

1975 Senate Bill 106

Date published: June 9, 1976

CHAPTER 405, Laws of 1975
(Vetoed in Part)

AN ACT to renumber 101.80 and 101.81; and to create 15.227 (6), 20.445 (4), 66.302, subchapter I (title), subchapter III and subchapter IV (title) of chapter 101 and 145.025 of the statutes, relating to the adoption of a manufactured building code for dwellings, creating a dwelling code council, granting rule-making authority, making appropriations and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.227 (6) of the statutes is created to read:

15.227 (6) DWELLING CODE COUNCIL. There is created in the department of industry, labor and human relations, a dwelling code council, consisting of 15 members appointed for staggered 3-year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be certified building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on-site construction of one- and 2-family housing; 2 members shall be representatives of manufacturers or installers of manufactured one- and 2-family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one- and 2-family housing; and 2 members shall represent the public. An employe of the department designated by the industry, labor and human relations commission shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. Ten members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council shall be

Vetoed required. ~~Meetings of the council may be called by the chairperson selected by the~~
in Part ~~council.~~

SECTION 2. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purpose indicated:

20.445 Industry, labor and human

relations, department of

(4) **SERVICES FOR HOUSING STANDARDS**

(b) **Manufactured building code** GPR C

SECTION 3. 20.445 (4) of the statutes is created to read:

20.445 (4) **SERVICES FOR HOUSING STANDARDS.** (b) *Manufactured building code.* As a continuing appropriation the amounts in the schedule for development of the manufactured building code program under subch. III of ch. 101.

(h) *Manufactured building code fees.* All moneys received under subch. III of ch. 101 for the administration of that subchapter.

SECTION 4. 66.302 of the statutes is created to read:

66.302 Manufactured building code. Ordinances enacted by any county, city, village or town relating to the on-site inspection of the installation of manufactured buildings shall conform to subch. III of ch. 101.

SECTION 5. Subchapter I (title) of chapter 101 of the statutes is created to read:

SUBCHAPTER I

REGULATION OF INDUSTRY; GENERAL PROVISIONS

(to precede s. 101.01)

SECTION 6. Subchapter III of chapter 101 of the statutes is created to read:

SUBCHAPTER III

MANUFACTURED BUILDING CODE

(to precede s. 101.70)

101.70 Purpose. The purpose of this subchapter is to establish statewide standards and inspection procedures for the manufacture and installation of manufactured buildings for dwellings and to promote interstate uniformity in standards for manufactured buildings by authorizing the department to enter into reciprocal agreements with other states which have equivalent standards.

101.71 Definitions. In this subchapter:

(1) (a) "Manufactured building" means any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or

2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.

(b) The term "manufactured building" does not include a building of open construction which is not subject to par. (a) 2. In no case may a single or double width mobile home as defined in s. 218.10 (2) be considered a manufactured building nor may such a mobile home be subject to this subchapter.

(2) "Dwelling" means any building the initial construction of which was commenced on or after the effective date of this act (1975) which contains one or more dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(3) "Insignia" means a device or seal approved by the department to certify compliance with this subchapter.

(4) "Installation" means the assembly of a manufactured building on-site and the process of affixing a manufactured building to land, a foundation, footing or an existing building.

(5) "Manufacture" means the process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semifinished or finished materials.

(6) "Closed construction" means any building, building component, assembly or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage or destruction.

(7) "Open construction" means any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction.

101.72 Dwelling code council. The dwelling code council shall review the standards and rules for manufactured buildings for dwellings and recommend a statewide manufactured building code for adoption by the department which shall include rules providing for the conservation of energy in the construction and maintenance of dwellings. Such rules shall take into account the costs to home buyers of specific code provisions in relation to the benefits derived therefrom. Upon its own initiative or at the request of the department, the council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter.

101.73 Departmental duties. The department shall:

(1) Adopt rules which establish standards for the use of building materials, methods and equipment in the manufacture and installation of manufactured buildings for use as dwellings or dwelling units. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems. Such rules shall take into account the conservation of energy in construction and maintenance of dwellings and the costs to home buyers of specific code provisions in relation to the benefits derived therefrom.

(2) Adopt rules for the examination of plans and specifications and for periodic in-plant and on-site inspections of manufacturing facilities, processes, fabrication, assembly and installation of manufactured buildings to ensure that examinations and inspections are made in compliance with the rules adopted for construction, electrical wiring, heating, ventilating, air conditioning and other systems under this subchapter and with the rules for indoor plumbing adopted by the department of health and social services under ch. 145.

(3) Provide for examination of plans and specifications and in-plant inspections when contracted for by the manufacturer under s. 101.75 (1) and shall contract to provide on-site inspection services for the installation of manufactured buildings for dwellings, at municipal expense, for any municipality which requires such service under s. 101.76.

(4) Cooperate with the department of health and social services in its establishment of plumbing standards for manufactured buildings for dwellings and the certification of persons performing plumbing inspections for manufactured buildings for dwellings.

(5) Adopt rules for the certification, including provisions for suspension and revocation thereof, of on-site inspectors of the installation of manufactured buildings

for dwellings. Persons certified as on-site inspectors may be employes of the department, a city, village, town or county or an independent agency.

(6) Adopt rules for the certification, including provisions for suspension and revocation thereof, of independent inspection agencies to conduct in-plant inspections of manufacturing facilities, processes, fabrication and assembly of manufactured buildings for dwellings and to certify compliance with this subchapter.

(7) Issue or recognize an insignia of compliance for dwellings which conform to the manufactured building code.

(8) Biennially review the rules promulgated under this subchapter.

(9) Issue special orders which it deems necessary to secure compliance with this subchapter and enforce the same by all appropriate administrative and judicial proceedings.

(10) Prescribe and furnish to municipalities a standard building permit form for all new one- and 2-family dwellings.

(11) Hear petitions regarding the manufactured building code, rules and special orders in accordance with s. 101.02 (6) (e) to (i) and (8).

(12) Establish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.

101.74 Departmental powers. The department may:

(1) Hold hearings on any matter relating to this subchapter.

(2) At the request of the owner or renter enter, inspect and examine dwellings, dwelling units and premises necessary to ascertain compliance with the rules and special orders under this subchapter.

(2m) Study the operation of the dwelling construction code and other laws related to the construction of dwelling units to determine their impact upon the cost of building construction and their effectiveness upon the health, safety and welfare of the occupants.

(3) Revise the rules under this subchapter after consultation with the dwelling code council.

(4) Provide for or engage in the testing, approval and certification of materials, devices and methods for the manufacture or installation of manufactured buildings.

(5) Collect and publish data secured from the examinations and inspections under s. 101.73 (2) and (3), and from building permits.

(6) Adopt rules prescribing procedures for approving new building materials, devices and methods for the manufacture or installation of manufactured buildings for dwellings.

(7) Enter into reciprocal agreements with other states regarding the design, construction, inspection and labeling of manufactured buildings where the laws or rules of other states meet the intent of the manufactured building code and the rules promulgated under this subchapter.

~~101.745 Limitation on rule-making authority. Prior to the adoption or revision of any rule under this subchapter, the department shall submit the rules to the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof. A public hearing shall be held before the committees to review any such proposed rule. The rule shall enter into effect only upon approval as a joint resolution by each house of the legislature.~~

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in Part

101.75 Inspections, insignia and alterations. (1) INSPECTIONS AND COMPLIANCE. Manufacturers of manufactured buildings shall contract with a certified independent

inspection agency or the department to conduct in-plant inspections and certify compliance with this subchapter. Manufacturers shall reimburse the independent inspection agency in accordance with the terms of the contract or reimburse the department in accordance with fees established under s. 101.73 (12). All inspections shall be performed by persons certified by the department.

(2) **DISPLAY OF INSIGNIA REQUIRED.** All manufactured buildings manufactured, sold for initial use or installed within this state shall display, in a manner determined by the department, the insignia issued or recognized under ss. 101.73 (7) and 101.74 (7). All manufactured buildings bearing such insignia shall be deemed to comply with the requirements of all building ordinances and regulations of any local government except those related to zoning and siting requisites including but not limited to building setback, side and rear yard requirements and property line requirements.

Vetoed in Part (3) **DEPARTMENT APPROVAL OF ALTERATIONS.** No person shall alter an approved manufactured building in any way prior to or during installation without the approval of the department. ~~This subsection shall not apply to alterations agreed to pursuant to an agreement between a manufacturer and a home buyer.~~

(4) **COUNTERFEIT INSIGNIA.** No person may falsely or fraudulently make, forge, alter or counterfeit any insignia issued or recognized under ss. 101.73 (7) and 101.74 (7).

101.76 Municipal authority. Cities, villages, towns and counties:

(1) May:

(a) With the approval of the department, exercise jurisdiction over the installation of manufactured buildings for dwellings by passage of ordinances, provided such ordinances are in strict conformance with this subchapter and the on-site inspection is performed by persons certified by the department. A county ordinance shall apply in any city, village or town which has not enacted such ordinance.

(b) Under s. 66.30, jointly exercise the jurisdiction granted under par. (a).

(c) By ordinance establish and collect fees to defray the cost of jurisdiction exercised under par. (a) or (b).

(d) By ordinance provide remedies and penalties for violation of the jurisdiction exercised under par. (a) or (b).

(2) Shall contract with the department for on-site installation inspection services which the municipality does not perform under sub. (1) (a) or (b) and reimburse the department for its reasonable and necessary expenses incurred in the performance of such services pursuant to s. 101.73 (12).

(3) Shall use the standard building permit form prescribed by the department and file a copy of each such permit issued with the department.

101.77 Penalties. Whoever violates this subchapter shall forfeit to the state not less than \$25 nor more than \$500 for each violation and each day that such violation continues constitutes a separate offense.

SECTION 7. 101.80 of the statutes is renumbered 101.47.

SECTION 8. 101.81 of the statutes is renumbered 101.49.

SECTION 9. Subchapter IV (title) of chapter 101 of the statutes is created to read:

SUBCHAPTER IV

MOBILE HOMES; REGULATION OF MANUFACTURERS

(to precede 101.90)

SECTION 10. 145.025 of the statutes is created to read:

145.025 Interdepartmental cooperation. The department shall cooperate with the department of industry, labor and human relations in:

(1) The adoption of rules relating to plumbing. The department shall appoint one representative from the department of industry, labor and human relations to the plumbing code committee.

(2) The establishment of qualifications for the certification of persons performing plumbing inspections for manufactured buildings for dwellings.

(3) The establishment by rule of a schedule of fees to defray the administrative costs of certification.

SECTION 11. Change of cross references. (1) Wherever the cross reference to section "101.80" appears in section 20.445 (1) (f) of the statutes, the reference to section "101.47" is substituted.

(2) Wherever the cross reference to section "101.81" appears in section 20.445 (5) (a) of the statutes, the reference to section "101.49" is substituted.

SECTION 12. Initial council terms. The first members of the dwelling code council created by section 15.227 (6) of the statutes shall be appointed by the governor for the following terms: 5 for a term of 3 years, 5 for a term of 2 years and 5 for a term of one year.

SECTION 13. Effective date. This act shall take effect July 1, 1975, or on the first day of the month commencing at least 15 days after publication, whichever is later, except that sections 101.71, 101.75, 101.76 and 101.77 of the statutes shall take effect 6 months after the manufactured building code is published in the Wisconsin administrative register.
