

Chapter Comm 61

COMMUNITY-BASED RESIDENTIAL FACILITIES (CBRF) AND SHELTERED FACILITIES FOR BATTERED WOMEN

Comm 61.001 Scope.
Comm 61.01 Definitions.
Comm 61.10 Building construction and site.
Comm 61.11 Minimum class of construction.
Comm 61.12 Exiting and doors.
Comm 61.13 Sizes of rooms.
Comm 61.14 Smoke detection.
Comm 61.15 Windows.
Comm 61.16 Privacy.
Comm 61.17 Sanitary facilities.

Comm 61.18 Requirements for barrier-free environment.
Comm 61.19 Kitchen and cooking areas.
Comm 61.20 Fire extinguishers.
Comm 61.21 Maintenance and cleanliness.
Comm 61.215 Combustible and flammable liquids.
Comm 61.22 Building service equipment.
Comm 61.23 Potable water and plumbing.
Comm 61.24 Heating and ventilating.
Comm 61.25 Electrical.
Comm 61.26 Retroactivity.

Note: Chapter Ind 61 was renumbered chapter ILHR 61 effective January 1, 1984. Chapter ILHR 61 was renumbered to be chapter Comm 61 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Register, September, 1998, No. 513.

Note: Chapter Comm 61 is repealed and a new chapter Comm 61 is created effective July 1, 2002.

Comm 61.001 Scope. (1) CBRF SERVING 9–20. (a) The requirements of this chapter shall apply to all community-based residential facilities, herein afterwards referred to as CBRF, providing care, treatment and services to 9 through 20 unrelated adults, to be located in existing buildings.

Note: Refer to ch. HSS 82, rules of the department of health and family services for requirements pertaining to CBRF to be located in existing buildings providing care, treatment and services to 3 through 8 unrelated adults. Refer to ch. Comm 57 for CBRF requirements for buildings containing more than 20 unrelated adults.

(b) Except for s. Comm 51.01, the requirements of chs. Comm 51 to 53 and 64 do not apply to existing conditions unless specifically referred to in this chapter. Additions, alterations and remodelings shall conform to the current applicable portions of these chapters.

(2) NEWLY CONSTRUCTED CBRF. (a) All newly constructed CBRF providing care, treatment and services for 3 to 8 unrelated adults shall be within the scope of chs. Comm 20–25.

(b) All newly constructed CBRF providing care, treatment and services for 9 or more unrelated adults shall be within the scope of ch. Comm 57.

Note: This code is not intended to limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this code, or with any other rule of the department or law.

Note: CBRF intending to utilize federal funds may have to comply with other requirements in addition to those outlined herein, such as NFPA 101—Life Safety Code, ANSI standards for barrier-free design, and miscellaneous federal regulations.

(3) SHELTERED FACILITIES FOR BATTERED WOMEN. (a) The requirements of this chapter shall apply to all sheltered facilities for battered women, as specified in s. 46.95, Stats., serving 20 or less occupants.

(b) Except for s. Comm 51.01, the requirements of chs. Comm 51 to 53 and 64 do not apply to existing conditions unless specifically referred to in this chapter. Additions, alterations and remodelings shall conform to the current applicable portions of these chapters.

(4) SHELTERS FOR THE HOMELESS. The requirements of this chapter shall apply to shelter facilities serving 20 or less occupants.

Note: Refer to ch. Comm 57 for sheltered facilities serving more than 20 occupants.

History: Cr. Register, May, 1978, No. 269, eff. 7–1–78; am. Register, October, 1982, No. 322, eff. 11–1–82; correction in (2) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1985, No. 356; cr. (4), Register, March, 1991, No. 423, eff. 4–1–91; correction in (2) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2000, No. 531.

Comm 61.01 Definitions. (1) AMBULATORY. Ambulatory means able to walk without assistance or difficulty.

(2) CAPACITY. The capacity for CBRF is that maximum number of residents as allowed by rules of the department of health and social services.

(3) CLASSES OF CBRF. (a) *Class A.* Class A CBRF serve residents all of whom are ambulatory, capable of following directions and taking independent action for self-preservation under emergency conditions.

(b) *Class B.* Class B CBRF serve residents one or more of whom are semiambulatory or nonambulatory, but all of whom are mentally and physically capable of taking independent action for self-preservation under emergency conditions.

(c) *Class C.* Class C CBRF serve residents one or more of whom are not physically or mentally capable of taking independent action for self-preservation under emergency conditions.

(6) ELECTRICAL SERVICE. Electrical service means the conductors and equipment for delivering electrical energy from the supply system to and including the wiring system of the CBRF.

(7) EXISTING BUILDING. An existing building, for the purposes of this code (ch. Comm 61), is one which was constructed and occupied, or ready for occupancy, at least 24 months prior to the date of first application for licensure as a CBRF. Existing buildings which do not satisfy these requirements shall be considered new construction as specified in s. Comm 61.001 (2).

(7a) EXISTING BUILDING, CURRENTLY LICENSED. A facility licensed or certified within 24 months prior to the effective date of these rules (ch. Comm 61) is considered an existing building for the purposes of this code (ch. Comm 61).

(8) FLOORS AND STORIES. (a) *Attic floor.* Attic floor containing habitable rooms and that are occupied shall be counted as a story.

(b) *Basement floor.* A basement is a floor level partially or totally below grade and not having any required exit for any floor level above it.

(c) *First floor.* The first floor is the lowest floor having one or more required exits for that floor and for any floor above or below it.

(9) HABITABLE FLOOR SPACE. Habitable floor space is the area of habitable rooms with a ceiling height more than 5 feet 6 inches, used for the purposes of sleeping, living, cooking or dining.

(10) HABITABLE ROOM. A habitable room is any room used for the purposes of sleeping, living, cooking or dining, excluding such places as closets, bath or toilet rooms, pantries, stairways, corridors, service rooms, laundries, utility rooms, cellars or basements unless finished for occupancy, storage spaces, foyers, unfinished attics, administrative offices, garages and similar spaces.

(11) NONAMBULATORY. Nonambulatory means not able to walk at all.

(12) **OUTSIDE WINDOWS.** Outside windows are windows which open directly to the out-of-doors or to unheated enclosed spaces, such as exterior balconies or sun porches.

(13) **PRIMARY FUNCTION.** Primary function is the basic or essential care, treatment or service provided to residents of the facility.

(14) **SEMIAMBULATORY.** Semiambulatory means able to walk with difficulty or able to walk only with assistance of aids, such as crutches, canes or walkers.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; r. (4) and (5), Register, March, 1991, No. 423, eff. 4-1-91.

Comm 61.10 Building construction and site.

(1) **CONDITION OF BUILDING AND SITE.** All buildings utilized as CBRF shall be structurally sound without visible evidence of structural failure or deterioration.

(a) All courts, yards, or other areas on the premises shall be properly drained or graded to divert water away from the building.

(b) Fences, other minor construction, driveways, parking areas and similar paved areas shall be properly maintained in a safe condition.

(c) Walks shall provide convenient all-weather access to buildings and shall be properly maintained in a safe condition.

(d) Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment. All paint or other preservative shall be applied in a workmanlike fashion. Lead-based paint shall not be used.

(e) Every interior floor, wall and ceiling shall be kept in proper repair. Interior walls and ceiling in spaces subjected to moisture shall be provided with water-resistant, hard surfaces and shall have no serious surface irregularities or cracking.

Note: The use of "indoor-outdoor" carpeting, or other such carpeting approved for application on floors subjected to moisture, is acceptable.

(f) Every foundation wall, exterior wall, floor and roof shall be watertight, rodent-proof and reasonably weathertight, and shall be kept in proper repair.

(g) Every exterior window, exterior door and exterior base-ment hatchway shall be watertight, rodent-proof and reasonably weathertight and kept in proper repair. Every interior door shall be kept in proper repair. All installed door and window hardware shall be maintained in proper working condition.

(h) Every inside and outside stair, every porch and every appurtenance to the building shall be so maintained as to be safe in use.

(i) Abrasive strips or nonskid surfaces to reduce or prevent slipping shall be used when slippery surfaces present a hazard.

(2) **GARAGES AND ACCESSORY BUILDINGS.** Garages and acces-sory buildings located on the same property with a CBRF shall comply with the following:

(a) A CBRF shall be separated from an attached storage garage or repair garage in accordance with s. Comm 51.08.

(b) *Detached garages.* 1. Detached garages shall be located a minimum of 3 feet 0 inches from the CBRF.

2. Detached garages less than 3 feet 0 inches from the CBRF shall comply with the requirements for attached garages as found in sub. (2) (a).

(c) *Detached accessory buildings.* 1. Detached accessory buildings in which fueled, motorized vehicles and appliances (snowmobiles, power lawn mowers, motorcycles, snow blowers and similar equipment) are stored shall be located a minimum of 3 feet 0 inches from the CBRF.

2. Detached accessory buildings in which fueled, motorized vehicles and appliances are stored, less than 3 feet 0 inches from

the CBRF, shall comply with the requirements for attached garages as found in sub. (2) (a).

(3) **SMOKE SEPARATION.** (a) A door shall be provided at any interior stair between the basement and the first floor. This door shall be provided with a latch and an automatic closing device and normally be kept closed.

(b) Any shaft (clothes chute, dumbwaiter, laundry chute and similar shafts) leading to the basement shall be provided with a door on each level above the lowest floor. The door shall be provided with a latch and an automatic closing device and shall normally be kept closed.

Note: A spring of sufficient strength to close the door and activate the door latch will be acceptable for meeting the automatic closing device portion of these require-ments.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; r. and recr. (2) (a), Regis-ter, March, 1991, No. 423, eff. 4-1-91; am. (1) (f), Register, December, 1993, No. 456, eff. 1-1-94.

Comm 61.11 Minimum class of construction. Class of construction for CBRF shall comply with Table 61-I.

TABLE 61-I
MINIMUM CLASS OF CONSTRUCTION (s. Comm 51.03)

| Number of Stories | Minimum Type of Construction for Class of CBRF | | |
|-------------------|--|----------|----------|
| | Class A | Class B | Class C |
| 1 | 8 | 8 | 3(c),(d) |
| 2 | 8 | 8(b),(c) | 2(e) |
| 3 | 5(a) | 2(d) | 2 |
| 4 | 5 | 2 | 2 |
| 5 to 8 | 2 | 2 | 2 |
| Over 8 | 1 | 1 | 1 |

(a) Type 8 construction will be permitted if the basement is protected by a complete automatic sprinkler system or if all ceilings, including basements, are completely protected with 1/2-inch gypsum wallboard, or equivalent, and all stairway exits are interior stairs, one of which is completely enclosed, with at least one-hour rated construction, to a first-story outside exit.

(b) Type 8 construction will be permitted if building is protected by a complete automatic sprinkler system or if only ambulatory residents are permitted above the first story and in the basement.

(c) Types 5 and 6 construction will be permitted if of totally noncombustible construction.

(d) Type 8 construction will be permitted if building is protected by a complete automatic sprinkler system and provided only ambulatory residents are permitted above the first story and in the basement.

(e) Types 3, 5 and 6 construction will be permitted if of totally noncombustible construction and the building is protected by a complete automatic sprinkler system.

Note: The following brief descriptions of construction types are included as guidelines only. Designers and builders should refer to s. Comm 51.03 and Table 51.03-A for detailed descriptions and requirements for the various construction types.

Type 8 — Wood framed walls, floors, roofs and partitions, including wood framed exterior walls faced with masonry veneers (typical residential construction).

Type 6 — Metal framed walls and roofs with steel structural framing; sheet metal covered exterior walls and roof (typical pre-engineered metal building).

Type 5 — Exterior walls entirely of masonry (concrete block, brick, concrete, etc.); floor and roof systems of wood, steel or concrete; interior partitions are wood framed. (Buildings with wood floor and roof systems or with wood framed partitions are not considered noncombustible.)

Type 3 — Totally noncombustible building with floors, roof and structural framing protected with hourly rated fireproofing material. Types 2 and 1 — The same as Type 3 but with higher degrees for fireproofing.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.12 Exiting and doors. (1) **NUMBER, TYPE AND ACCESS TO EXITS.** (a) All CBRF, and each floor level having habitable rooms, shall have at least 2 means of exit which provide unobstructed travel to the outside at street or grade level.

1. Exception. A single exit will be permitted from basements or attics utilized for recreational, nonsleeping purposes only.

2. A wooden balcony or a flat roof, within 10 feet of grade, or an exterior wood stair may serve as one of the required exits from the second floor of a 2-story CBRF, except Class B and C CBRF with nonambulatory residents on the second floor.

(b) Exits shall be standard exits to grade (doors), stairways as specified in sub. (3), or fire escapes. (See exception under sub. (1) (a) 1.)

(c) No exit passageway shall be through a private room or bath/toilet room.

(d) Exit passageways and stairways to the outside exits shall be at least 3 feet wide, except existing secondary exit passageways, stairways and doors may be reduced to 2 feet 4 inches in width.

(e) The required width shall be maintained clear and unobstructed at all times.

(2) DOORS. (a) Outside exit doors and doors in exit access corridors shall be at least 2 feet 8 inches in width, except as provided in sub. (1) (d) for existing secondary exit doors.

(b) All doors shall have such fastenings or hardware that they can be opened from the inside with one hand without the use of a key.

(c) Closet doors shall be openable from the inside.

(d) All interior doors equipped with locks shall be designed to permit opening of the locked doors from either side in case of emergency.

(3) STAIRS: GENERAL. (a) *Treads and risers.* All required interior and exterior exit stairways shall have a minimum tread width (exclusive of nosing or projection) of 9 inches and a maximum riser height of 8 inches.

1. Exception. Stairs serving basements and attics without habitable rooms may have a minimum tread width (exclusive of nosing or projection) of 8 inches and a maximum riser height of 9 inches.

(b) *Handrails.* One or more handrails, at least 29 inches above the nose of the tread, shall be provided on all stairways. Handrails shall be provided on the open sides of stairways and platforms.

(c) *Winder stairs.* 1. Winders in stairways shall be provided with handrails on both sides, at least 29 inches above the nose of the tread.

2. Winders in stairways used as required exits shall have treads of at least 7 inches in width at a point one foot from the narrow end of the tread.

(d) *Spiral stairs.* Spiral stairs shall be prohibited for use as required exit stairs.

(4) STAIRS: ENCLOSURE. (a) Three-story CBRF shall have at least one stairway exit, enclosed with at least one-hour rated construction, leading to a first-story outside exit.

(b) CBRF, 4 or more stories in height, shall have all stairways enclosed with at least one-hour rated construction. All required exit stairways shall have such enclosures leading to a first-story outside exit.

Note: Buildings of Type 1 and 2 construction require 2-hour rated stair enclosures in accordance with s. Comm 51.03 (1) and (2).

(5) ILLUMINATION. All exit passageways and stairways shall be capable of being illuminated at all times.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.13 Sizes of rooms. (1) HABITABLE FLOOR SPACE. (a) Each sleeping room for ambulatory residents shall contain not less than 60 square feet of habitable floor space; and each sleeping room for semiambulatory or nonambulatory residents shall contain not less than 90 square feet of habitable floor space.

(b) In addition to the area required in sub. (1) (a), the CBRF shall provide habitable floor space, other than sleeping rooms, of not less than 60 square feet of area for each ambulatory resident

and of not less than 90 square feet in area for each semiambulatory or nonambulatory resident.

(c) All habitable rooms shall have an average ceiling height of not less than 7 feet 0 inches.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.14 Smoke detection. (1) GENERAL. All CBRF within the scope of this chapter shall be provided with an approved smoke detection system.

(2) TYPE OF SYSTEM. The smoke detection system specified in sub. (1) shall be at least a low voltage interconnected smoke detection system designed to protect the entire facility and capable of sounding an alarm throughout the facility or at a central location upon activation of any smoke detector.

(3) SMOKE DETECTOR LOCATION. At least one approved interconnected smoke detector shall be provided at the following locations:

(a) At the head of every open stairway;

(b) At the door leading to every enclosed stairway on each floor level;

(c) In every corridor, spaced not more than 30 feet apart and not further than 15 feet from any wall;

(d) In each common use room, including living rooms, dining rooms, family rooms, lounges and recreation rooms but not including kitchens; and

(e) In each sleeping room in which smoking is allowed.

(4) APPLICABILITY. The provisions of this section shall apply to all CBRF constructed on or after September 1, 1985, and to those CBRF previously constructed.

Note: See s. Comm 51.245 for additional requirements pertaining to smoke detectors.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79; am., Register, December, 1981, No. 312, eff. 1-1-82, except (2) eff. 1-1-83; r. and recr. Register, August, 1985, No. 356, eff. 9-1-85; correction in (4) made under s. 13.93 (2m) (b) 14., Stats., Register, January, 1994, No. 457.

Comm 61.15 Windows. (1) MINIMUM SIZE. Every living and sleeping room shall have outside windows with a total glazed area of at least 10% of the floor area of the room. The openable area of such windows shall be equal to not less than 5% of the floor area of the room served.

(2) MINIMUM OPENING FOR SLEEPING ROOMS. At least one window in each sleeping room shall be openable from the inside without the use of tools and shall provide a clear opening of not less than 16 inches in the least dimension.

(3) STORM WINDOWS AND SCREENS. All windows serving habitable rooms shall be provided with storm windows in winter and openable windows serving habitable rooms shall be provided with insect-proof screens in summer.

(a) *Exception.* Insulated windows need not be provided with storm windows.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; am. (1), Register, January, 1994, No. 457, eff. 2-1-94.

Comm 61.16 Privacy. Privacy for sleeping rooms shall be provided by full-height partitions and rigid, swing-type room doors.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.17 Sanitary facilities. (1) TOILET ROOMS. (a) A CBRF shall be provided with at least 2 separate toilet rooms which are accessible from public areas, such as nonsleeping areas, during all hours of operation.

(b) Toilet rooms shall be provided with locks to ensure privacy.

(2) SANITARY FIXTURES. (a) *Minimum number provided.* A CBRF shall be provided with at least 2 water closets, 2 lavatories connected to hot and cold water and 2 bathtubs or showers connected to hot and cold water.

(b) *Determination of number provided.* The ratio of occupants to water closets and lavatories shall be not less than one water

closet and one lavatory for each 8 occupants, or fraction. The ratio of occupants to bathtubs and showers shall be not less than one bathtub or shower for each 10 occupants, or fraction.

(3) ACCESSIBILITY. Toilet rooms shall be so located that the maximum vertical travel distance between toilet rooms and sleeping rooms shall be not more than one floor level.

Note: Also refer to ch. HFS 83 — Community-Based Residential Facilities, for additional requirements.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; r. and recr., Register, August, 1993, No. 452, eff. 3-1-94.

Comm 61.18 Requirements for barrier-free environment. (1) SCOPE. The requirements of this section are intended to ensure that all CBRF licensed for mentally retarded or physically disabled residents shall be accessible and usable by such residents.

(2) DEFINITIONS. (a) *Primary floor.* The primary floor is any floor level at least 50% of which is used for habitable floor space.

(3) REQUIREMENTS FOR ACCESSIBILITY. All CBRF shall comply with the requirements found in Table 61.18.

TABLE 61.18

| Barrier-Free Requirements | Class of CBRF | | |
|---|---------------|---------------------------|----------------------------|
| | A | B | C |
| Ramped or grade-level entrance from street, alley or ancillary parking to a primary floor | Not required | Not required | Required |
| Stepped entrance to a primary floor within 2'0" of grade | Not required | Required ¹ | Not permitted |
| All passageway doors on primary floor minimum 2'-8" wide | Not required | Not required ¹ | Required |
| All passageway doors on primary floor minimum 2'-6" wide | Not required | Required ^{2,3} | Not permitted ³ |
| Elevators, ramps or lifts to other floor levels | Not required | Required ² | Required ⁴ |
| Interior access to all common-use areas | Not required | Required ⁴ | Required |
| Interior access to at least one bathing and toilet facility | Not required | Required | Required |
| Grab bars for toilet and bath fixtures | Not required | Required ⁵ | Required ⁵ |
| Compliance with s. Comm 52.04 (8) | Not required | Required ⁶ | Required ⁶ |

¹Ramped or grade-level entrance required if residents are not capable of negotiating stairs.

²2'-8" doors required if residents in wheelchairs are allowed.

³2'-6" sleeping room doors permitted for rooms used by ambulatory residents.

⁴May be omitted if use of other floors is restricted to ambulatory or semiambulatory residents physically capable of negotiating stairs or if there are no one-of-a-kind, common-use areas located on those floors.

⁵Not required in rooms used only by ambulatory residents.

⁶Not required in rooms used only by ambulatory residents or residents not confined to a wheelchair.

(4) RAMP REQUIREMENTS. Ramps, as required in Table 61.18, shall comply with the following:

(a) *Ramp slope.* Ramps shall have a slope of not more than one foot of rise in 12 feet of run. An interior ramp with a slope of one foot of rise in 8 feet will be permitted. The ramps shall have a slip-resistant surface and shall have no side slope;

(b) *Ramp width.* Ramps shall be at least 4 feet wide, of which not more than 4 inches on each side may be occupied by a hand-rail;

(c) *Ramp handrails.* Ramps shall have a handrail on each side which shall be at least 2 feet 6 inches high (preferable height, 2 feet 8 inches). Handrails on unenclosed ramps shall include an intermediate parallel rail at mid height;

(d) *Ramp clearance.* Where ramps are provided to doorways, the ramp on each side of the doorway shall be level for a distance of 5 feet from the door; and

(e) *Ramp platforms.* Ramps having a 1:8 slope shall have a 5-foot long level platform at 16-foot intervals. Ramps having a 1:12 slope shall have a level platform at 30-foot intervals. Both types of ramps shall have a level platform at least 5 feet long where they turn and at least 5 feet of level clearance at the bottom of the ramps.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.19 Kitchen and cooking areas. All CBRF shall have a kitchen or an area set aside for cooking and dining accessible from public (non-sleeping) areas. Kitchens or cooking areas shall be provided with one sink, in good working condition, connected to hot and cold water; utility service connections; and space for a stove and a refrigerator.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.20 Fire extinguishers. A portable, dry chemical fire extinguisher, with a minimum 2A, 10 B-C rating, shall be provided on each occupied floor level. On the floor containing the

kitchen, the fire extinguisher shall be located in the kitchen or cooking area.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; am. Register, August, 1985, No. 356, eff. 9-1-85.

Comm 61.21 Maintenance and cleanliness. All CBRF, and all parts thereof, shall be maintained and kept in good repair, shall be kept clean, and shall also be kept free from any accumulation of dirt, trash or debris.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.215 Combustible and flammable liquids. Combustible and flammable liquids shall be isolated in accordance with ch. Comm 10.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2000, No. 531.

Comm 61.22 Building service equipment. Each gas line providing service piping connections for appliances shall have a separate shut-off (stop cock) for each appliance served.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.23 Potable water and plumbing. Where a public water supply is available it shall be used to provide a continuing and adequate supply of potable water. When a public water system is not available the well, or wells, shall be approved by the department of natural resources. Water samples from an approved well shall be tested at the state laboratory of hygiene, or a state approved laboratory, at least annually. The water supply shall be bacteriologically safe prior to use.

Note: Refer to ch. Comm 82 for requirements pertaining to the plumbing system.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.

Comm 61.24 Heating and ventilating. (1) HEATING. (a) *General.* All occupied rooms in CBRF shall be provided with a permanently connected heating system.

(b) *Operation and maintenance.* 1. The heating system shall be maintained in a clean and safe condition. A minimum tempera-

ture, as specified in the licensing rules, shall be maintained in all CBRF.

2. Replacement equipment shall be of an approved type.

Note: The department recognizes listings of independent testing agencies such as American Gas Association (AGA) and Underwriters' Laboratories (UL).

(c) *Chimneys and breeching.* 1. Chimneys (masonry or factory-built) and breeching shall be kept in good repair and shall be of the type required for the type of connected heating equipment.

2. Every chimney shall be provided with an access panel to permit inspection and servicing.

(d) *Clearance to combustibles and combustible construction.*

1. Heating equipment shall be installed in accordance with the manufacturer's recommendations to provide minimum clearance. In the absence of manufacturer's recommendations, a minimum clearance of 36 inches shall be provided.

a. Exception: Existing installations providing less than 36 inches of clearance will be accepted if there is no physical evidence of problem (charring, etc.).

2. New combustible construction, such as partitions, shelving or storage lockers, shall not encroach upon the required clearance.

(e) *Safety features.* 1. All oil- and gas-fired equipment shall be provided with automatic controls that will shut off the fuel supply to the burner in case of ignition failure.

2. Fixed electric heating equipment shall be of a type equipped with safety and temperature controls.

3. Gas-fired fireplaces shall be provided with automatic controls that will shut off the fuel supply in case of flame-out and shall be properly vented.

4. Solid-fuel fireplaces shall be equipped with safety screen.

(f) *Space heaters.* Portable and fixed fuel-fired, and portable electric space heaters are prohibited in CBRF.

1. 'Exception'. Fixed, gas-fired pre-vented wall heaters may be used.

(2) **VENTILATION: GENERAL REQUIREMENTS.** (a) *Kitchen or cooking areas.* Kitchens or cooking areas shall be provided with at least one openable outside window, an exhaust fan vented to the outside, or a means of filtered mechanical air circulation.

(b) *Bath and toilet rooms.* Bath and toilet rooms shall have at least one openable outside window at least 2 square feet in area, or a mechanical or gravity exhaust vented to the outside, or an approved ductless exhaust fan.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; r. (1) (e) 2. and 3., renum. (1) (e) 4. to 6. to 2. to 4., Register, March, 1991, No. 423, eff. 4-1-91.

Comm 61.25 Electrical. (1) GENERAL. (a) Every CBRF shall be supplied with electrical service, wiring, outlets and fixtures which shall be properly installed and shall be maintained in good and safe working condition.

(b) The electrical service shall be of the proper size to handle the load connected to it.

Note: As a guide to the owner/operator for determining the adequacy of existing electrical service, the habitable rooms should have electrical service capable of providing at least 3 watts per square foot of total floor area in addition to that provided for air conditioning, ranges, fixed electric heaters and motor-driven equipment 1/8hp or over.

(2) **PROTECTION.** The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, or circuit breakers not to exceed the ampacity of the smallest wire size in the circuit.

(3) **MINIMUM NUMBER OF FIXTURES AND OUTLETS.** The minimum number of fixtures and outlets shall be as follows:

(a) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, and furnace room shall contain at least one approved ceiling or wall-type electric light fixture equipped with sufficient lamps or tubes to provide no less than 5 footcandles at the floor level at the center of room. A switched outlet may be substituted for a ceiling or wall fixture in dining rooms.; and

(b) Electric duplex outlet receptacles shall be provided as follows. (To determine room area, measurements shall be taken at room perimeter and shall include doors and door-alcoves.)

1. Living room, one per 75 sq. ft. of floor area or major fraction (minimum of 2).

2. Dining room, one per 75 sq. ft. of floor area or major fraction (minimum of 2).

3. Kitchen, one per 8 lineal feet or fraction of countertop and preparation area, including island-type areas. In addition, kitchens used for dining purposes, one per 75 sq. ft. of floor area or major fraction. Separate outlets shall be provided for refrigerators.

Note: Preparation areas include countertops and all other similar areas at counter height.

4. Bedroom, one per 75 sq. ft. of floor area or major fraction (minimum of 2).

5. Laundry, one.

6. Toilet rooms, one (may be part of wall fixture if 72 inches or less from floor).

7. Other habitable rooms, minimum of 2.

(4) **OUTLET AND SWITCH LOCATIONS; EXPOSED WIRING.** (a) *Outlets.* Convenience outlets shall be located to discourage use of extension cords.

(b) *Switches.* Switches or equivalent devices for turning on one light in each room or passageway shall be located so as to conveniently control the lighting in the area.

(c) *Exposed wiring.* All temporary wiring and exposed, abandoned wiring shall be removed.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78; am. (3) (a), Register, March 1991, No. 423, eff. 4-1-91.

Comm 61.26 Retroactivity. The rules of this chapter shall apply to buildings with occupancies under the scope of this chapter now in existence and to buildings hereafter converted to use as a CBRF.

History: Cr. Register, May, 1978, No. 269, eff. 7-1-78.