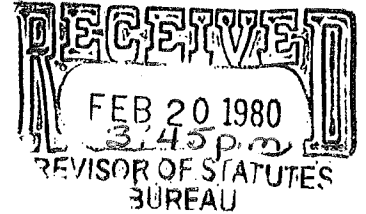


H 61,62

CERTIFICATE

STATE OF WISCONSIN)
)
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

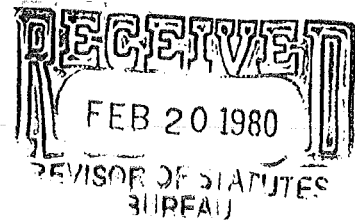
I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to the qualifications, examining and licensing of utility contractors and for the registration of pipe layers; the establishment of qualifications and rules for the certification of plumbing inspectors for one and two family dwellings and manufactured buildings; and water conservation plumbing fixtures, were duly approved and adopted by this department on February 20, 1980.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 20th day of February, A.D. 1980.

SEAL:

Donald E. Percy, Secretary
Department of Health and Social Services



ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
TO CREATE SECTIONS H 61.14 AND H 61.15 OF CHAPTER H 61,
WISCONSIN ADMINISTRATIVE CODE;
TO REPEAL AND RECREATE SECTION H 62.08 (11) OF CHAPTER H 62,
WISCONSIN ADMINISTRATIVE CODE AND
TO CREATE SECTION H 62.15 OF CHAPTER H 62,
WISCONSIN ADMINISTRATIVE CODE

Section H 61.14 of Chapter H 61, Wisconsin Administrative Code relates to the qualifications, examining and licensing of utility contractors and for the registration of pipe layers.

Analysis prepared by the Department of Health and Social Services:

Section H 61.14 of Chapter H 61, Wisconsin Administrative Code is written to comply with Chapter 314 Laws of 1977 which require the Department to prescribe rules as to the qualifications and licensing of utility contractors and for the registration of pipe layers. This rule provides the mechanism and process for the required licensure and registration.

Section H 61.15 of Chapter H 61, Wisconsin Administrative Code relates to the establishment of qualifications and rules for the certification of plumbing inspectors for one and two family dwellings and manufactured buildings.

Analysis prepared by the Department of Health and Social Services:

The analysis for section H 61.15 of Chapter H 61, Wisconsin Administrative Code is created to meet the mandates of both Chapters 404 Laws of 1975 and Chapter 203 Laws of 1977 which mandated the establishment of qualifications and rules for the certification of plumbing inspectors for one and two family dwellings and manufactured buildings.

Section H 61.15 addresses the statutory requirements and provides the mechanism for certification of plumbing inspectors. In addition the rule addresses the third party inspection agency along with the newly appointed plumbing inspector and those anticipating to be hired by municipalities. The rule also addresses the fee schedule which is required by the statute, continuing education and disciplinary actions on those certified as inspectors.

Section H 62.08 (11) and section H 62.15 of Chapter H 62, Wisconsin Administrative Code relates to water conservation plumbing fixtures.

Analysis prepared by the Department of Health and Social Services:

The repeal and recreation of H 62.08 (11) and creation of H 62.15 of Chapter H 62, Wisconsin Administrative Code was required by Chapter 275 Laws of 1977 which required the Department by rule to

formulate standards for water usage for specific plumbing fixtures and meet the requirements of public health, safety and sanitation. The changes in section H 62.08 (11) were made because of statutory changes which require the elimination of some water use fixtures allowed in the old administrative rule. Section H 62.15 interprets and specifically details the mechanism to approve and recognize water conservation fixtures along with requirements as to their application.

Pursuant to authority vested in the Department of Health and Social Services by section 145.02 (2), 145.024 (2) (3) and 145.25 (2), Wis. Stats., the Department of Health and Social Services hereby creates section H 61.14 and H 61.15 of Chapter H 61, Wisconsin Administrative Code interpreting sections 145.02 (2) and 145.024 (2) (3), Wis. Stats., and repeals and recreates section H 62.08 (11) of Chapter H 62, Wisconsin Administrative Code and creates section H 62.15 of Chapter H 62, Wisconsin Administrative Code interpreting section 145.25 (2), Wis. Stats., as follows:

SECTION H 61.14
CHAPTER H 61
WISCONSIN ADMINISTRATIVE CODE
Created to read:

H 61.14 Utility contractor license and registration of pipe layers.

(1) PROOF OF EXPERIENCE. Proof of experience and skill in the planning, superintending and practical installation shall be provided by all persons making application for a utility contractor license. The application shall be presented to the department, on forms provided by the department. The application shall be accompanied by the appropriate license fee. In addition, the following documents must be provided to the department:

(a) At least two letters from municipalities; metropolitan sewage districts; or architect, engineer or developer where utilities were installed evidencing skill in the planning, superintending and practical installation of sanitary sewers, storm sewers or water service piping installations.

(b) An indication of the length of skilled utility contracting experience.

(c) A description of all related experience and training of the person seeking licensure.

(d) A document providing such other information the department may require.

(2) APPLICATION AND QUALIFICATION. (a) The person making application for the utility contractor license, if not self-employed, shall provide the name of his or her employer.

(b) All persons to be licensed as a utility contractor must be at least 18 years of age.

(c) Should the licensed utility contractor leave the employ of a utility contracting firm, the firm shall not be qualified to do business as a utility contracting firm after 30 days unless another employee becomes licensed as a utility contractor.

(3) REGISTRATION. The person who qualifies the utility contracting firm shall register with the department, on forms furnished by the department.

(4) PIPE LAYERS. The utility contractor shall be responsible for employing registered pipe layers.

(5) PIPE LAYER. (a) Registration. The utility contractor shall submit the names of employees to be registered as pipe layers with the department. Registration forms will be furnished by the department. The name, age, education, beginning date of employment of each pipe layer and such other information as the department may require shall be submitted.

(b) Qualifications for registration. All applicants for registration as pipe layers must be at least 18 years of age.

(6) LICENSE RENEWAL OR REGISTRATION. (a) Notice of renewal of license or registration shall be sent to all utility contractors and pipe layers whose license or registration was in force during the previous year. It will be sent to the address given on the latest license renewal blank on file, unless notice of another address is given. Failure to receive the notice for renewal of license shall not be an excuse for failure to renew.

(b) Delinquent or elapsed licenses. 1. Utility contractor. Whenever the contractor fails to renew their license for a period of 3 years, the department shall require evidence to show that the renewal applicant is competent to perform the work of utility contractor before such license is renewed.

(7) FEES, EXPIRATION OF LICENSE, REGISTRATION. (a) Utility contractor fees. The fees are as follows for the utility contractor: \$75 and \$75 for each renewal of license if application is made prior to January 1 annually; after that date an additional fee of \$20.

(b) Pipe layer fees. The fees are as follows for pipe layer: \$30 and \$30 for each renewal of registration if application is made prior to January 1 annually; after that date an additional fee of \$10.

(c) Expiration of licenses and registration. No license or registration shall be issued for longer than one year and all licenses and registrations shall expire on December 31 of each year and such licenses and registrations may be renewed upon application made prior to that date of expiration. The department may renew licenses or registrations upon application made after January 1, if it is satisfied that the applicant has good cause for not making application within the month of December and upon payment of the renewal and additional fees prescribed.

1-30-80

SECTION H 61.15
CHAPTER H 61
WISCONSIN ADMINISTRATIVE CODE
Created to read:

H 61.15 Certification - plumbing inspectors and independent inspection agencies. (1) SCOPE. The purpose of these rules is to promote effective and uniform enforcement of the uniform dwelling and plumbing code through state certification of inspectors and independent inspection agencies. These rules establish the standards and procedures for certification, including suspension and revocation, of certified plumbing inspectors and independent plumbing inspection agencies. Each certified plumbing inspector shall record and keep on file, in numerical order, the number of plumbing inspections made. The inspector shall record the name of the owner of the premises, the location of each inspection, i.e. county, city, village, township, street address or rural route and note any violation(s). All records and files shall be accessible to the department for inspection and review.

(2) APPLICATION. These rules shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the administration and enforcement of the uniform plumbing code or engaged in the education, training and testing of persons for state certification as a plumbing inspector.

(3) ADMINISTRATION AND ENFORCEMENT. All inspections for the purpose of administering and enforcing the uniform plumbing code shall be performed by a certified inspector.

(4) AUTHORITY. (a) Departmental authority. Pursuant to chapter 145, Wis. Stats., the department of health and social services has been granted the authority and jurisdiction over the certification, including suspension and revocation of

certified inspectors or independent inspection agencies for the purpose of inspecting plumbing of one- and 2-family dwellings and manufactured one- and 2-family dwellings.

(b) Municipal authority. Pursuant to sections 101.65 (1) (a), 101.66 (2), 101.76 (1) (a), 145.024, 145.025 and 145.04, Wis. Stats., all municipalities exercising jurisdiction over the construction and inspection of dwellings falling within the scope of the uniform dwelling and plumbing code, or any part(s) thereof, shall provide for inspections performed by persons certified under the rules of this section.

1. Any termination of employment or disciplinary action against a certified plumbing inspector or independent inspection agency for cause directly related to the conditions of certification shall be reported to the department.

2. Municipal termination of employment or disciplinary action shall not constitute suspension or revocation of the state certification.

3. No certified plumbing inspector or independent inspection agency carrying a valid state certification shall be required to obtain any municipal certification or license to enforce the uniform plumbing code.

Note: Municipalities may jointly exercise jurisdiction, pursuant to sections 101.65 (1) (b), 101.76 (1) (b), 66.30 (2), 145.024, 145.025, 145.04 and 145.13, Wis. Stats., by adopting the uniform plumbing code and providing for inspections by certified inspectors or certified independent inspection agencies.

Note: These rules are not intended to affect municipal hiring practices or conditions of employment.

(c) Independent inspection agency authority. Pursuant to sections 101.63 (2), 100.66 (2), 101.73 (3), (5) and (6), 101.75 (1), 101.76 (1) (a) and 145.04, Wis.

Stats., independent inspection agencies may enter into contractual agreement(s) with municipalities, building manufacturers or the department to provide the certified inspections required for the uniform dwelling and plumbing code.

(d) Certified inspector authority. Pursuant to sections 101.63 (2), 101.66 (2), 101.73 (3) and (5), 101.75 (1), 101.76 (1) (a) and 145.04, Wis. Stats., an inspector may perform certified inspections in accordance with the requirements of the uniform plumbing code.

(5) DEFINITIONS. (a) Approved. Approved means approved by the department.

(b) Certified inspection. Certified inspection means an inspection performed by a certified inspector.

(c) Certified plumbing inspector I. Certified plumbing inspector I means an individual certified by the department to administer and enforce chapter H 62, Wis. Adm. Code, excluding the sections dealing with private sewage disposal.

(d) Certified plumbing inspector II. Certified plumbing inspector II means an individual certified by the department to administer and enforce the sections in chapter H 62, Wis. Adm. Code, related to private sewage disposal.

(e) Certified plumbing inspector III. Certified plumbing inspector III means an individual certified by the department to administer and enforce chapter H 62, Wis. Adm. Code, in its entirety.

(f) Conflict of interest. Conflict of interest means a certified inspector inspecting plumbing work in which the inspector or the inspector's employer has participated or has a monetary or personal interest.

(g) Department. Department means the department of health and social services.

(h) Incompetence. Incompetence means conduct which evidences a lack of ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of plumbing inspection or

an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to inspection services and the uniform plumbing code.

(i) Independent inspection agency. Independent inspection agency means any person, firm, association, partnership or corporation, other than a municipal corporation, certified by the department to perform certified plumbing inspections under the uniform plumbing code.

(j) Misconduct. Misconduct means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position, preparation of deficient or falsified reports, failure to submit information or reports required by law or contract when requested by the municipality or the department, conduct which evidences a lack of trustworthiness, misrepresentation of qualifications such as education, experience or certification, illegal entry of premises, misuse of funds, or misrepresentation of authority.

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

(l) Negligence. Negligence means failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.

(m) Person. Person means partnership, associations and bodies politic or corporate (section 990.01 (26), Wis. Stats.).

(n) Secretary. Secretary means the secretary of the department of health and social services.

(6) APPLICATION FOR CERTIFICATION OR RECERTIFICATION. (a) All applicants shall be at least 18 years of age.

(b) Application for certification and recertification shall be made to the department of industry, labor and human relations, together with the payment of the fee as specified in Wis. Adm. Code section H 61.15 (35).

1. Applications shall be made on forms provided by the department of industry, labor and human relations and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P. O. Box 7946
Madison, Wisconsin 53707

(c) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure.

(7) REQUIREMENTS FOR CERTIFICATION OF PLUMBING INSPECTORS. (a) Eligibility for certification shall be based upon acceptance of the application and on successful completion of the approved educational training and testing programs required for the designated categories of certification or upon passage of the examination. Existing state or municipal inspectors who have the equivalent of one year of inspection experience shall be exempt from examination for initial certification.

(b) Credit will be given for educational and training programs approved by the department.

(c) If an individual has one year of experience in plumbing inspections, the individual will be exempt from examination but must participate in and successfully complete the department's approved training program. A minimum of 20 units of continuing education is required annually.

(8) EXAMINATION. (a) Application for examination. All applications for examination shall be filed with the department of industry, labor and human relations prior to examination. The applicant shall be advised by the department of the date and place of the examination.

(b) Time and place of examinations. Scheduled examinations shall be offered at least semiannually. Specific details regarding time and place are available from the department upon request.

(c) Scope of examination. The examinations will test the applicant's ability to inspect plumbing installation and design to ascertain compliance with the rules of the uniform plumbing code, and more specifically:

1. Code knowledge;
2. Code administration;
3. Inspection and enforcement techniques;
4. Skills such as, but not limited to, general mathematics, reading of plans and specifications, materials and methods of construction, construction safety and oral and written communications.

(d) Grading of examinations. The final grading of all examinations shall be by persons approved by the department. A grade of 70% or greater in each part shall be considered a passing grade for certification as an inspector.

(e) Examination retake. Applicants failing part or all of an examination shall be required to retake, within one year of the original examination, only that part failed. All applications for re-examination shall be filed with the department of industry, labor and human relations 3 weeks prior to the scheduled date of the examination to be retaken. Failure to apply for re-examination requires successful completion of approved educational courses.

(9) RECIPROCITY. Inspector certification may be accomplished through reciprocity provided the certification program of the state in which the inspector is certified is approved by the department.

(10) ISSUANCE OF CERTIFICATE. Upon completing the requirements for certification, the department shall notify the applicant in writing and shall issue an inspection certificate. The certificate will bear the name of the applicant, certificate number and expiration date. The certificate shall be valid for a period of one year from the date of issuance.

(11) RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed. Certification renewal shall be contingent on participation and completion of the 20 units of credit annually in on-going approved education programs.

(12) DENIAL OF CERTIFICATION. (a) Notice of denial. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt.

(b) Hearing. Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings will be conducted by the department and the proceedings recorded.

(13) INDEPENDENT INSPECTION AGENCY CERTIFICATION. Any independent inspection agency offering to perform in-plant plumbing inspections of manufactured dwellings and certify compliance for manufactured dwellings under the uniform plumbing code shall be certified and shall satisfy the requirements of the department. The department shall review all plans for plumbing systems installed in factory constructed one- and 2-family dwellings.

(14) APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION OR RECERTIFICATION. Application for certification and recertification shall be made to the department of industry, labor and human relations, together with the payment of the fee as specified in Wis. Adm. Code section H 61.13 (35).

(a) Applications shall be made on forms provided by the department of industry, labor and human relations and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P. O. Box 7946
Madison, Wisconsin 53707

(b) All applications for certification shall be submitted in duplicate and shall contain the following information:

1. Location of offices.
2. Names and licenses and qualifications of all in-plant inspectors employed by the agency.
3. A list of structures which the agency has inspected.
4. A list of states in which the agency is authorized to inspect or evaluate manufactured dwellings or components.
5. An affidavit certifying independence and absence of conflicts of interest.
6. Procedures and facilities, including record-keeping used in providing services which assure compliance with the rules of Wis. Adm. Code chapter H 62.
7. A list of all certified persons having contracts with the independent inspection agency, names and certification categories of the certified inspectors employed by the agency for inspection purposes.

(c) Any independent inspection agency to be certified by the department shall agree in writing:

1. That the department may monitor by inspection and require verification of any or all conditions specified in (b).

2. To make all inspection records available upon request.
3. To enforce all applicable rules of Wis. Adm. Code chapter H 62.
4. To provide the department, upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure.

(15) RECIPROCITY. Independent inspection agency certification may be accomplished through reciprocity provided the certification program of the state in which the agency is certified is approved by the department.

(16) ELIGIBILITY FOR CERTIFICATION. Eligibility for certification shall be based upon acceptance of the application and the applicant's ability to perform system analysis and develop and implement a compliance assurance program.

(17) ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE. Upon acceptance of the application and finding of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number and expiration date. The certificate shall be valid for a period of one year from the date of issuance.

(18) RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed in accordance with the requirements of chapter H 61.

(19) DENIAL OF CERTIFICATE. (a) Notice of denial. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the

reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service will be verified by the certified mail receipt.

(b) Hearing. Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings will be conducted by the department and the proceedings recorded.

(20) INDEPENDENT INSPECTION AGENCY CERTIFICATION - ON-SITE DWELLINGS. Any independent inspection agency offering to perform inspections for on-site dwellings under the uniform plumbing code shall be certified and shall satisfy the requirements of this section.

(21) APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION. Application for certification and recertification shall be made to the department of industry, labor and human relations, together with the payment of the fee as specified in Wis. Adm. Code section H. 61.15 (35).

(a) Applications shall be made on forms provided by the department of industry, labor and human relations and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P. O. Box 7946
Madison, Wisconsin 53707

(b) All applications for certification shall be submitted in duplicate and shall contain the following information:

1. Identification of agency entity. If an individual, the full name under which the agency intends to do business shall be submitted.
2. Name, address and qualifications of all officers, directors and management personnel responsible for the administration and enforcement of the agency.
3. Location of offices of the independent inspection agency.

4. Names of certified plumbing inspectors employed by the agency.
5. An affidavit certifying independence and absence of conflicts of interest.
6. Programs, procedures and facilities, including record-keeping used in providing services which assure compliance with the rules of H 62.
7. A list of all persons having contracts with independent inspection agencies to perform certified inspections.

(c) Any independent inspection agency to be certified by the department shall agree in writing:

1. All inspections for compliance with the uniform plumbing code shall be by certified plumbing inspectors and make all records available to the department upon request.

2. That the department may monitor by inspection and require verification of any or all conditions specified in (b).

3. To enforce all applicable rules of Wis. Adm. Code chapter H 62.

4. To provide the department, upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure.

(22) RECIPROCITY. Independent inspection agency certification may be accomplished through reciprocity provided the certification program of the state in which the agency is certified is approved by the department.

(23) ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE. Upon acceptance of the application and findings of eligibility, the department shall notify the agency

in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number and expiration date. The certificate shall be valid for a period of one year from the date of issuance.

(24) RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed in accordance with the requirements of subsection H 61.15 (21).

(25) DENIAL OF CERTIFICATE. (a) Notice of denial. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service will be verified by the certified mail receipt.

(b) Hearing. Upon receipt of denial, any applicant may submit a written request for hearing. The right to the hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings will be conducted by the department and the proceedings recorded.

(26) SUSPENSION OR REVOCATION OF CERTIFICATION. The department may suspend or revoke the certification of any inspector or independent inspection agency for any of the following reasons:

(a) Fraud or deceit in obtaining certification.

(b) Knowingly aiding or abetting the unauthorized examination and inspection of dwellings by persons not certified by the department.

(c) Any negligence, incompetence or misconduct in the discharge of the duties required under this chapter and the uniform dwelling code.

(d) Conviction of a criminal charge, misdemeanor or local regulation substantially related to the circumstances of the certified inspection activity or adjudication of mental incompetence by the courts.

(e) Conflict of interest.

(27) FILING OF COMPLAINT. Proceedings to revoke or suspend a certificate may be initiated by any person on a signed, written complaint filed with the department. Any alleged violation of the law or the administrative rules of the department shall be set forth in the complaint with particular reference to time, place and circumstance.

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

(29) MAILING. Unless otherwise provided by law, all orders, notices and other papers may be served by the department by certified mail addressed to the party at the last known address. If the service is refused, service may be made by sheriff without amendment of the original order, notice or other paper.

(30) RESPONSE. Upon receipt of notification of hearing from the department, the charged party may submit to the department a written response within 30 days of the date of service. Failure to respond within the prescribed time limit, or failure to appear at the scheduled hearing, may result in the allegations specified in the complaint being taken as true.

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

(b) Conduct of hearing. All hearings will be conducted by persons selected by the department. Persons so designated may administer oaths or affirmations and

may grant continuances and adjournments for cause shown. The respondent shall appear in person and may be represented by an attorney-at-law. Witnesses may be examined by persons designated by the department.

(32) FINDINGS. The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(33) APPEAL ARGUMENTS. Appeal arguments shall be submitted to the department in writing unless otherwise ordered.

(34) PETITION FOR RULES OR DECLARATORY RULINGS. Petitions for the adoption, repeal or amendment of rules and for declaratory rulings shall be in accordance with chapter 227, Wis. Stats.

(35) CERTIFICATION FEES. All applicants for certification as a certified inspector or independent inspection agency shall submit, with the application form, fees in accordance with the following:

(a) Certified inspectors. Persons applying for initial certification or recertification as a certified plumbing inspector shall submit fees in accordance with the following schedule:

Plumbing \$25.00

Inspectors shall renew their certification annually. Expiration date of certification shall be June 30 of each calendar year.

1. Examinations for certification. Upon determination of eligibility for the examination for certification, fees shall be collected in accordance with the following schedule:

- a. Initial examination \$5.00
- b. Examination retakes \$5.00

2. Educational and training seminars. Fees will be assessed on a per seminar basis for educational and training programs sponsored by the department of health and social services.

(b) Independent inspection agencies. Fees for the initial certification of independent inspection agencies shall be \$25.00. For recertification, \$25.00 annually. Expiration date of certification shall be June 30 of each calendar year.

2/5/80

SECTION H 62.08 (11)
CHAPTER H 62
WISCONSIN ADMINISTRATIVE CODE
Repealed and recreated to read:

(11) URINALS. (a) Women. Urinals for women may be installed as an auxiliary or supplementary fixture. The fixture is not to be used as a substitute for water closets. In all cases, the minimum number of water closets shall be provided.

1. Enclosure. The urinal shall be enclosed with a standard size water closet compartment with a door. An instruction card explaining how to use the fixture shall be posted in each such compartment.

2. Installation. The fixture shall be installed in accord with all code requirements applicable to water closets. A floor drain shall be installed within the compartment. Each individual fixture shall be equipped with a hand-operated flush tank, satisfactory foot or hand-operated flush valve or other approved device. The water supply to each urinal shall be protected by an approved type vacuum breaker or other acceptable device.

(b) Men. 1. Stall type urinals. Stall type urinals shall be set into the floor and the floor shall be graded toward the fixture. Each urinal shall be flushed individually by an approved foot or hand-operated flush valve or other approved flushing device which is limited to a maximum of 1.5 gallons per flush. The water supply to a urinal(s) shall be protected by an approved type vacuum breaker or other acceptable device. Urinals in batteries shall be spaced not less than 30 inches center to center. The center line of a single urinal shall be at least 16 inches from the nearest side wall or partition. When the space between stall type urinals or a urinal and a side wall is less than 12 inches, such space shall be filled flush with the front and top of the urinal with nonabsorbent material.

2. Wall type. a. Wall hanging men's urinals approved by the department may be installed in all buildings except elementary schools (kindergarten through 8th grade).

Note 1: The definitions and general classifications for schools are found in section 115.01, Wis. Stats.

Note 2: The department recommends that wall hanging urinals for adults be installed at a height between 22 and 24 inches above the floor.

b. Each wall hanging urinal shall be flushed individually by an approved foot or hand-operated flush valve or other approved flushing device which is limited to a maximum of 1.5 gallons per flush. The water supply to a urinal(s) shall be protected by an approved type vacuum breaker or other acceptable device.

c. Wall hanging urinals in batteries shall be spaced not less than 30 inches center to center. The center line of a single urinal shall be at least 16 inches from the nearest side wall or partition.

d. Wall hanging urinals shall be supported by a carrier fitting.

e. Combinations of stall type and wall hanging urinals may be installed.

f. A floor drain shall be located not more than 12 inches from the wall supporting wall hanging urinals. A floor drain shall be provided for each group of 4 or less urinals or a stall type urinal may be used as a substitute for a floor drain.

(c) Automatic siphon flush tanks. The use of automatic siphon flush tanks shall be prohibited on stall and wall type urinals.

1-30-80

SECTION H 62.15
CHAPTER H 62
WISCONSIN ADMINISTRATIVE CODE
Created to read:

H 62.15 Water conserving fixtures. (Section 145.25, Wis. Stats.)

(1) TYPES OF WATER CONSERVING FIXTURES. (a) All water closets, lavatory faucets, urinals and shower heads shall meet the requirements of the following subsections and be of an approved type. Test data shall be submitted based on 50 pounds per square inch water pressure.

(2) PROHIBITIONS. (a) All buildings. "No person may sell at retail or install in or cause to be installed in any building:"

1. "A water closet which uses more than 4 gallons of water per flush."

2. "A shower head which uses more than 3 gallons of water per minute."

(b) Public restrooms and public buildings. No person may install or cause to be installed in any public restroom or public building:

1. "Any urinal intended for use by male persons which is operated by an automatic urinal flush valve or hand-operated flush valve which uses more than 1.5 gallons of water per flush per use."

2. "Any automatic siphon urinal flush tanks."

3. "Any wash basin faucet which allows more than 1 gallon of water to flow through the faucet after the handle is released."

Note: Quotation marks indicate statutory language taken verbatim or paraphrased from Section 145.25, Wis. Stats.

(c) One and two family dwelling. No person may install or cause to be installed, any faucet connected to a wash basin in any private dwelling which allows more than 3 gallons of water per minute to flow through the faucet.

(3) LISTING OF ACCEPTABLE WATER CLOSETS. (a) Publish. The department shall publish a list of water closet models which have been manufactured and tested in accordance with recognized standards and which have been certified by the manufacturer to use no more than 4 gallons per flush.

(b) Manufacturers' responsibilities. Manufacturers desiring to have their product included on the published list shall submit for each water closet model laboratory test data, engineering data, a certification by the manufacturer that the product meets the standards set forth above and a copy of the sales brochure.

(c) Manufacturer's listing. The manufacturer shall submit a list of the make and model of all water closets tested and offered for sale in Wisconsin, regardless of water use.

(d) Identification. Each closet shall be permanently marked for identification as required by H 62.19.

(4) LISTING OF OTHER WATER SAVING DEVICES. (a) Shower heads. The department shall publish a list of shower heads which have been manufactured, tested and certified by the manufacturer to permit not more than 3 gallons per minute to flow through the head.

(b) Urinals and urinal flushing devices. The department shall publish a list of all Wisconsin approved urinals and urinal flushing devices which have been manufactured, tested and certified by the manufacturer to permit not more than 1.5 gallons per flush per use to flow through the valve or fixture.

(c) Faucets in public restrooms and public buildings. The department shall publish a list of all faucets which have been manufactured, tested and certified by the manufacturer to permit not more than 1 gallon of water to flow through the faucet after release of the handle.

(d) Faucets for lavatories or wash basins installed in private dwellings. The department shall publish a list of all faucets which have been manufactured, tested and certified by the manufacturer to permit not more than 3 gallons of water per minute to flow through the faucet.

(e) Flow control and flow restrictor devices. 1. Flow control or restricting devices should be installed on the water inlet side of the faucet or have an integral flow control or restrictor.

2. Flow controlling aerators. Flow controlling or restricting aerators may be used in lieu of the recommended control or restricting device when approved by the department.

3. All items listed under H 62.15 (4) shall have a permanent means of identification as required by H 62.19.

4. All flow control and flow restrictive devices manufactured, tested and certified by the manufacturer shall limit the flow through the unit to the test and certification rate. They shall not be removable without special knowledge or effort.

(5) EXEMPTIONS. (a) Availability. When a water conserving device or fixture is required, the item(s) shall be available from 2 or more manufacturers. When a required water conserving device or fixture is not available from 2 or more manufacturers, the requirement may be waived subject to departmental approval.

(b) Waiver. The department, upon request, may waive compliance with flushing requirements established by Section 145.25, Wis. Stats., and this section if the following conditions prevail:

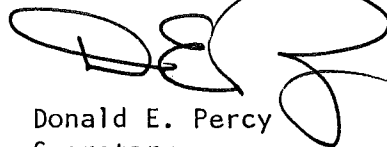
1. Existing buildings. Any building in existence or under construction on or before January 1, 1979, if its drainage system design or installation requires a greater quantity of water to function properly.

2. Public sewer design. If any building is served by a public sewer which requires a greater quantity of water to maintain flow.

The rules contained in this order shall take effect on April 1, 1980 pursuant to authority granted in s. 227.026 (1) (b).

Dated: 2-20-80

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



Donald E. Percy
Secretary

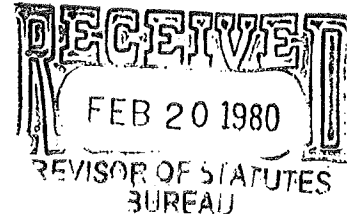


State of Wisconsin \ DEPARTMENT OF HEALTH & SOCIAL SERVICES

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

February 20, 1980

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702



Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of H 61.14 relating to the qualifications, examining and licensing of utility contractors and for the registration of pipe layers; H 61.15 relating to the establishment of qualifications and rules for the certification of plumbing inspectors for one and two family dwellings and manufactured buildings; H 62.08(11) and H 62.15 relating to water conservation plumbing fixtures.

This rule is being submitted to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

Donald E. Percy
SECRETARY

Enclosure