

CR 86-207

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John T. Coughlin, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to electrical inspection were duly approved and adopted by this department on September 7, 1988.
(Subject) - *(Date)*

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 10:00 a.m. in the city of Madison, this 7th day of September A.D. 1988.

John T. Coughlin
Secretary

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.80 to 101.88, Stats., the Department of Industry, Labor and Human Relations creates; amends; repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter (s):

ILHR 17 (Number) Electrical Inspection (Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this date: September 7, 1988

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS
John T. Campbell
Secretary

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Rule: Chapter ILHR 17, Subchapter II

Relating to: Electrical Inspection

Clearinghouse Rule No.: 86-207

AN ORDER to create ch. ILHR 17 Subch. II, relating to electrical inspection.

ANALYSIS OF PROPOSED RULES

Under subchapter IV of chapter 101 of the Wisconsin Statutes, the Department of Industry, Labor and Human Relations is required to adopt rules for the inspection of electrical construction, the certification of electrical inspectors, and the certification of master electricians. Chapter ILHR 17 currently contains the rules related to the certification of electrical inspectors and master electricians. The proposed rules establish the requirements for the inspection of electrical construction, and will be added to chapter ILHR 17 as subchapter II.

The proposed rules consist of requirements for the inspection of electrical construction of public buildings and places of employment. The proposed rules contain provisions for municipalities to exercise jurisdiction over such inspections, the types of inspections required, and the occupancies requiring inspections. Most larger municipalities currently have an electrical inspection program. Therefore, the proposed rules will have the most impact in those areas not covered by a municipality inspection program.

Under the Wisconsin Statutes, the Department is also authorized to establish a schedule of fees sufficient to defray the costs of administering and enforcing the electrical program. The department anticipates that the electrical inspection program will be handled by its existing staff and funded through the existing bureau program revenue fees.

Pursuant to the authority vested in the state of Wisconsin Department of Industry, Labor and Human Relations by chapter 101, subchapter IV, Stats., the department hereby creates rules interpreting chapter 101, subchapter IV, Stats., as follows:

SECTION 1. Chapter ILHR 17 Subchapter II is created to read:

Subchapter II
Electrical Inspection of Public Buildings
and Places of Employment

ILHR 17.10 PURPOSE. Pursuant to s. 101.82, Stats., the purpose of this subchapter is to establish rules for the inspection of electrical construction of public buildings and places of employment.

ILHR 17.11 SCOPE. The rules contained in this subchapter specify the electrical construction to be inspected, the inspection procedures to be followed and the procedures for connection of electric service.

ILHR 17.12 APPLICATION. The rules contained in this subchapter shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the inspection of electrical work for the purposes of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment, and to companies or utilities providing connection of electric service.

ILHR 17.13 AUTHORITY. (1) DEPARTMENTAL AUTHORITY. Pursuant to ss. 101.82 and 101.84, Stats., the department is granted the authority and jurisdiction over the inspection of electrical construction of public buildings and places of employment.

(2) MUNICIPAL AUTHORITY. (a) Jurisdiction conditions. Pursuant to s. 101.86 (1), Stats., municipalities may exercise jurisdiction over inspection of electrical construction in public buildings and places of employment by passage of ordinances, providing:

Note: Section 13.48 (13), Stats., exempts state buildings from local ordinances or regulations relating to building construction, permits and similar restrictions.

1. The ordinances meet the minimum requirements of this subchapter;
2. The municipality notifies the department at least 30 days prior to the date upon which the municipality intends to assume the jurisdiction;
3. The municipality provides the department with a copy of its electrical ordinances and subsequent revisions to the ordinances;
4. The municipality ordinance adopts the Electrical Code, Volume 2, ch. ILHR 16 in its entirety;
5. The municipality employs or contracts with certified inspectors or certified independent inspection agencies to perform electrical inspection functions;
6. The municipality provides the department with the names of its certified inspectors or certified independent inspection agencies, and new inspectors or agencies employed or contracted by the municipality; and

7. The municipality provides the department with any information requested by the department relative to the electrical inspection of public buildings and places of employment.

(b) Joint jurisdiction. Municipalities may jointly exercise the jurisdiction granted in par. (a).

(c) Municipal contracts. A municipality may contract with a certified inspector, certified independent inspection agency or the department for those inspection services which the municipality does not perform under par. (a) or (b).

(d) County. 1. Ordinances enacted by a county under this subsection establishing electrical inspection functions shall apply to all municipalities within that county which have not assumed jurisdiction.

2. Ordinances enacted by a county under this subsection establishing county electrical inspection functions may not prevent or prohibit any municipality within that county from assuming those functions at any time.

(e) Relinquishing of jurisdiction. The municipality shall notify the department, in writing, at least 30 days prior to the date upon which the municipality intends to relinquish jurisdiction responsibilities.

ILHR 17.14 INSPECTIONS. (1) PERSONS AUTHORIZED TO PERFORM INSPECTIONS. (a) General. All inspections performed for a municipality, independent inspection agency or the department for the purpose of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 shall be performed by a certified inspector.

(b) Right of entry. Any certified inspector performing inspections under par. (a) may, during reasonable hours, enter any building or premises in the discharge of his or her official duties for the purpose of making inspections, reinspections or testing of electrical wiring.

(2) MUNICIPAL INSPECTIONS. (a) Electrical wiring requiring inspection. Municipalities exercising jurisdiction under s. ILHR 17.13 (2) shall provide for inspection of all electrical wiring in:

1. New construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. ILHR 50.03 and 50.12 for the classes of occupancies required to be inspected by the department under sub. (4) (a); and

2. Such other installations as required by the municipality.

(b) Inspection types. Inspections required to be performed shall be of the following types for the purpose of determining if the work complies with the Electrical Code, Volume 2, ch. ILHR 16:

1. An inspection before the work is concealed;
2. Reinspections, as necessary, to confirm compliance and satisfactory completion of all electrical work; and
3. A final inspection.

(c) Permit required. 1. Except as provided in subd. 2., no electrical wiring specified in par. (a) may be installed unless an application for a permit and the required fees have been submitted to the municipality exercising jurisdiction under s. ILHR 17.13 (2).

2. Under emergency conditions, the necessary electrical work may be commenced without submitting an application; however, the person performing the emergency work shall report the work to the municipality no later than the next business day. The emergency installation shall conform to the Electrical Code, Volume 2, ch. ILHR 16.

(d) Inspection. 1. Upon completion of the electrical wiring required to be inspected under par. (a) or before any electrical wiring is to be hidden from view, the person, firm or corporation installing the electrical wiring shall notify the municipality that the installation is ready for inspection.

2. The certified inspector responsible for the inspection shall perform the requested inspection within 2 business days after receiving notification.

3. If upon inspection, it is found that the installation is fully in compliance with the Electrical Code, Volume 2, ch. ILHR 16 and the municipal ordinances, the certified inspector shall approve the installation and authorize concealment of the electrical wiring or connection of electrical service. For connection of electrical service, the certified inspector shall issue the certificate required in s. ILHR 17.15 (1).

4. If the installation is incomplete or not in compliance as noted in subd. 3., orders to correct shall be issued in accordance with the municipal ordinances.

(3) INDEPENDENT AGENCY INSPECTIONS. (a) Municipalities. Independent inspection agencies performing inspections for municipalities exercising jurisdiction under s. ILHR 17.13 (2) shall provide inspections in accordance with the requirements of sub. (2) for municipalities.

(b) Department. Independent inspection agencies performing inspections for the department shall provide inspections as required by the department.

(4) DEPARTMENT INSPECTION PROGRAM. (a) Required inspections. The department shall inspect, upon written request, all electrical wiring in new construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. ILHR 50.03 and 50.12 in the following occupancies that are not within the boundaries of municipalities exercising jurisdiction:

1. Nursing homes;
2. Hotels, motels, YMCA and YWCA buildings that provide overnight accommodations;
3. Day care centers;
4. Community-based residential facilities;
5. Restaurants having a capacity of 100 or more occupants; and
6. All indoor theaters.

(b) Random inspections. The department may perform random inspections of electrical wiring in any new construction, additions, alterations and change of use of public buildings and places of employment, that are not within the boundaries of municipalities exercising jurisdiction.

(c) Requested or complaint inspections. The department may perform inspection of electrical wiring in public buildings or places of employment in any municipality upon written request or complaint.

ILHR 17.15 CONNECTION OF ELECTRICAL SERVICE. Pursuant to s. 101.865, Stats., the company or utility furnishing electric current shall obtain proof that electrical wiring complies with the Electrical Code, Volume 2, ch. ILHR 16 before furnishing the service, as follows:

(1) CERTIFICATE REQUIRED. The electrical wiring required to be inspected under s. ILHR 17.14 (2) (a) may not be connected for use until a certificate is filed with the company or utility furnishing electric current. The certified inspector authorized to perform the inspection shall complete and file the certificate with the company or utility.

(2) AFFIDAVIT REQUIRED. Any electrical wiring not requiring a certificate under sub. (1) may not be connected for use until an affidavit is filed with the company or utility furnishing electric current indicating that the electrical wiring complies with the Electrical Code, Volume 2, ch. ILHR 16. The electrical contractor or other person doing the wiring shall complete and file the affidavit with the company or utility.

ILHR 17.16 TECHNICAL ASSISTANCE. The department shall provide technical assistance to the extent possible with the available resources to any person, upon written request, regarding interpretation and application of the Electrical Code, Volume 2, ch. ILHR 16. The technical assistance may consist of telephone, written, in-office or on-site review of specific problems.

(END)

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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State of Wisconsin \ Department of Industry, Labor and Human Relations

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

September 7, 1988

Gary Poulson
Assistant Revisor of Statutes
Suite 904
30 West Mifflin Street
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin 53702

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 86-207

RULE NO. Chapter ILHR 17, Subchapter II

RELATING TO Electrical Inspection

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

- 1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

Handwritten signature of John T. Coughlin

John T. Coughlin
Secretary

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