION 17. SPS 361.36 (1) (a), (b), (c), (d), (e), (f), and (g) are amended to read:

**SPS 361.36 (1) (a)** ~~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)** ~~Except as provided in sub. (2), plan~~ 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) ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for interior building alterations shall expire ~~one year~~ two years after the approval date indicated on the approved building plans if the alteration work is not completed within that year.

(d) ~~Except as provided in sub. (2), plan~~ 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~~ two 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 that year.

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

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

SECTION 18. SPS 361.36 (2) is repealed and recreated to read:

**SPS 361.36 (2)** Upon request and payment of the fee specified in ch. SPS 302, the expiration dates in sub. (1) (b) to (g) may be extended provided the request is submitted prior to expiration of the original approval.

SECTION 19. SPS 361 Subchapter V (title) is amended to read:

**SPS 361 Subchapter V — Approval and Inspection of Modular Commercial Building Elements Multifamily Dwellings and their Components**

SECTION 20. SPS 361.45 is amended to read:

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

SECTION 21. SPS 361.45 (Note) is created to read:

**SPS 361.45 Note:** “modular commercial building element” is defined in SPS 361.01 (13w)

SECTION 22. SPS 361.46 (title), (1), (2) (intro), (2) (b), (2) (f), (2) (g), and (3) are amended to read:

**SPS 361.46 Manufacture, sale, and installation of ~~dwellings~~ modular commercial building elements.**

(1) No modular ~~multifamily housing, modular multifamily building system and the building system components~~ commercial building element subject to this subchapter may be manufactured for use, sold for initial use or installed in this state unless it is approved by the department and it bears the Wisconsin insignia issued in accordance with s. SPS 361.47 (6).

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

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

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

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

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

SECTION 23. SPS 361.47 (1) (a), (b), (2) (intro.), (a), (b), (3) (a) 1., 3., (b) 3., (5), (6) (a), (c), (d) 1., (e), and (f) are amended to read:

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

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

**(2) APPROVAL OF PLANS AND SPECIFICATIONS FOR MODULAR ~~MULTIFAMILY BUILDING SYSTEMS AND BUILDING SYSTEM COMPONENTS~~ COMMERCIAL BUILDING ELEMENTS.**

**(a)** ~~Four~~ A complete sets set of building, structural, and HVAC plans, including elevations, sections, ~~and details, and one set of specifications,~~ and calculations shall be submitted to the department on behalf of the manufacturer for examination and approval.

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

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

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

**(b) 3.** 'Stamping of plans, specifications, and compliance assurance program.' Plans, specifications, and compliance assurance programs for which approval is denied under subd. 1. shall be stamped "~~not approved.~~" ~~At least 3 copies~~ "denied" and shall be returned to the person submitting the application for approval. ~~and one~~ A copy shall be retained by the department.

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

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

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

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

(e) Each modular ~~multifamily dwelling unit and major transportable section or component~~ commercial building element shall be assigned a serial number.

(f) Modular ~~multifamily housing, modular multifamily building systems, and building system components~~ commercial building elements that bear the Wisconsin insignia may be manufactured, offered for sale, and installed anywhere in Wisconsin where the installation site complies with the other provisions of chs. SPS 361 to 366.

SECTION 24. SPS 361.48 (intro) is amended to read:

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

SECTION 25. SPS 361.485 (1) and (2) are amended to read:

**SPS 361.485 (1)** Upon suspension or revocation by the department of the approval of any manufactured modular ~~multifamily dwelling or manufactured building component~~ commercial building element, the manufacturer may not attach a Wisconsin insignia to any modular ~~multifamily dwelling or building component~~ commercial building element manufactured for which the approval was suspended or revoked. Upon the expiration date of the suspension or revocation, the manufacturer may resume the attachment of insignias to the ~~dwelling or building component~~ modular commercial building element manufactured after the date approval is reinstated. If any ~~dwelling or building component~~ modular commercial building element was manufactured during the period of suspension or revocation, the manufacturer may not attach the Wisconsin insignia unless the department has inspected, or caused to be inspected, the manufactured modular ~~multifamily dwelling or manufactured building component~~ commercial building element and is satisfied that all requirements for certification have been met.

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

SECTION 26. SPS 361.51 (8) (b) is amended to read:

**SPS 361.51 (8) (b)** A plan that includes the use of an alternate model building code submitted for plan review under this subsection ~~is exempt from fee and approval requirements under subs. (2) to (7) and~~ shall be subject to fees set under s. SPS 302.51 for a new approval for an alternate standard but is exempt from the petition for variance requirements under s. SPS 361.22.

SECTION 27. SPS 361.60 (5) (c) 3. is amended to read:

**SPS 361.60 (5) (c) 3.** An alteration ~~of to~~ a space ~~in a building containing~~ less than 100,000 cubic feet ~~of total building volume.~~

SECTION 28. SPS 362.0202 (1) (a) is renumbered to SPS 362.0202 (1) (ar).

SECTION 29. SPS 362.0202 (1) (d) is created to read:

**SPS 362.0202 (1) (d)** “Toilet room” means a room used for privately accessing sanitation fixtures.

SECTION 30. SPS 362.0202 (2) (c) is repealed and recreated to read:

**SPS 362.0202 (2) (c)** “Commercial motor vehicle” has the meaning given in s. 340.01 (8) Stats., but does not include fire apparatus.

SECTION 31. SPS 362.0202 (2) (f) is renumbered to SPS 362.0202 (1) (ag).

SECTION 32. SPS 362.0202 (2) (h) is repealed.

SECTION 33. SPS 362.0202 (2) (i) is renumbered to SPS 362.0202 (1) (bm).

SECTION 34. SPS 362.0308 is amended to read:

**SPS 362.0308** Substitute the following wording for IBC ~~section 308.4.2~~ s. 308.3.2: Five or fewer persons receiving medical care. A facility with 5 or fewer persons receiving medical care shall be classified as Group R-3.

SECTION 35. SPS 362.0310 is amended to read:

**SPS 362.0310 Use and occupancy classification.** This is a department informational note to be used under IBC ~~section 310.2~~ s. 310: ~~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.

SECTION 36. SPS 362.0412 (1) and (2) are amended to read:

**SPS 362.0412 (1)** Substitute the following wording for exception 1 in IBC ~~section 412.4.4~~ s. 412.3.4: Heating equipment that is suspended at least 10 feet above the upper surface of wings or engine enclosures of the highest aircraft which may be housed in the hangar; or at least 8 feet above the floor in shops, offices, and other sections of the hangar communicating with storage or service areas.

**(2)** Substitute the following wording for the requirements, but not the exception, in IBC ~~section 412.4.3~~ s. 412.3.3: Floor surface. ~~Floors~~ Floor surfaces shall be made of materials allowed by IBC s. 406.2.4 and shall be graded and drained to meet the requirements of ch. SPS 382.

SECTION 37. SPS 362.0415 (1) is amended to read:

**SPS 362.0415 (1)** Substitute the definition in s. SPS 362.0202 (2) (g) for the corresponding definition in IBC ~~section 415.2~~ s. 202 for use in IBC s. 415: “Immediately dangerous to life and health (IDLH).”

SECTION 38. SPS 362.0420 is created to read:

**SPS 362.0420 Separation walls.** A single tenant R occupancy that is under the scope of the UDC shall be separated from any commercial tenant by not less than one hour rated fire partitions in accordance with IBC s. 708 and/or one hour rated horizontal assemblies in accordance with IBC s. 711.

SECTION 39. SPS 362.0423 is amended to read:

**SPS 362.0423 Storm shelters.** The requirements in IBC sections ~~423.3~~ ss. 423.4 and 423.4 423.5 are not included as part of chs. SPS 361 to 366.

SECTION 40. SPS 362.0504 is repealed.

SECTION 41. SPS 362.0506 is repealed.

SECTION 42. SPS 362.0603 is repealed.

SECTION 43. SPS 362.0705 is repealed.

SECTION 44. SPS 362.0706 is repealed and recreated to read:

**SPS 362.0706 Fire Walls.**

(1) FIRE WALL IDENTIFICATION. These are department rules in addition to the requirements in IBC s. 706:

(a) *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.

(b) *Sign requirements*

1. '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.

2. '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.

3. '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.

4. '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.

5. 'Content.' The sign shall indicate the hourly rating of the fire wall.

(2) HORIZONTAL CONTINUITY. This is a department alternative to the requirements in IBC s. 706.5.1: The fire wall can be extended 4 feet in one direction.

SECTION 45. SPS 362.0713 is repealed.

SECTION 46. SPS 362.0717 (3) is created to read:

**SPS 362.0717 (3) NONFIRE-RESISTANCE-RATED FLOOR ASSEMBLIES.** This is a department additional method to the methods listed in IBC s. 717.6.3: Ducts contained within individual dwelling units may connect up to three stories without a fire-rated shaft. The annular space around the penetrating duct shall be protected with an approved noncombustible material that resists the free passage of flame and the products of combustion.

SECTION 47. SPS 362.0902 is repealed.

SECTION 48. SPS 362.0903 (1), (2), (3), (4) (a) (intro.) and 1. are amended to read:

**SPS 362.0903 (1)** Substitute the following wording for condition 3 in IBC section s. 903.2.1.1: ~~None of the stories in which the~~ The fire area containing the A-1 occupancy has no stories that is located include a level of exit discharge.

**(2)** Substitute the following wording for condition 3 in IBC section s. 903.2.1.1: ~~None of the stories in which the~~ The fire area containing the A-2 occupancy has no stories that is located include a level of exit discharge.

**(3)** Substitute the following wording for condition 3 in IBC section s. 903.2.1.1: ~~None of the stories in which the~~ The fire area containing the A-3 occupancy has no stories that is located include a level of exit discharge.

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

**1.** Throughout all Group E fire areas greater than ~~20,000~~ 12,000 square feet in area.

SECTION 49. SPS 362.0903 (4) (a) 1m. is created to read:

**SPS 362.0903 (4) (a) 1m.** If the Group E fire area has an occupant load of 300 or more.

SECTION 50. SPS 362.0903 (4) (a) 2. is repealed.

SECTION 51. SPS 362.0903 (4) (b) is repealed.

SECTION 52. SPS 362.0903 (5) (a), (b) 1., and (Note 1) are amended to read:

**SPS 362.0903 (5) (a)** Except as provided in pars. (b) to ~~(em)~~ d, an automatic sprinkler system installed in accordance with IBC section s. 903.3 shall be provided throughout all buildings with a Group R fire area.

**(b) 1.** The multifamily dwelling does not contain more than ~~20~~ 4 dwelling units.

**Note:** See s. ~~401.971(2)~~ 101.01 (8m), Stats., for the definition of “multifamily dwelling”



SECTION 53. SPS 362.0903 (5) (c) is created to read:

**SPS 362.0903 (5) (c)** Automatic sprinkler systems installed in Group R-3 and Group R-4, Condition 1 occupancies, and townhouses meeting the separation requirements listed in subds. 1. and 2. shall be permitted to be installed throughout in accordance with NFPA 13D.

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 1-hour fire-resistive-rated separation barriers constructed in accordance with the requirements of IBC s. 707.

SECTION 54. SPS 362.0903 (5) (cm) is repealed.

SECTION 55. SPS 362.0903 (5) (d) is created to read:

**SPS 362.0903 (5) (d)** Townhouses meeting the definition in IBC ch. 2 and satisfying the requirements of subds. 1. and 2. may be constructed without an automatic fire sprinkler system.

1. The townhouse does not exceed more than 2 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 s. 706. The separation wall does not have to comply with the structural stability requirements of IBC s. 706.2 and the horizontal continuity requirements of IBC s. 706.5.

**Note:** Exceptions to sprinkler requirements found in s. 101.14 (4m), Stats., and this section apply only to SPS 362.0903 and IBC ch. 903 and do not affect other sections of SPS 361 to 366 or the IBC.

SECTION 56. SPS 362.0903 (7) (b) is repealed.

SECTION 57. SPS 360.0903 (9) and (10) (a) are amended to read:

**SPS 362.0903 (9)** Substitute the following wording for the requirements in IBC ~~section s.~~ 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 if there is a roof or deck above; or where exterior balconies, decks and ground floor patios of dwelling units and sleeping units are constructed in accordance with IBC s. 705.2.3.1, exception 3. 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) (a)** Substitute the following wording for the requirements in IBC ~~section s.~~ 903.3.1.3: Where allowed in s. SPS 362.0903 (5), automatic sprinkler systems in townhouses and multifamily dwellings shall be installed throughout in accordance with NFPA 13D, except as provided in par. (b).

SECTION 58. SPS 362.0903 (12) is repealed.

SECTION 59. SPS 362.0903 (14) is amended to read:

**SPS 362.0903 (14)** This is a department rule in addition to the requirements of IBC ~~section s.~~ 903.3.1.1: When the provisions of chs. SPS 361 to 366 require that a building or portion thereof be equipped with an automatic sprinkler system in accordance with this section, sprinklers may be installed throughout in accordance with the alternate design standard of the FM Global Loss Prevention Data Sheets 2-0 Installation Guidelines for Automatic Sprinklers March 2010, Interim Revision October 2020 and 8-9 Storage of Class 1, 2, 3, 4 and Plastic Commodities March 2010, Interim Revision July 2021.

SECTION 60. SPS 362.0903 (16) and (17) are repealed.

SECTION 61. SPS 362.0903 (18) (am) is created to read:

**SPS 362.0903 (18) (am)** *Access to a municipal water system.* In this section access to a municipal water system means a Municipal Water System, as defined in s. NR 811.02, that is located directly adjacent to or across the street from a property where the commercial building is located, and the property is able to be served by that municipal water system.

SECTION 62. SPS 362.0903 (18) (b), (c), and (Note) are repealed and recreated to read:

**SPS 362.0903 (18) (b)** *Building types and occupancies.* These are department rules in addition to requirements in IBC s. 903.2: An automatic fire sprinkler system is not required under this section in a building that does not have access to a municipal water supply.

**1.** A Group A-2 occupancy that is not already exempt under IBC s. 903.2.1.2 when all of the following apply:

**a.** The building is limited to a single A-2 occupancy fire area that does not exceed 5,000 square feet.

**b.** The occupant load of the fire area does not exceed 200.

c. Building height is a maximum of two stories above grade plane. Required exits that do not exit directly to grade shall be enclosed in fire resistant rated exit stairs / ramps per IBC s. 1023.

d. A minimum of three exits shall be required from each story.

e. Basements and windowless stories must still adhere to the provisions of IBC s. 903.2.11.

2. A single story Group R occupancy building located at a camp when all of the following apply:

a. The building is used no more than 180 cumulative days per calendar year.

b. The building is limited to a single Group R occupancy fire area that does not exceed 2,500 square feet.

**Note:** Restrooms serving the cabin are considered a part of the R occupancy for the application of this code section.

c. The occupant load of the fire area does not exceed 50.

d. The fire area is located only on floors with exit discharge at grade.

e. All sleeping rooms have a direct exit to the exterior.

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

1. The occupant load shall be displayed in accordance with IBC s. 1004.9.

2. All open flames, including smoking, shall be prohibited in the building and within 50 feet or less from the building, except for flame equipment used to reheat or maintain food temperatures. In this section “open flame” means a candle, solid fuel fireplace, or other similar flames. It does not refer to permanently installed, listed, fuel-fired heating and cooking equipment that is installed per current code.

3. A smoke detection and fire alarm system shall be installed throughout the building in accordance with IBC ss. 907.3 through 907.7 and as follows:

a. For A-2 occupancy buildings adhering to this exception, automatic detection is required to be installed in all interior spaces of the building. Automatic detection shall be extended to all combustibile concealed spaces if automatic fire sprinkler protection would otherwise be required per IBC s. 903.3.1.1.. Automatic detection shall utilize smoke detectors unless ambient conditions prohibit such an installation. In spaces where smoke

detectors cannot be utilized due to ambient conditions, approved automatic heat detectors shall be permitted.

**b.** For R occupancy cabin buildings automatic detection is required to be installed in all interior spaces of the building. Automatic detection shall utilize smoke detectors unless ambient conditions prohibit such an installation. In spaces where smoke detectors cannot be utilized due to ambient conditions, approved automatic heat detectors shall be permitted.

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

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

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

SECTION 63. SPS 362.0903 (19), (20), (21), (22), and (23) are created to read:

**SPS 362.0903 (19) STORIES WITHOUT OPENINGS.** This is a department exception to the requirements in IBC s. 903.2.11.1: Windowless stories with all required exits provided directly at grade when the story is located at or above grade plane.

**(20) WOODWORKING OPERATIONS.** This is a department informational note to be used under IBC s. 903.2.4.1: Note: The 2,500 square foot area in IBC s. 903.2.4.1 is the size of the woodworking area, not the size of the fire area.

**(21) GROUP S-1.** This is a department requirement in addition to IBC s. 903.2.9: An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 fire area used for the storage of boats in racks where the fire area exceeds 5,000 square feet.

**(22) GROUP S-2 PARKING GARAGES.** Substitute the following wording for condition 3 in IBC s. 903.2.10: Where the building area of the open parking garage in accordance with IBC s. 406.5 exceeds 48,000 square feet.

**(23) GROUP S-1 DISTILLED SPIRITS OR WINE.** This is a department alternative to the requirements of IBC s. 903.3.1.1: When the provisions of chs. SPS 361 to 366 require that a building or portion thereof be equipped with an automatic sprinkler system in accordance with this section, automatic fire sprinkler protection in buildings storing distilled spirits in wooden barrels or casks may be installed throughout the fire area containing this type of storage in accordance with the alternate design standard of FM Ignitable Liquid Storage in Portable Containers 7-29 (Oct. 2020 w/ interim revision Jan. 2021).

SECTION 64. SPS 362.0904 (3) is repealed.

SECTION 65. SPS 362.0907 (3), (5) (a), and (b) are amended to read:

**SPS 362.0907 (3)** Substitute the following wording for the requirements in IBC ~~section s.~~ 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. A protective cover that emits a local alarm signal shall not be installed unless approved. Protective covers shall not project more than that permitted by IBC ~~section s.~~ 1003.3.3.

**(5) (a)** The requirements in NFPA 72 ~~section 21.3.3~~ s. 21.3.3.1 do not apply to elevator pits.

**(b)** The requirements in NFPA 72 ~~section 21.3.7~~ s. 21.3.8 (2) are not included as part of chs. SPS 361 to 366.

SECTION 66. SPS 362.0907 (6) is created to read:

**SPS 362.0907 (6) BLEACHERS.** This is a department exception to IBC s. 907.2: Fire alarm systems are not required for open air bleachers with a maximum occupant load of 15,000 where the egress from the bleachers is on the exterior and does not reenter a building to reach a public way.

SECTION 67. SPS 362.0912 is created to read:

**SPS 362.0912 Fire department connections** This is a department informational note to be used under IBC s. 912: Note: Where IBC ss. 912.2, 912.2.1, 912.2.2, 912.4, 912.4 Exception, and 912.4.2 indicate approval by the fire code official is required, the fire chief or designated representative that administers Wisconsin Fire Prevention Code ch. SPS 314 within the municipality shall be the approving authority.

SECTION 68. SPS 362.0913 is created to read:

**SPS 362.0913 Fire pumps.**

**(1)** Substitute the following wording for the requirements in IBC s. 913.1 Exception: Pumps for automatic sprinkler systems installed in accordance with SPS 362.0903(10).

**(2)** Water supply control valves required by IBC s. 913.4 on a fire pump where the fire pump supplies an automatic fire sprinkler system and/or standpipe system shall be monitored per IBC s. 903.4.

SECTION 69. SPS 362.0915 is repealed.

SECTION 70. SPS 362.1004 is repealed.

SECTION 71. SPS 362.1006 (1) (intro.) and (b) are amended to read:

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

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

SECTION 72. SPS 362.1006 (6) is created to read:

**SPS 362.1006 (6)** CERTAIN TOWNHOUSES. This is a department rule in addition to the requirements in IBC s. 1006.2.1: Notwithstanding any prohibition in IBC table 1006.2.1 the length of common path of egress travel for an occupancy constructed in accordance with s. SPS 362.0903 (5) (d) may not exceed 200 feet.

SECTION 73. SPS 362.1009 is repealed and recreated to read:

**SPS 362.1009 Accessible means of egress.**

(1) AREAS OF REFUGE. This is a department exception in addition to IBC s. 1009.6: Areas of refuge are not required at floors that are not required to be accessible.

(2) TWO WAY COMMUNICATION. This is a department requirement in addition to IBC s. 1009.8: Two-way communication systems and elevator landing communication systems must be designed to meet the requirements of NFPA 72.

SECTION 74. SPS 362.1010 is repealed.

SECTION 75. SPS 362.1011 is repealed and recreated to read:

**SPS 362.1011 Stairways.**

(1) WIDTH AND CAPACITY. This is a department rule in addition to the requirements in IBC s. 1011.1: Where installing an inclined platform lift or stairway chairlift, the clear-passage width shall be provided with the lift in the unfolded, usable position.

(2) VEHICLE INSPECTION PITS. This is a department exception in addition to those listed in IBC s. 1011.1: handrails are not required for stairs accessing vehicle service pits.

SECTION 76. SPS 362.1013 is repealed.

SECTION 77. SPS 362.1015 is amended to read:

**SPS 362.1015 Guards.** Substitute the following wording for the requirements, but not the exception in IBC ~~section~~ s. 1015.2: Guards shall be located along the open side of walking surfaces, balconies, mezzanine, stairs, ramps, landings, roofs, and similar surfaces intended to be used by building occupants or the public where the change in elevation is more than 30 inches (762 mm) to the floor or roof below or more than 30 inches (762 mm) measured vertically to the grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with IBC ~~section 1607.8~~ s. 1607.9.

SECTION 78. SPS 362.1016 is created to read:

**SPS 362.1016 Egress through intervening spaces.** Substitute the following wording for the requirements, but not the exceptions, in IBC s. 1016.2.5: Egress shall not pass-through kitchens, storage rooms, closets, bathrooms or other rooms where privacy is expected, or spaces used for similar purposes.

SECTION 79. SPS 362.1020 (intro) and (2) are amended to read:

**SPS 362.1020** This is a department exception to the requirements in IBC ~~section 1020.6~~ s. 1020.7: Other spaces or rooms constructed as required for corridors, and that are adjacent to a fire-resistance-rated corridor, may not be construed as intervening rooms; and may be open to the corridor when all of the following are satisfied:

(2) The spaces are not occupied for the incidental uses listed in IBC Table ~~508.2~~ 509.1.

SECTION 80. SPS 362.1020 (4) is created to read:

**SPS 362.1020 (4)** The shared wall is at least 50% open to the corridor.

SECTION 81. SPS 362.1029 is repealed.

SECTION 82. SPS 362.1030 is created to read:

**SPS 362.1030 Spaces under bleachers and grandstands.** This is an additional department exception to the requirements in IBC s. 1030.1.1.1: The requirements in IBC s. 1030.1.1.1 shall not apply to open air bleachers that have an independent egress to a public way.

SECTION 83. SPS 362.1101 is renumbered SPS 362.1102 and SPS 362.1102 (intro.), as renumbered, is amended to read:

**SPS 362.1102** These are department rules in addition to the requirements in IBC ~~section 1101.2 s. 1102.1~~ and ICC/ANSI A117.1 ~~section ss.~~ 1003 and 1004:

SECTION 84. SPS 362.1107 is renumbered SPS 362.1108 and amended to read:

**SPS 362.1108 (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 s. 1108.5.1.3~~: 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 s. 1108.5.2.2~~: 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 s. 1108.5.3.2~~: 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 s. 1108.6.1.2~~: 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 s. 1108.6.2.2.2~~: 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.

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 s. 1108.6.2.3.2~~: 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~~ s. 1108.6.3: 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~~ s. 1108.6.4.2: 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~~ s. 1108.7.4: 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.dsps.wi.gov](http://www.dsps.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~~ s. 1108.7.4: Not less than 50% of the units required by IBC ~~section 1107.7.1~~ s. 1108.7.1 on the site are Type A or Type B units.

**(4) MULTISTORY UNITS.** Substitute the following wording for IBC ~~section 1107.7.2~~ s. 1108.7.2: A multistory dwelling or sleeping unit that is not provided with elevator service is not required to be a Type B unit. Where a multistory unit is provided with external elevator service to only one floor, the floor provided with elevator service shall be the primary entry to the unit, shall comply with the requirements for a Type B unit and a toilet facility shall be provided on that floor.

SECTION 85. SPS 362.1111 is renumbered to SPS 362.1112, and SPS 362.1112 (1) (a), (b) 1., (2) (a), and (b), as renumbered, are amended to read:

**SPS 362.1112 Signage.**

**(1) (a) General.** Substitute the following wording for the requirements for location 1 in IBC ~~section 1111.1~~ s. 1112.1: Except as specified par. (b), accessible parking spaces

required in IBC ~~section~~ s. 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) 1.** 'Small parking facilities.' Accessible parking spaces required by IBC ~~section 1106.1~~ s. 1106.2 are not required to be signed when the total number of parking spaces provided is four or less.

**(2) (a)** Substitute the following wording for the introductory paragraph of IBC ~~section 1111.2~~ s. 1112.3: Signage indicating directional information or information about functional spaces or signage indicating special accessibility provisions shall comply with ICC A117.1 and be provided at the following locations:

**(b)** This is a department informational note to be used under IBC ~~section 1111.3~~ s. 1112.4. Note: Refer to s. SPS 362.0400 (5) for requirements for no-smoking signs.

SECTION 86. SPS 362.1203 is renumbered to SPS 362.1202 and amended to read:

**SPS 362.1202** This is a department rule in addition to the requirements in IBC ~~section 1203.5~~ s. 1202.5: The use of natural ventilation shall be permitted in any of the following:

SECTION 87. SPS 362.1204 is renumbered to SPS 362.1203 and amended to read:

**SPS 362.1203** Substitute the following wording for the requirements and exception in IBC ~~section 1204.1~~ s. 1203.1: Interior spaces intended for human occupancy shall conform to the IMC.

SECTION 88. SPS 362.1206 is repealed.

SECTION 89. SPS 362.1209 is created to read:

**SPS 362.1209 Entry to attic spaces.** This is a department exception to the requirements in IBC s. 1209.2: Where a fire rated access panel is required to be installed in a roof framing system that has structural members at least 24" apart the opening width may be less than 20" where approved by the department or department representative.

SECTION 90. SPS 362.1210 (2m) is repealed.

SECTION 91. SPS 362.1210 (3m) is created to read:

**SPS 362.1210 (3m) Requirements.** A toilet room shall contain a lavatory and water closet.

SECTION 92. SPS 362.1405 is renumbered SPS 362.1404

SECTION 93. SPS 362.1503 is renumbered SPS 362.1502 and amended to read:

**SPS 362.1502 Secondary Roof roof drainage.** These are department rules in addition to IBC ~~section 1503.4 s. 1502~~: Design and installation of roof drainage systems shall comply with IBC ~~section 1503 s. 1502~~ and all applicable provisions in ch. SPS 382.

SECTION 94. SPS 362.1506 is repealed.

SECTION 95. SPS 362.1507 is repealed.

SECTION 96. SPS 362.1603 (1), and (3) are amended to read:

**SPS 362.1603 (1)** Flat-roof snow load,  $P_f$ .

**(3)** Snow load importance factor,  $I_s$ .

SECTION 97. SPS 362.1603 (7) is created to read:

**SPS 362.1603 (7)** Slope factor  $C_s$ .

SECTION 98. SPS 362.1607 is repealed.

SECTION 99. SPS 362.1613 is repealed.

SECTION 100. SPS 362.1700 is repealed.

SECTION 101. SPS 362.1802 is amended to read:

**SPS 362.1802** In addition to the definitions in IBC ~~section 1802.4 s. 202~~, the following term has the meaning given in s. SPS 362.0202 (1): “Neutral plane.”

SECTION 102. SPS 362.1806 is amended to read:

**SPS 362.1806** This is an additional department footnote for IBC Table 1806.2: Footnote c. Values to be multiplied by 0.5 for saturated soils. Saturated soil is evidenced by the presence of redoximorphic features or other information.

SECTION 103. SPS 362.1807 is repealed.

SECTION 104. SPS 362.1808 is repealed.

SECTION 105. SPS 362.1810 (8) is amended to read:

**SPS 362.1810 (8)** DESIGN CRACKING MOMENT. Substitute the following equation for IBC equation ~~18-11:  $M_n = 3(f'_c)(S_m)$~~  18-5:  $\Phi M_n = 3(f'_c)(0.5)(S_m)$ .

SECTION 106. SPS 362.1908 is repealed.

SECTION 107. SPS 362.2211 is amended to read:

**SPS 362.2211 Steel trusses spanning 60 feet or greater.** The requirements in IBC ~~section 2211.3.3~~ s. 2211.1.3.2 are not included as part of chs. SPS 361 to 366.

SECTION 108. SPS 362.2503 is repealed.

SECTION 109. SPS 362.2510 is amended to read:

**SPS 362.2510 Water-resistive barriers.** This is a department rule in addition to the requirements in IBC ~~section s.~~ 2510.6: The vertical leg of any flashing at the base of an exterior wall with that includes two layers of a water-resistive barrier shall be installed in a manner that places the vertical leg of the flashing beneath and behind both layers of the water-resistive barrier.

SECTION 110. SPS 362.2902 (1) (a) 2. is amended to read:

**SPS 362.2902 (1) (a) 2.** Where drinking fountains are required, other reasonable alternatives are acceptable, as approved by the department. Examples are bottle fillers, bottled water, and bar service.

SECTION 111. SPS 362.2902 (1) (a) 6. and (d) (Note) are created to read:

**SPS 362.2902 (1) (a) 6.** Exception 2 to IBC s. 2902.1.1 is not included as part of this code.

**(d) Note:** Examples and applications of this rule are outlined in more detail at s. 101.128, Stats.

SECTION 112. SPS 362.2902 (1) (d), (e), and (2) (a) are amended to read:

**SPS 362.2902 (1) (d) Addition to IBC Table 2902.1.** This is an additional department footnote for IBC Table 2902.1: Footnote ~~e. g.~~ Wherever more than 500 people congregate and more than the required minimum number of water closets or urinals are provided for males, twice as many of those additional toilet facilities shall be provided for females.

**(e) Alternative to IBC Table 2902.1.** This is a department alternative to the minimum fixture requirements of IBC Table 2902.1: The required number of ~~toilet~~ plumbing fixtures may be based on the actual occupancy load rather than the load determined by square footage per IBC Table ~~1004.1.1.~~ 1004.5 The actual occupancy load shall be based on justification found acceptable to the department.

**(2) (a) Lavatories for toilet rooms.** This is a department rule in addition to the requirements in IBC ~~section s.~~ 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. The total number of fixtures shall be based on the required number of separate facilities.

SECTION 113. SPS 362.2902 (2) (c) is created to read:

**SPS 362.2902 (2) (c)** Exception 6 to IBC s. 2902.2 is not included as part of this code.

SECTION 114. SPS 362.2902 (4) is repealed and recreated to read:

**SPS 362.2902 (4) PUBLIC FACILITIES.**

**(a)** This is a department requirement in addition to the requirements in IBC s. 2902.3: The required public facilities must be provided on site or an adjacent site under the same ownership.

**(b)** This is a department exception to the requirements in IBC s. 2902.3: Toilet rooms may be omitted in a small retail or mercantile building where all of the following requirements are met:

1. No more than 25 occupants are accommodated.
2. Other restrooms are conveniently located and available to the patrons and employees during all hours of operation.
3. The omission is approved in writing by the local unit of government.
4. A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

SECTION 115. SPS 362.2902 (7) is created to read:

**SPS 362.2902 (7) RESTROOM EQUITY.** Public facilities which meet the requirements of s 101.128 (3) and (4), must provide a sufficient number of toilets and fixtures to ensure women have a speed of access equal to that of men when at maximum capacity under a. 101.128 (2).

SECTION 116. SPS 362.3001 (1) and (2) are amended to read:

**SPS 362.3001 (1)** Substitute the following wording for the requirements in IBC ~~section 3001.2~~ s. 3001.3: Except as otherwise provided for in chs. SPS 361 to 366, the design, construction, installation, alteration, repair, and maintenance of conveyances and their components shall comply with ch. SPS 318.

(2) Substitute the following wording for the requirements in IBC ~~section 3001.4 s.~~ 3001.5: 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.

SECTION 117. SPS 362.3002 (1) (a) 2. b. is amended to read:

**SPS 362.3002 (1) (a) 2. b.** R-2, except for passenger elevators serving only floors within a single dwelling unit.

SECTION 118. SPS 362.3307 is renumbered to 362.3300.

SECTION 119. SPS 362.3500 (3) is amended to read:

**SPS 362.3500 (3) ADDITION.** This is a department rule in addition to the requirements in IBC ~~chapter~~ ch. 35: NFPA ~~45-2015~~ 45-2019, Standard on Fire Protection for Laboratories Using Chemicals, is incorporated by reference into chs. SPS 361 to 366.

SECTION 120. SPS 362.3600 (1) is amended to read:

**SPS 362.3600 (1) EXCLUSIONS.** The provisions in IBC Appendices A, B, D, F to K, ~~and M, and O~~ are not included as part of chs. SPS 361 to 366.

SECTION 121. SPS 363.0101 is amended to read:

**SPS 363.0101** The requirements in IECC ~~sections ss.~~ ss. C101 and C103 to ~~C109~~ C110 are not included as part of this chapter.

SECTION 122. SPS 363.0302 is amended to read:

**SPS 363.0302** These are department rules in addition to the requirements in IECC ~~section~~ s. C302: The exterior design temperatures used for heating and cooling load calculations shall be as specified under Table 363.0302 or ASHRAE 90.1 - 2019.

SECTION 123. SPS 363.0303 (1) (Note), (2) (a) 1., 2., 3., and 4. are amended to read:

**SPS 363.0303 (1) Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the ~~2015~~ 2021 IECC constitutes compliance with this section.

(2) (a) 1. ASTM ~~€177-13~~ C177-19, Test method by guarded hot plate apparatus.

2. ASTM ~~€335/335M-10~~ ASTM C335/C335M-17, Test method of horizontal pipe insulation.

3. ASTM ~~€518-15~~ C518-21, Test method by means of the heat flow meter apparatus.

4. ASTM ~~C1363-11~~ C1363-19, Test method by means of a hot box apparatus.

SECTION 124. SPS 363.0401 (1) (b), (2), and (3) are amended to read:

**SPS 363.0401 (1) (b)** Section SPS 363.0403 ~~(4)~~ (3) relating to economizers.

**(2)** The requirements in ANSI/ASHRAE/IESNA ~~90.1-2013~~ section 90.1-2019 s. 8.4.2 are not included as part of this chapter.

**(3)** Substitute the following wording for ANSI/ASHRAE/IESNA ~~90.1-2013~~ section 90.1-2019 s. 8.4.3.1: A measurement device shall be installed in new buildings to monitor total electrical energy use. For buildings with tenants, total electrical energy shall be monitored for the total building or for each individual tenant.

SECTION 125. SPS 363.0401 (5) is repealed.

SECTION 126. SPS 363.0402 is repealed and recreated to read:

**SPS 363.0402 Building envelope requirements.** The requirements in IECC s. C402.5.1.5 Item 3 are not included as part of chs. SPS 361 to 366.

SECTION 127. SPS 363.0403 (1), (2), (3) (intro.), (b), and (4) are amended to read:

**SPS 363.0403 (1) CALCULATION OF HEATING AND COOLING LOADS.** The following wording is a department requirement in addition to the requirements in IECC ~~section C403.2.1~~ s. C403.1.1: Design heating and cooling loads shall be determined in accordance with s. SPS 363.0302 and Table 363.0302 or ASHRAE 90.1 – 2019.

**(2) EQUIPMENT AND SYSTEM SIZING.** Substitute the following wording for the requirements and the exceptions in IECC ~~section C403.2.2~~ s. C403.3.1: 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 or ASHRAE 90.1 – 2019.

**(3) ECONOMIZERS SIMPLE HVAC SYSTEMS.** Substitute the following wording for the requirements in IECC ~~section C403.3~~ s. C403.5: Supply air economizers shall be provided on the following cooling systems:

**(b)** All other cooling systems > ~~54,000~~ 60,000 Btu/h. Where a single room or space is supplied by multiple air systems, the aggregate cooling capacity of those systems shall be used in applying this requirement.

**(4) ECONOMIZERS COOLING REQUIREMENTS.** Substitute the following wording for the title of IECC Table ~~C403.3(1)~~ C403.3.2(3): **MINIMUM BUILDING CHILLED WATER SYSTEM COOLING CAPACITY FOR DETERMINING ECONOMIZER COOLING REQUIREMENTS.**

SECTION 128. SPS 363.0403 (5) and (6) are repealed.

SECTION 129. SPS 363.0403 (7) (intro.) is amended to read:

**SPS 363.0403 (7) DEMAND CONTROLLED VENTILATION.** Substitute the following for the wording, but not the exceptions, in IECC ~~section 403.2.6.1~~ s. C403.7.1: Demand control ventilation (DCV) is required for spaces larger than 40 people per 1000 sq. ft. (93 m<sup>2</sup>) of floor area (as established in IMC Table ~~403.3~~ 403.3.1.1) and served by systems with one or more of the following:

SECTION 130. SPS 363.0403 (8), (9), (10), and (11) are repealed.

SECTION 131. SPS 363.0403 (12) and (13) are created to read:

**SPS 363.0403 (12) FAULT DETECTION AND DIAGNOSTICS.** The requirements in IECC s. C403.2.3 Item 2, C403.2.3 Item 3, and C403.2.3 Item 4 are not included as part of chs. SPS 361 to 366.

**(13) DUCT AND PLENUM INSULATION AND SEALING.** This is a department informational note to be used under IECC s. C403.12.1: Note: For the purpose of determining insulation requirements, ductwork located outside of the building envelope is considered to be located outside of the building.

SECTION 132. SPS 363.0404 is repealed and recreated to read:

**SPS 363.0404 (1) HEAT TRAPS.** The requirements in IECC s. C404.3 are not included as part of this chapter.

**(2) HEATED WATER SUPPLY PIPING.** The requirements of IECC ss. C404.5, C404.5.1, and C404.5.2 are not included as part of chs. SPS 361 to 366. Refer to ch. SPS 382 for heated water supply piping requirements.

**(3) CIRCULATION SYSTEMS** The requirements of IECC ss. C404.6.1, C404.6.2, and C404.6.3 are not included as part of chs. SPS 361 to 366. Refer to ch. SPS 382 for service water heating circulation requirements.

**(4) POOLS AND SPAS.** The requirements in IECC ss. C404.8.2 and C404.8.3 are not included as part of this chapter.

SECTION 133. SPS 363.0406 is repealed.

SECTION 134. SPS 363.0407 is repealed.

SECTION 135. SPS 363.0408 is repealed.

SECTION 136. SPS 363.0502 is repealed.



SECTION 137. SPS 363.0503 (1), (2), (3), and (4) are repealed.

SECTION 138. SPS 363.0600 (1), (2), (3), and (4) are amended to read:

**SPS 363.0600 (1)** ASTM ~~C177-13~~C177-19, Test method for steady-state heat flux measurements and thermal transmission properties by means of the guarded-hot-plate apparatus.

**(2)** ASTM ~~C335/335M-10~~C335/335M-17, Test method for steady state heat transfer properties of horizontal pipe insulation.

**(3)** ASTM ~~518-15~~518-21, Test method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

**(4)** ASTM ~~C1363-11~~C1363-19, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

SECTION 139. SPS 363.5101 is amended to read:

**SPS 363.5101** The requirements in IECC sections ss. R101 and R103 to ~~R109~~ R110 are not included as part of this chapter.

SECTION 140. SPS 363.5302 is amended to read:

**SPS 363.5302** These are department rules in addition to the requirements in IECC section s. R302: The exterior design temperatures used for heating and cooling load calculations shall be as specified in SPS Table 363.0302 or ASHRAE 90.1 – 2019.

SECTION 141. SPS 363.5303 (1) (Note), (2) (a) 1., 2., 3., and 4. are amended to read:

**SPS 363.5303 (1) Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the ~~2015~~ 2021 IECC constitutes compliance with this section.

**(2) (a) 1.** ASTM ~~C177-13~~ C177-19, Test method by guarded hot plate apparatus.

**2.** ASTM ~~C335/335M-10~~ C335/335M-17, Test method of horizontal pipe insulation.

**3.** ASTM ~~518-15~~ 518-21, Test method by means of the heat flow meter apparatus.

**4.** ASTM ~~C1363-11~~ C1363-19, Test method by means of a hot box apparatus.

SECTION 142. SPS 363.5402 is repealed.

SECTION 143. SPS 363.5403 (2) is amended to read:

**SPS 363.5403 (2)** Substitute the following wording for the requirements in IECC ~~section R403.3.2 s. R403.3.4~~: All ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with IMC ~~section s. 603.9~~.

SECTION 144. SPS 363.5405 is amended to read:

**SPS 363.5405** This is a department informational note to be used under IECC ~~section s. R405.6~~: Note: The federal Department of Energy has developed REScheck™, a computer program that may be used in demonstrating compliance for a residential building which has no more than 3 stories above grade plane and has 3 or more dwelling units in plane. The REScheck program may be downloaded at <http://www.energycodes.gov>. The most recent version of REScheck shall be used to determine code compliance. When using the program, the applicable code must be defined as the ~~“2015 IECC.”~~ “2021 IECC.”

SECTION 145. SPS 363.5502 is repealed.

SECTION 146. SPS 363.5503 is repealed.

SECTION 147. SPS 363.5600 (1), (2), (3), and (4) are amended to read:

**SPS 363.5600 (1)** ASTM ~~E177-13~~ C177-19, Test method for steady-state heat flux measurements and thermal transmission properties by means of the guarded-hot-plate apparatus.

**(2)** ASTM ~~E335/335M-10~~ C335/335M-17, Test method for steady state heat transfer properties of horizontal pipe insulation.

**(3)** ASTM ~~E518-15~~ C518-21, Test method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

**(4)** ASTM ~~E1363-11~~ C1363-19, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

SECTION 148. SPS 364.0202 (1) (f) is amended to read:

**SPS 364.0202 (1) (f)** “Motorized vehicle” means a self-propelled motor-driven vehicle that is used for moving people or products on land, water, or air. “Motorized vehicle” does not include a boat that is dry stored (not in water) and not operated in the building in which it is stored.

SECTION 149. SPS 364.0300 (1) is amended to read:

**SPS 364.0300 (1)** This is a department rule in addition to the requirements in IMC ~~chapter ch. 3~~: In addition to the requirements in chs. SPS 361 to 366, the heating and

ventilation systems for health care facilities only shall conform to the applicable provisions of ~~FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities 2014, except as provided in sub. (2)~~ ANSI / ASHRAE / ASHE Standard 170 – 2017, Ventilation of Health Care Facilities.

SECTION 150. SPS 364.0300 (1) (Note) is repealed.

SECTION 151. SPS 364.0300 (2) is repealed and recreated to read:

**SPS 364.0300 (2)** Substitute the following definition for the corresponding definition listed in ASHRAE 170 s. 3: “Alteration”, has the meaning as given in IEBC s. 202.

SECTION 152. SPS 364.0309 (1) (table) a. is amended to read:

**SPS 364.0309 (1) (table) a.** For indoor temperature requirements in health care facilities, use ~~FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities, 2014~~ ANSI / ASHRAE / ASHE Standard 170 – 2017, Ventilation of Health Care Facilities.

SECTION 153. SPS 364.0401 (2) (b) is amended to read:

**SPS 364.0401 (2) (b)** Mechanical exhaust ventilation shall be provided for natatoriums and chlorine storage and handling rooms even when the space or building is not occupied.

SECTION 154. SPS 364.0402 (table) is amended to read:

Table 364.0402  
Natural Ventilation  
Allowed for Specific Occupancies

Occupancy Classification		
<p><b>Correctional Facilities</b> Cells without plumbing features Dining halls &lt; 100 persons Guard stations Day room Booking/waiting</p> <p><b>Dry cleaners, laundries</b> Coin-operated dry cleaners Coin-operated laundries Storage, pick up</p> <p><b>Education</b> Auditoriums &lt; 100 persons</p>	<p><b>Business areas</b> Conference rooms &lt; 100 persons Reception areas &lt; 100 persons Main entry lobbies &lt; 100 persons Lecture &lt; 100 persons <u>Office space &lt; 300 S.F.</u></p> <p><b>Public spaces</b> Places of religious worship &lt; 100 persons Courtrooms &lt; 100 persons</p>	<p><b>Sports and amusement</b> <del>Discos</del>/dance floors &lt; 100 persons Bowling alleys (seating areas) &lt; 100 persons Game arcades &lt; 100 persons Ice arenas without combustion <u>engines</u> &lt; 100 persons <u>engines</u> Places of religious worship <u>engines</u> &lt; 100 persons Gym, stadium, arena (play area) Spectator areas &lt; 100 persons</p>

<p>Media center Music/theatre/dance Day care facilities &lt; 20 children (through age 4) Multiuse assembly &lt; 100 persons</p> <p><b><u>Factories</u></b></p> <p><b>Food and beverage service</b> Bars, cocktail lounges &lt; 100 persons Dining rooms &lt; 100 persons Kitchens (cooking)</p> <p><b>Hotels, motels, resorts and dormitories</b> Multipurpose assembly &lt; 100 persons Bedroom/living room Conference/meeting &lt; 100 persons Dormitory sleeping areas Gambling casinos &lt; 100 persons Lobbies/pre-function</p>	<p>Legislative chambers &lt; 100 persons Libraries &lt; 100 persons Museums &lt; 100 persons</p> <p><b><u>Dwellings</u></b> <b><u>Dwellings, single and multiple</u></b> Garages Kitchens Living areas</p> <p><b>Retail stores, sales floors, and showroom floors</b> Sales Dressing rooms Mall common areas Storage rooms</p> <p><b>Specialty shops</b> Pet shops (animal areas) Supermarkets Car washes Enclosed parking garages 850 S.F. or less in area and storing 5 or fewer vehicles</p>	<p>Swimming pools (pool and deck area) &lt; 100 persons Health club/aerobics room &lt; 100 persons Health club/weight room &lt; 100 persons</p> <p><b>Theaters</b> Auditoriums &lt; 100 persons Lobbies &lt; 100 persons Stages, studios &lt; 100 persons</p> <p><b>Transportation</b> Platforms &lt; 100 persons Waiting rooms &lt; 100 persons Aircraft hangars (with single aircraft and no adjacent occupancies)</p> <p><b>Workrooms</b> Meat processing Pharmacy (prep. area) Photo studios Copy, printing rooms</p>
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SECTION 155. SPS 364.0402 (table) (Note) is created to read:

**SPS 364.0402 (table) Note:** Natural ventilation is no longer permitted for kitchen exhaust.

SECTION 156. SPS 364.0403 (5) (c) 6. is created to read:

**SPS 364.0403 (5) (c) 6.** `Corridors.` In a corridor, there shall be at least 7.5 CFM of outside air per 100 square feet.

SECTION 157. SPS 364.0403 (5) (d) 1. is amended to read:

**SPS 364.0403 (5) (d) 1.** Substitute the following wording for the requirements in IMC sections ~~403.1.1.1~~ ss. 403.3.1.1 through 403.3.1.1.2.3.4: Where multiple spaces having different ventilation rate requirements are served by a common ventilation system, the minimum amount of outdoor airflow supplied by the ventilation system shall equal the total outdoor airflow required for each space if each space is provided with minimum air changes in accordance with this paragraph.

SECTION 158. SPS 364.0403 (table) is repealed and recreated to read:

**Table 364.0403  
Ventilation Requirements**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load (persons per 1,000 sq. ft.)<sup>a</sup></b>	<b>Exhaust (cfm/net sq. ft. floor area)</b>	<b>Common Ventilation System Alternative – Minimum AC Rate per hour with A/C</b>
<b>Correctional facilities</b>			
Sleeping rooms <sup>d</sup>	20	NR	2.0
Dining halls	100	NR	2.0
Guard stations	40	NR	1.5
<b>Dormitory sleeping areas</b>	20	NR	1.0
<b>Dry cleaners, laundries</b>			
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
Laundry rooms	NA	0.5	NR
<b>Dwellings, single and multiple</b>			
Living areas	2 persons for first bedroom, plus one person for each additional bedroom	NR	1.0
Kitchens <sup>d</sup>	NA	100 cfm intermittent or 20 cfm continuous	NR
Toilet rooms and bathrooms <sup>d</sup>	NA	Mechanical exhaust capacity 50 cfm intermittent or 20 cfm continuous per room <sup>j</sup>	NR
Garages, separated by a solid wall for each dwelling	NA	100 cfm/vehicle	NR
Garages, common for multiple units <sup>c</sup>	NA	0.5	NR
<b>Education</b>			
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
<b>Food and beverage service</b>			
Bars and cocktail lounges	100	NR	2.0
Cafeterias, fast food	100	NR	2.0
Dining rooms	70	NR	2.0
Kitchens (cooking) <sup>d, e</sup>	20	NR	1.0
<b>Health care facilities</b>			
Hospitals	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Nursing homes	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Outpatient Surgical Facilities	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
<b>Hotels, motels, <u>and</u> resorts, <del>and</del> dorms</b>			
Assembly rooms	120	NR	2.0
Bathrooms for guest rooms <sup>c, d</sup>	NA	35 cfm/room	NR

Bedrooms	footnote f	NR	1.0
Conference rooms	50	NR	2.0
Casinos	NA	2.0	NR
Living rooms	footnote f	NR	1.0
Lobbies	30	NR	2.0
<b>Industrial/Factory</b>			
Factories and machine shops	13	NR	NR
Foundries	13	NR	NR
Sawmills	NA	NR	NR
<b>Offices</b>			
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
<b>Retail stores, sales floors, and showroom floors</b>			
	8	NR	1.0
<b>Seasonal occupancies, camps, and lodges</b>			
Dining and recreational areas	70	NR	1.0
Living and sleeping areas	NA	NR	1.0
Club houses	15	NR	1.0
Drive-ins	15	NR	1.0
<b>Specialty shops</b>			
Automotive service and repair garages for gasoline, <u>electric</u> , or diesel <u>powered</u> vehicles <sup>c, k, l</sup>	NA	0.5	NR
Barber shops	25	NR	1.0
Beauty salons <sup>h</sup>	NA	0.5	NR
Car washes	NA	0.5	NR
Clothier, furniture shops	8	NR	1.0
Florist shops	8	NR	1.0
Hardware, drugs, fabrics stores	8	NR	1.0
Nail salons <sup>m</sup>	NA	0.6	NR
Supermarkets	8	NR	1.0
<b>Sports and amusement</b>			
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
<b>Storage</b>			
Chlorine storage and handling rooms	NA	2.0	NR
Enclosed parking garages <sup>i, n</sup>	NA	0.5	NR
Evidence Storage	NA	0.5	NR
Warehouses <sup>o</sup>	NA	NR	NR
<b>Theaters</b>			
Auditoriums	150	NR	2.0

Lobbies	150	NR	2.0
Stages, studios	70	NR	2.0
Ticket booths	60	NR	2.0
<b>Transportation</b>			
Platforms	100	NR	2.0
Waiting rooms	100	NR	2.0
Aircraft hangars (for 2 or more aircraft or any hangar with adjacent occupancies)	NA	0.5	NR
<b>Utility and public spaces</b>			
Elevator cars	NA	1.0	NR
Janitor closets	NA	2.0 or 75 cfm/sink <sup>g</sup>	NR
Locker and dressing rooms <sup>c</sup>	NA	0.5	NR
Shower rooms (per shower head)	NA	50 cfm intermittent or 20 cfm continuous	NR
Toilet rooms <sup>c, d</sup>	NA	75 cfm/TF <sup>g</sup>	NR
<b>Workrooms</b>			
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

SECTION 159. SPS 364.0403 (table) c., and m. are amended to read:

**SPS 364.0403 (table) c.** Mechanical exhaust is required, ~~and the recirculation~~ Recirculation of air from these spaces that would otherwise be allowed by IMC section ~~s.~~ 403.2.1 is prohibited.

**m.** For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors. The exhaust system shall be capable of exhausting the greater of 50 cfm per station or 0.6 cfm per square foot of work area. ~~The exhaust inlet shall be located in the work area.~~ Manicure tables and pedicure stations not provided with factory-installed exhaust inlets shall be provided with exhaust inlets located not more than 12 inches horizontally and vertically from the point of chemical application as required by IMC 502.20.

SECTION 160. SPS 364.0501 (3) (intro.) and (6) are amended to read:

**SPS 364.0501 (3)** These are department rules in addition to the requirements in IMC section ~~501.2.4~~ s. 501.3.1.

**SPS 364.0501 (6)** These are department rules in addition to IMC section ~~s.~~ 501.3.2: The bottom of an exhaust outlet shall be located at least 12 inches vertically from the adjoining grade level ~~and, adjacent roof, and~~ bottom of an areaway. Additional clearance may be required so as to address local weather conditions and surrounding land contour.

SECTION 161. SPS 364.0505 is amended to read:

**SPS 364.0505** ~~The requirements~~ Exception 1 in IMC section ~~505.4~~ s. 505.3 is not included as part of chs. SPS 361 to 366.

SECTION 162. SPS 364.0506 (2) (c) is repealed.

SECTION 163. SPS 364.0507 (2) is repealed.

SECTION 164. SPS 364.0606 (1) and (2) are amended to read:

**SPS 364.0606 (1)** This is a department informational note to be used under IMC ~~section~~ s. 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~~ s. 4.2.4 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~~ s. 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~~ s. 4.3.10 for smoke dampers isolating air handling units.

SECTION 165. SPS 364.0701 is amended to read:

**SPS 364.0701** Barometric dampers may not be used for combustion air as allowed by IFC ~~section~~ s. 304.3 and NFPA ~~54-2015-section~~ 54 – 2021 s. 9.3.1.4.

SECTION 166. SPS 364.0802 is repealed.

SECTION 167. SPS 364.1500 (1m), (2m), and (Note) are repealed.

SECTION 168. SPS 364.1500 (3) is amended to read:

**SPS 364.1500 (3)** NFPA ~~45-2015~~ 45-2019, Standard on Fire Protection for Laboratories Using Chemicals.

SECTION 169. SPS 364.1500 (4) is created to read:

**SPS 364.1500 (4)** ANSI/ASHRAE/ASHE Standard 170-2017, Ventilation of Health Care Facilities.

SECTION 170. SPS 365.0501 (4) is created to read:

**SPS 365.0501 (4)** Plastic venting systems associated with gas-fired appliances shall meet the requirements of UL 1738, inclusive of specific testing and marking requirements for pipe, fittings, and cement.

SECTION 171. SPS 365.0800 is amended to read:

**SPS 365.0800 Referenced standards.** This is a department rule in addition to the requirements in IFGC ~~chapter~~ ch. 8: The following standard is incorporated by reference



into chs. [SPS 361](#) to [366](#): ANSI Z223.1/NFPA ~~54-2015~~ 54-2021, National Fuel Gas Code.

SECTION 172. SPS 365.0900 is amended to read:

**SPS 365.0900** IFGC Appendices A to ~~D~~ E are not included as part of this chapter.

SECTION 173. SPS 366.0101 (4) (b) and (c) are amended to read:

**SPS 366.0101 (4) (b)** Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IEBC ~~chapters 5 through 13~~ chs. 3, 4, 6 to 12, and 14 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC ~~chapter 14~~ ch. 13 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

SECTION 174. SPS 366.0303 is created to read:

**SPS 366.0303** The requirements in IEBC s. 303 are not included as part of chs. SPS 361 to 366.

SECTION 175. SPS 366.0306 is created to read:

**SPS 366.0306** This is a department informational note to be used under IBEC s. 306. Note: See s. 101.132, Stats., for additional accessibility requirements.

SECTION 176. SPS 366.0400 is renumbered to 366.0500 and amended to read:

**SPS 366.0500** The requirements in IEBC ~~chapter~~ chs. 4-5 are not included as part of chs. SPS 361 to 366, ~~except for the requirements in IEBC section 410 when applied by IEBC section 1401.2.5.~~

SECTION 177. SPS 366.0600 is renumbered to SPS 366.0308, and SPS 366.0308 (intro.), as renumbered, is amended to read:

**SPS 366.0308** These are department rules in addition to the requirements in IEBC ~~chapter 6~~ s. 308 and are established under the authority of s. 101.127, Stats.:

SECTION 178. SPS 366.0603 is renumbered to SPS 366.0307.

SECTION 179. SPS 366.0605 is repealed.

SECTION 180. SPS 366.0606 is renumbered to SPS 366.0405 and amended to read:

**SPS 366.0405** The requirements in IEBC ~~sections 606.2 to 606.2.5~~ ss. 405.2 to 405.2.6 are not included as part of chs. SPS 361 to 366.

SECTION 181. SPS 366.0609 is renumbered to SPS 366.0408 and amended to read:

**SPS 366.0408** The requirements in IEBC ~~section 609~~ s. 408 are not included as part of chs. SPS 361 to 366.

SECTION 182. SPS 366.0701 is amended to read:

**SPS 366.0701** Substitute the following wording for the requirements in IEBC ~~section~~ s. 701.2 but not the exception: Conformance. An existing building or portion thereof may not be altered such that the building becomes less safe than was required in its existing condition.

SECTION 183. SPS 366.0702 (1) and (2) are amended to read:

**SPS 366.0702 (1)** Substitute the following wording for the requirements in IEBC ~~section 702.4~~ s. 702.7: 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)** The requirements in IEBC ~~section 702.4.1~~ s. 702.7.1 are not included as part of chs. SPS 361 to 366.

SECTION 184. SPS 366.0804 is renumbered SPS 366.0803 and amended to read:

**SPS 366.0803** This is a department exception to the requirement in IEBC ~~section 804.2~~ s. 803.2: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings. This exclusion is also applicable to sprinkler systems triggered by changes of use or additions.

SECTION 185. SPS 366.0809 is renumbered to SPS 366.0807 and amended to read:

**SPS 366.0807** The exception to the requirements in IEBC ~~section 809.1~~ s. 807.1 and the requirements in IEBC ~~section 809.2~~ s. 807.2 are not included as part of chs. SPS 361 to 366.

SECTION 186. SPS 366.0810 is renumbered to SPS 366.0808 and amended to read:

**SPS 366.0808** This is a department requirement in addition to IEBC s. 808. ~~Substitute the following wording for the requirements in IEBC section 810.1:~~ Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 187. SPS 366.0902 (1) is amended to read:

**SPS 366.0902 (1)** Boiler and furnace equipment rooms. Substitute the following wording for the requirements, but not the exceptions, in ~~IEBC section 902.1.2 s. 902.2:~~ Boiler and furnace equipment rooms. Boiler and furnace equipment rooms adjacent to or within Groups I-1, I-2, I-4, R-1, R-2, and R-4 occupancies shall be enclosed in compliance with IBC 509 heating equipment enclosure requirements.

SECTION 188. SPS 366.0902 (2) is repealed.

SECTION 189. SPS 366.0903 is repealed.

SECTION 190. SPS 366.0904 is repealed.

SECTION 191. SPS 366.0909 is renumbered to SPS 366.0908.

SECTION 192. SPS 366.1010 is renumbered to SPS 366.1009 and amended to read:

**SPS 366.1009** Substitute the following wording for the requirements in ~~IEBC section 1010 s. 1009:~~ 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.

SECTION 193. SPS 366.1011 is renumbered to SPS 366.1010 and SPS 366.1010 (1) and (2), as renumbered, are amended to read:

**SPS 366.1010 (1)** This is a department rule in addition to the requirements in ~~IEBC section 1011 s.1010:~~ 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)** This is a department rule in addition to the requirements in ~~IEBC section 1011 s.1010:~~ A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with ~~s. SPS 362.0915 s. IBC s. 915.~~

SECTION 194. SPS 366.1012 is renumbered to SPS 366.1011 and amended to read:

**SPS 366.1011** This is a department rule in addition to the requirements in ~~IEBC section 1012.2 s. 1011.2:~~ Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with IBC ~~chapter ch. 9~~ when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R-1 or R-2 occupancy.

SECTION 195. SPS 366.1201 (1) is amended to read:

**SPS 366.1201 (1)** This is a department rule in addition to the requirements in IEBC ~~section s. 1201.1~~: Any historic building is exempt from the energy requirements of chs. SPS 361 to 366 except as follows:

SECTION 196. SPS 366.1201 (1) (a), (b), and (c) are created to read:

**SPS 366.1201 (1) (a)** Existing ceiling, wall, or floor cavities exposed during alterations shall be filled with insulation.

**(b)** All replacement skylight, window, and/or door assemblies shall meet the minimum code requirements of the IECC unless specifically designed to address unique aesthetics associated with the historic nature of the building. Glass only replacements in an existing sash and frame are exempt from the application of the IECC.

**(c)** Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing so as to meet the minimum insulation required by the IECC or shall provide insulation to the greatest extent possible.

SECTION 197. SPS 366.1201 (2) is amended to read:

**SPS 366.1201 (2)** Report. The requirements in IEBC ~~section 1202.2~~ s. 1201.2 are not included as part of chs. SPS 361 to 366.

SECTION 198. SPS 366.1204 is repealed.

SECTION 199. SPS 366.1205 is renumbered to SPS 366.1204 and SPS 366.1204 (intro.), as renumbered, is amended to read:

**SPS 366.1204** These are department rules in addition to the requirements in IEBC ~~section 1205~~ s. 1204: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

SECTION 200. SPS 366.1401 is renumbered to SPS 366.1301 and SPS 366.1301 (1), as renumbered, is amended to read:

**SPS 366.1301 (1)** Substitute the following wording for the requirements in IEBC ~~section 1401.2~~ s. 1301.2: The provisions of ~~sections 1401.2.1 ss. 1301.2.1 through 1401.2.5~~ 1301.2.6 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions may not apply to buildings with occupancies in Group H or Group I.

SECTION 201. SPS 366.1301 (2), as renumbered, is repealed.

SECTION 202. SPS 366.1301 (3) and (4), as renumbered, are amended to read:

**SPS 366.1301 (3)** The requirements in IEBC ~~section 1401.3.2~~ s. 1301.3.2 are not included as part of chs. SPS 361 to 366.

**(4)** This is a department rule in addition to the requirements in IEBC ~~section 1401.2~~ s. 1301.2: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 203. SPS 382.40 (5) (b) is amended to read:

**SPS 382.40 (5) (b)** If Except as provided in par. bm, the developed length of hot water distribution piping from the source of the hot water supply to a plumbing fixture or appliance exceeds 100 feet, a circulation system or self-regulating electric heating cable shall be provided to maintain the temperature of the hot water within the distribution piping.

SECTION 204. SPS 382.40 (bm) is created to read:

**SPS 382.40 (bm)** *Temperature maintenance; public buildings.* Except as required in SPS 382.50(3)(b) all public buildings greater than 3 stories in height above grade plane and all public lavatories in public buildings 3 stories or less in height above grade plane shall comply with the provisions of s. 382.40 (5) (b), except that allowable hot water supply distances for any fixture shall be calculated from the nearest source of hot water using the method in subd. 1.. For public lavatories the allowable supply distance shall comply with the method in either subd. 1 or subd. 2. of this section. In this section hot water sources shall include water heaters, circulating water systems, and self-regulating heat trace temperature maintenance systems.

**1.** ‘Maximum allowable pipe length method’; Under this method the distance from a hot water supply to a fixture, public lavatory, or appliance may not exceed the distances in Table 382.40-1d. Fixture fittings, fixture supply connectors, and faucets may not be part of this calculation.

**2.** ‘Maximum allowable volume method’: Under this method the maximum allowable volume of water between a hot water source and a public lavatory may not exceed 8 ounces. The allowable volume shall be the sum of the internal volume of all pipe, but may not include volume contained within fixture shutoff valves, within flexible water supply connectors to a fixture fitting, or within a fixture fitting. Pipe volume shall be calculated using the values in Table 382.40-1h

**Note:** “Public building” is defined in s. 101.01(12) Stats.

**Note:** Insulation requirements for these systems are found in chs. SPS 322.44(2). and SPS 361 to 366.

SECTION 205. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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