

CHAPTER 145

PLUMBING AND FIRE PROTECTION SYSTEMS

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145.01 Definitions. In this chapter:

(1) AUTOMATIC FIRE SPRINKLER CONTRACTOR. "Automatic fire sprinkler contractor" means any individual, firm or corporation who has paid the annual license fee and obtained a license to conduct a business in the design, installation, maintenance or repair of automatic fire sprinkler systems.

(2) AUTOMATIC FIRE SPRINKLER SYSTEM. "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(3) AUTOMATIC FIRE SPRINKLER SYSTEM APPRENTICE. "Automatic fire sprinkler system apprentice" means any person other than an automatic fire sprinkler system contractor or a journeyman automatic fire sprinkler system fitter who is engaged in learning and assisting in

the installation of automatic fire sprinkler systems and who is indentured under ch. 106.

(4) DEPARTMENT. "Department" means the department of industry, labor and human relations.

(4m) FAILING PRIVATE SEWAGE SYSTEM. "Failing private sewage system" has the meaning specified under s. 144.245 (4).

(5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SEWAGE SYSTEMS. "Governmental unit responsible for the regulation of private sewage systems" or "governmental unit", unless otherwise qualified, means the county except that in a county with a population of 500,000 or more these terms mean the city, village or town where the private sewage system is located.

(6) JOURNEYMAN AUTOMATIC FIRE SPRINKLER FITTER. "Journeyman automatic fire sprinkler fitter" means any person other than an automatic fire sprinkler contractor who is engaged in the practical installation of automatic fire sprinkler systems.

(7) JOURNEYMAN PLUMBER. "Journeyman plumber" means any person other than a master plumber, who is engaged in the practical installation of plumbing.

(8) MASTER PLUMBER. "Master plumber" means any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

(9) PIPE LAYER. "Pipe layer" means a person registered under s. 145.07 (11).

(10) PLUMBING. "Plumbing" means and includes:

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(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems, and the alteration of any such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of, or beneath an area subject to easement for highway purposes and its connections.

(d) The water pressure system other than municipal systems as provided in ch. 144.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(11) PLUMBING APPRENTICE. "Plumbing apprentice" means any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

(12) PRIVATE SEWAGE SYSTEM. "Private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(13) REGISTERED LEARNER. "Registered learner" means a person, other than a restricted plumber licensee, who is learning a limited type

of plumbing and is engaged in assisting a restricted plumber licensee.

(14) RESTRICTED PLUMBER LICENSEE. "Restricted plumber licensee" means any person licensed as a master plumber (restricted) or a journeyman plumber (restricted) under s. 145.14.

(15) UTILITY CONTRACTOR. "Utility contractor" means a person licensed under s. 145.07 (10).

(17) WATERS OF THE STATE. "Waters of the state" has the meaning specified under s. 144.01 (19).

History: 1971 c. 255; 1977 c. 314; 1979 c. 34, 221; 1981 c. 20; 1983 a. 189, 410, 538.

145.02 Powers of department. (1) The construction, installation and maintenance of plumbing in connection with all buildings in this state, including buildings owned by the state or any political subdivision thereof, shall be safe, sanitary and such as to safeguard the public health and the waters of the state.

(2) The department shall have general supervision of all such plumbing and shall after public hearing prescribe and publish and enforce reasonable standards therefor which shall be uniform and of state-wide concern so far as practicable. Any employe designated by the department may act for the department in holding such public hearing. To the extent that the historic building code applies to the subject matter of these standards, the standards do not apply to a qualified historic building if the owner elects to be subject to s. 101.121.

(3) The department may exercise such powers as are reasonably necessary to carry out the provisions of this chapter. It may, among other things:

(a) Employ competent supervisors who shall be licensed plumbers, and other assistants, prescribe their qualifications and assign their duties.

(b) Conduct investigations and experiments for the advancement of technical knowledge relating to plumbing and may hold public meetings and attend or be represented at such meetings within or without the state.

(c) Enter and inspect at reasonable hours plumbing installations on private or public property and may disseminate information relative to the provisions of this chapter.

(d) Prepare and cause to be printed such codes, bulletins or other documents as may be necessary and furnish copies thereof to those engaged in the plumbing business and to the public upon request.

(e) Furnish upon request of the owner of the building or of the plumber-making the plumb-

ing installation, recommendations or a certificate of inspection.

(f) Issue special orders directing and requiring compliance with the rules and standards of the department promulgated under this chapter whenever, in the judgment of the department, the rules or standards are threatened with violation, are being violated or have been violated. The circuit court for any county where violation of such an order occurs has jurisdiction to enforce and shall enforce any order brought before it by injunctive and other appropriate relief. The attorney general or the district attorney of the county where the violation of the order occurs shall bring action for its enforcement. The department may issue an order under this paragraph to abate a violation of s. 146.13 or 146.14.

(g) By rule, fix fees for the examination and approval of plans of plumbing systems and collect the same.

(4) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The plumbers council, created under s. 15.227 (15), shall advise the department in formulating the rules.

(5) The department shall enforce the prohibition against the retail sale and installation of any plumbing fixtures which are not water-conserving fixtures as provided under s. 145.25.

History: 1971 c. 194; 1973 c. 90; 1975 c. 39; 1977 c. 275, 314; 1979 c. 34, 221; 1981 c. 341; 1983 a. 410.

Sub. (2) did not invalidate town ordinance prohibiting residential sewage holding tanks. *Konkel v. Town of Raymond*, 101 W (2d) 704, 305 NW (2d) 190 (Ct. App. 1981).

Counties must secure approval of state division of health before engaging in private experimental sanitation systems. Citizen committees appointed by the county board may not engage in plumbing. '60 Atty. Gen. 209.

145.022 Trial programs. (1) DEFINITIONS. In this section:

(a) "Alternative private sewage system" means a private sewage system which may not be installed under rules promulgated by the department on or before July 1, 1980.

(b) "Conventional private sewage system" means a private sewage system which may be installed under rules promulgated by the department on or before July 1, 1980.

(2) **AUTHORIZATION.** The department may approve in the context of specific trial programs installation of alternative private sewage systems under trial regulatory procedures established by the department. The department may not approve the installation of alternative private sewage systems except under this section.

(3) **LIMITATIONS.** (a) *Guaranteed county minimum of 5; exclusion of first 5 in calculating limitations.* The department may grant at least 5 approvals, in addition to any approvals granted under par. (d), for the installation of alternative private sewage systems for each county during each year. The limitations under pars. (b) and (c) do not apply to the first 5 or fewer approvals, other than approvals granted under par. (d), granted for the installation of alternative private sewage systems in each county during each year. The limitations under pars. (b) and (c) shall be calculated to exclude the first 5 or fewer approvals, other than approvals granted under par. (d).

(b) *State limit.* The department may not grant more than 500 approvals for the installation of alternative private sewage systems during one year.

(c) *County limit.* The department may not grant more than 25 approvals for the installation of alternative private sewage systems for one county during one year.

(d) *Exceptions to state and county limits.* The limitations under pars. (b) and (c) do not apply to an approval issued under this section:

1. If an application for an alternative private sewage system permit is completed and on file with the department on February 1, 1980.

2. If an application for a permit which could allow the installation of a conventional private sewage system on an individual lot of record was approved by the department or a county, city, village or town but later disapproved because of a failure to meet new soil condition criteria promulgated by the department.

3. If an application for an alternative private sewage system permit is for one additional homesite on a farm to be occupied by a relative who is the operator or a joint operator of the farm. As used in this subdivision "relative" means a parent, child, sibling, grandchild, niece, nephew or first cousin.

4. If an application for an alternative private sewage system permit is for a new system to replace a failing private sewage system or a private sewage system which is likely to fail including a holding tank or privy if that system exists on February 1, 1980.

(4) **TIME LIMIT.** No trial program may be conducted under this section for a period exceeding 5 years.

(5) **ENVIRONMENTAL IMPACT.** An environmental impact statement is required under s. 1.11 (2) for each type of alternate private sewage system approved but not for each individual unit approved for installation.

(6) **DEPARTMENT SUPERVISION.** The department shall supervise any trial program under

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this section and may require departmental review of applications for alternative private sewage system permits, periodic inspection of alternative private sewage systems and training requirements for inspectors of alternative private sewage systems.

(7) COUNTY ADMINISTRATION. A county shall issue and administer alternative private sewage system permits consistent with this section and s. 145.20 and the private sewage system ordinance enacted under s. 59.065.

(8) SUNSET. This section is effective until July 1, 1985.

History: 1979 c. 262 ss. 2, 6 (1), (2); 1981 c. 321

NOTE: Chapter 262, laws of 1979, which created this section, repeals it effective July 1, 1985.

145.03 Apprenticeship. The department may prescribe the conditions under which any person may serve a plumbing apprenticeship, as to preliminary and vocational, technical and adult education school attendance requirements, and the credit for school attendance in serving the apprenticeship. Every person commencing a plumbing apprenticeship shall be indentured under ch. 106. The term of a plumbing apprentice is 4 years, but the department may upon application of the apprentice, the apprentice's employer or both extend the term for up to one additional year. After the expiration of an apprenticeship term, no apprentice may engage in the business of plumbing either as an apprentice or as a journeyman plumber unless the apprentice secures a journeyman plumber's license. In case of failure to pass the examination for the license, he or she may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license, as prescribed by the rules of the department. In order that the apprentice may qualify at the end of apprenticeship as a skilled mechanic in the art of installing plumbing work, the department may prescribe the character of plumbing work that the apprentice may do during the 3rd and 4th year under the direction or supervision of a master or journeyman plumber without either the master or journeyman being physically present, provided that the master plumber in charge shall be responsible for the work.

History: 1971 c. 40; 1971 c. 154 s. 79 (2); 1979 c. 221; 1981 c. 60

145.035 Temporary permits. The department may issue temporary revocable permits to master and journeyman plumbers pending examination, and for such purpose may appoint agents without compensation or may authorize one of its examiners or plumbing supervisors to hold a special permit examination, the result of which to be reported to the department in

writing. The department may make rules and prescribe procedure governing the issuance of such permits.

History: 1971 c. 40

145.04 Waterworks and sewerage. (1) ORDINANCE RULES. A city of the 1st, 2nd or 3rd class having a system of waterworks or sewerage shall, and a village or city of the 4th class or any township or county or metropolitan sewerage commission may, by ordinance, prescribe rules relating to local permits for the installation, alteration and inspection of plumbing to safeguard the public health.

(2) NO LOCAL LICENSES. No city, village, town, town sanitary district, county, metropolitan sewerage district commission or other agency may require the licensing of any person licensed or registered under this chapter or prohibit such person from engaging in or working at business within the scope of his license or permit.

(3) REPORTS TO DEPARTMENT. The authorities of any such city or metropolitan sewerage district shall report to the department each failure on the part of a state licensed plumber to qualify as a journeyman or master plumber and each wilful violation of any plumbing regulation.

History: 1971 c. 194

145.045 Certification of soil testers. (1) POWERS AND DUTIES. The department shall by rule establish an examining program for the certification of soil testers, setting such standards as the department finds necessary to accomplish the purposes of this chapter. Such standards shall include formal written examinations for all applicants. The department shall charge applicants for the cost of examination and certification. After July 1, 1974, no person may construct soil bore holes, conduct soil percolation tests or other similar tests specified by the department, relating to the disposal of liquid domestic wastes into the soil unless he holds a valid certificate issued under this section.

(2) REVOCATION OF CERTIFICATE. The department may revoke or suspend the certification of any soil tester but only after a formal hearing for the practice of any fraud or deceit in obtaining the certificate or any gross negligence, incompetence or misconduct in the practice of soil testing.

(3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the department or the governmental unit responsible for the regulation of private sewage systems.

History: 1973 c. 287; 1975 c. 41; 1979 c. 34, 221

Soil absorption tests conducted by persons certified under this section must be accepted by county governments. 63 Atty Gen 586

145.05 Plumbing supervisors, supervision.

(1) The council of a city of the first, second or third class, having a system of waterworks or sewerage, or the officer or board in charge, shall appoint one or more plumbing supervisors, who shall be licensed plumbers, and unless under civil service shall serve for a term of 4 years or more subject to removal for just cause except as otherwise provided by ordinance when first appointed, but need not renew their licenses while they continue in office. The council of a city of the fourth class and the board of a village, township, county or the commissioner in charge of any metropolitan sewerage district may appoint one or more plumbing supervisors who shall be practical plumbers, skilled sanitarians, or competent persons familiar with plumbing and unless under civil service shall serve for a term of 4 years or more subject to removal for just cause except as otherwise provided by ordinance. They shall supervise all plumbing, new or alterations or repairs, and report to the appointing body violations of regulations, and perform such other appropriate duties as may be required. Their compensation shall be fixed by the council, board or commission.

(2) Where a system of waterworks or sewerage has been or shall be established in any city, village, town or metropolitan sewerage district which has not provided for a board or officer to supervise plumbing, drainage and sewerage, the department shall take immediate and entire control of plumbing, drainage and sewerage intended to be connected with public sewer or waterworks, and exercise all the powers conferred by this section until such municipalities or district provides for such supervision.

145.06 License required; exemptions. (1) (a)

No person may engage in or work at plumbing in the state unless licensed to do so by the department. A master plumber may work as a journeyman. No person may act as a plumbing apprentice or pipe layer unless registered with the department.

(b) No public utility shall engage in or perform plumbing unless exempted by sub. (4).

(2) No person shall install plumbing unless at all times a licensed master plumber is in charge, who shall be responsible for proper installation. Licenses shall be issued only to individuals and no license shall be issued to or in the name of any firm or corporation. No such license shall be transferable. It is unlawful for any licensed master plumber to allow the use of his license,

directly or indirectly, for the purpose of obtaining local permits for others or to allow the use of his license by others to install plumbing work.

(3) Each member or employe of a copartnership or each officer or employe of a corporation engaging in the business of superintending plumbing installations shall be required to apply for and obtain a master plumber's license before engaging in the work of superintending plumbing installations.

(4) This section shall not apply to:

(a) Plumbing work done by a property owner in a one-family building owned and occupied by him as his home or farm building, except where such license is required by local ordinance.

(b) Plumbing from the private water supply pump to and including the initial pressure tank and connection to an existing water distribution system, when installed by persons licensed under ch. 162.

(c) Installation of sewer and water service piping from the main to the property lot line, when installed by authorized municipal utility employes or sewer and water utility installers under a contract with a municipality.

(d) Making minor repairs to faucets, valves, pipes or appliances, repair or replacement of electrical or gas energy or other automatic valves or control devices or removing of stoppages in waste or drainage pipes.

(e) Installation of sewer and water mains, as defined in ch. 144, when installed by sewer and water utility contractors and their employes.

(f) Installation, repair or replacement of water service piping, from the property line to the meter, including meter installation, to service any building or structure or proposed building or structure when such installation, repair or replacement is accomplished by employes of a public municipal water utility, providing such utility regularly has engaged in such installation, repair or replacement for at least 5 years prior to January 1, 1964.

History: 1977 c 314; 1983 a 189.

145.07 Licenses; examinations. (2)

Application for a master or journeyman plumber's examination, temporary permit or license shall be made to the department with fees. Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness. No such license or permit shall be transferable.

(3) An applicant for examination for licensure as a master plumber shall submit evidence satisfactory to the department as follows:

(a) A specific record of not less than 1,000 hours per year experience for 3 or more consec-

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utive years as a licensed journeyman plumber in this state; or

(b) Graduation in engineering from a school or college approved by the department.

(4) An applicant for examination for licensure as a journeyman plumber shall submit evidence satisfactory to the department as follows:

(a) Completion of a 4-year apprenticeship consisting of not less than 1,600 hours per year and completion of all requirements as to shop training and related instruction as the department by rule prescribes.

(b) A certificate of graduation as a registered apprentice from an accredited trade school approved by the department and completion in this state of 2 years of shop training and related instruction as the department by rule requires.

(5) Any resident who has been actively engaged in this state in a limited type of plumbing installation work for a period of not less than 1,000 hours per year for 2 or more consecutive years as a licensed journeyman plumber (restricted) may be examined for licensure as a master plumber (restricted).

(6) Applicants for examination for licensure as a journeyman plumber (restricted) shall have completed one continuous year of work experience consisting of not less than 1,000 hours per year and give evidence of completion of shop training and related instruction as the department by rule requires.

(7) (a) A person shall be registered as a registered learner with the department without examination or training prequalifications and shall not be required to be indentured under ch. 106.

(9) Master plumbers, journeyman plumbers and apprentices are not subject to the restrictions under s. 145.14.

(10) An application for a utility contractor's license shall be made to the department with fees required by the department under s. 145.08

(1) (c) The department shall issue a utility contractor's license to any person who is skilled in the planning, superintending and practical installation, within public or private premises, of piping which conveys sewage, rain water or other liquid wastes to a legal point of disposal and who is skilled in the design, planning, superintending and practical installation of water service piping from the street main to the immediate inside building perimeter.

(11) An application for registration as a pipe layer shall be made to the department with the fees required by the department under s. 145.08

(1) (q) The department shall approve the registration of any person as a pipe layer if the person is employed by a utility contractor and if

the person is engaged in the practical installation, within public or private premises, of piping which conveys sewage, rain water or other liquid wastes to a legal point of disposal or engages in the practical installation of water service piping from the street main to the immediate inside building perimeter

History: 1975 c. 39; 1977 c. 314; 1981 c. 60, 314

145.08 Fees; expiration of license; registration. (1) Fees fixed by rule by the department not exceeding the amounts stated in this section and not returnable shall be paid as follows:

(a) For master plumber's examination, \$50. For each subsequent examination, \$30.

(b) For master plumber's license, \$125 and \$125 for each renewal of license if application is made prior to the date of expiration, annually; after that date an additional fee of \$20.

(c) For journeyman plumber's examination, \$30. For each subsequent examination, \$20.

(d) For journeyman plumber's license \$45 and \$45 for each renewal of license if application is made prior to the date of expiration, annually; after that date an additional fee of \$10.

(e) For temporary permit pending examination and issuance of license for master plumber, \$200; for journeyman \$75 and which shall also cover the examination fee prescribed and the license fee for the year in which issued.

(f) For master plumber's (restricted) examination, \$50. For each subsequent examination, \$30.

(g) For master plumber's license (restricted), \$125 and \$125 for each renewal of license if application is made prior to the date of expiration, annually; after that date an additional fee of \$20.

(h) For journeyman plumber's (restricted) examination, \$30. For each subsequent examination, \$20.

(i) For journeyman plumber's license (restricted), \$45 and \$45 for each renewal of license if application is made prior to the date of expiration, annually; after that date an additional fee of \$10.

(j) The initial license fee under this subsection shall be paid immediately upon notice from the department that the applicant has passed an examination. Upon failure to pay the license fee within 30 days after receiving such notice, no license shall be issued and the applicant shall again appear for examination and pay the examination fee.

(k) For an automatic fire sprinkler contractor's examination, \$100.

(l) For an automatic fire sprinkler contractor's license, \$500 and \$500 for each renewal of license if application is made prior to the date of

expiration, annually; after that date an additional fee of \$25.

(Lm) For an automatic fire sprinkler — maintenance only registration, \$100 and \$100 for each renewal of registration if application is made prior to the date of expiration, annually; after that date an additional fee of \$25.

(m) For a journeyman automatic fire sprinkler fitter's examination, \$20 and \$20 for each subsequent examination.

(n) For a journeyman automatic fire sprinkler fitter's license, \$45 for and \$45 for each renewal of license if application is made prior to the date of expiration, annually; after that date an additional fee of \$10.

(nm) For an automatic fire sprinkler fitter — maintenance only registration certificate, \$15 for and \$15 for each renewal of registration if application is made prior to the date of expiration, annually; after that date an additional fee of \$10.

(o) For utility contractor's license, \$125, and \$125 for each renewal of license if application is made prior to the date of expiration, annually; after that date an additional fee of \$10.

(p) Plumbing supervisors employed by the department in accord with s. 145.02 (3) (a) shall annually be issued the appropriate license they have previously qualified for at no cost.

(q) For a pipe layer's registration, \$45 at the time of registration and \$45 for each subsequent calendar year of registration.

(2) No license may be issued for longer than one year. Any license may be renewed upon application made prior to the date of expiration. The department may renew licenses upon application made after the date of expiration if it is satisfied that the applicant has good cause for not applying for renewal prior to the date of expiration and upon payment of the renewal and additional fees prescribed.

(3) To establish a record of beginning an apprenticeship, as a plumber, as an automatic fire sprinkler system apprentice, or as a plumber learner (restricted), every plumbing and automatic fire sprinkler system apprentice and every plumbing learner (restricted) shall within 30 days after beginning an apprenticeship or learnership register with the department. A fee of \$15 shall be paid at the time of registration and for each subsequent calendar year during which the apprentice is engaged in the apprenticeship or learnership prior to January 1.

History: 1971 c. 255; 1975 c. 39, 199; 1977 c. 314; 1981 c. 20; 1981 c. 60 ss. 6, 11; 1981 c. 314.

145.09 State comity. Any person may be accepted for examination for the appropriate classification of license without submitting evidence required under s. 145.07, if:

(1) The person holds a current license under the laws of any other state, or under the ordinances of any city, town or village, having license provisions governing plumbers that the department determines are equivalent to the requirements of this chapter; or

(2) The person has practical experience in plumbing in another state that the department determines is equivalent to the experience required under this chapter.

History: 1981 c. 60

145.10 Investigations, hearings; suspension, revocation. (1) The department may make investigations and conduct hearings and may, on its own or upon complaint in writing duly signed and verified by the complainant, and after providing not less than 10 days' notice to the licensee, suspend any master or journeyman plumber's license, utility contractor's license or temporary permit if it has reason to believe, and may revoke such license or permit in the manner provided under this section, if it finds that the holder of such license or permit has:

(a) Made a material misstatement in the application for license or renewal thereof or for temporary permit;

(am) Committed gross negligence or misconduct or is incompetent in the practice of plumbing;

(b) Failed to correct an installation for which he or she is responsible, at his or her own expense, within 30 days following notification by the department of a violation of any rule adopted under this chapter; or

(c) Falsified information on an inspection form under s. 144.245 (3).

(2) A copy of the complaint with notice of the suspension of license or permit shall be served on the person complained against, and the person's answer to the complaint shall be filed with the department and the complainant within 10 days after service. The department shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing the complaint. Either party may appear at the hearing in person or by attorney or agent. The department shall make its findings and determination within 90 days after the date that the hearing is concluded and send a copy to each interested party.

(3) No order revoking a license or permit shall be made until after a public hearing to be held before the department at such place as the department designates. At least 10 days prior to the hearing the department shall send written notice of the time and place of the hearing to the licensee or permittee and to the person's attorney or agent of record by mailing the notice to

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the last-known address of such persons. The testimony presented and proceedings had at the hearing shall be recorded and preserved as the records of the department. The department shall as soon thereafter as possible make its findings and determination and send a copy to each interested party. One year after the date of revocation, application may be made for a new license.

History: 1977 c. 314, 418; 1979 c. 34; 1981 c. 1 s. 47; 1981 c. 60; 1983 a. 27, 70.

145.11 Advertising restrictions. (1) No person offering plumbing services may do any of the following, unless the person is a licensed master plumber or employs a licensed master plumber:

(a) Advertise as a plumbing contractor, master plumber or plumber.

(b) Append his or her name to, or in connection with, the title "plumbing contractor", "master plumber" or "plumber".

(c) Append his or her name to any other title or words that may tend to represent the person as a plumbing contractor, master plumber or plumber.

(2) No person other than a licensed master plumber shall use or display the title "Master Plumber" or append his name to or in connection with such title or any other title or words which represent or may tend to represent him as a licensed master plumber. Every holder of such license shall promptly notify the department of any change of his business address.

(3) Any person who advertises as a master plumber through the use of printed material designed for public distribution shall include in the advertisement the number of his or her license as a master plumber. Any person who advertises as a plumbing contractor through the use of printed material designed for public distribution shall include in the advertisement the license number of the master plumber employed by the plumbing contractor.

(4) Subsection (1) does not apply to any person who advertises as providing services for which no license is required under s. 145.06, unless the person holds himself or herself out as providing services for which a license is required.

History: 1983 a. 125.

145.12 Prohibitions and penalties. (1) Any person who engages in or follows the business or occupation of, or advertises or holds himself out as or acts temporarily or otherwise as a master plumber, as an automatic fire sprinkler contractor or as a business establishment holding an automatic fire sprinkler — maintenance only registration certificate without first having

secured the required license or certificate, or who otherwise violates any provisions of this chapter, shall be fined not less than \$100 nor more than \$500 or imprisoned for 30 days or both. Each day such violation continues shall be a separate offense.

(2) Any person violating this chapter or failing to obey a lawful order of the department, or a judgment or decree of a court in connection with this chapter, may be imprisoned for not more than 3 months or fined not more than \$500.

(3) Any master plumber who shall employ an apprentice on plumbing representing him to be a journeyman, or who shall charge for an apprentice a journeyman's wage, shall be punished by a fine of not more than twenty-five dollars, or by imprisonment in the county jail for not more than thirty days. Each day of violation shall be a separate offense.

(4) Any person who violates any order under s. 145.02 (3) (f) or 145.20 (2) (f) or any rule or standard adopted under s. 145.13 shall forfeit not less than \$10 nor more than \$1,000 for each violation. Each violation of an order under s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. 145.13 constitutes a separate offense and each day of continued violation is a separate offense.

History: 1971 c. 255; 1981 c. 20, 60; 1983 a. 410.

145.13 Adoption of plumbing code. The state plumbing code and amendments to that code as adopted by the department have the effect of law in the form of standards state-wide in application and shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision thereof. The state plumbing code shall comply with ch. 160. All plumbing installations shall so far as practicable be made to conform with such code.

History: 1971 c. 194; 1983 a. 410.

145.135 Sanitary permits. (1) VALIDITY. In this section, "sanitary permit" means a permit issued by the department or any governmental unit responsible for the regulation of private sewage systems for the installation of a private sewage system. No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter. A governmental unit responsible for the regulation of private sewage systems may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall remain

valid to the end of the established period, notwithstanding any change in the state plumbing code or in any private sewage system ordinance during that period. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent. The results of any percolation test or other test relating to the disposal of liquid domestic wastes into the soil shall be retained by the governmental unit responsible for the regulation of private sewage systems where the property is located. The governmental unit responsible for the regulation of private sewage systems shall make the test results available to an applicant for a sanitary permit and shall accept the test results as the basis for a sanitary permit application unless the soil at the test site is altered to the extent that a new soil test is necessary.

(2) **NOTICE.** A sanitary permit shall include a notice displayed conspicuously and separately on the permit form, to inform the permit holder that:

(a) The purpose of the sanitary permit is to allow installation of the private sewage system described in the permit.

(b) The approval of the sanitary permit is based on regulations in force on the date of approval.

(c) The sanitary permit is valid and may be renewed for a specified period.

(d) Changed regulations will not impair the validity of a sanitary permit.

(e) Renewal of the sanitary permit will be based on regulations in force at the time renewal is sought, and that changed regulations may impede renewal.

(f) The sanitary permit is transferable.

History: 1977 c. 168; 1979 c. 34, 221; 1981 c. 314

145.14 Plumbers license (restricted). (1)

LIMITATIONS (a) Persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be classified by the department under sub. (2) and shall be restricted to the type of work for which they have been classified and to the requirements indicated in this section.

(b) Persons licensed as journeyman plumbers (restricted) or registered learners shall work under the supervision of a master plumber or a master plumber (restricted). A master plumber (restricted) may also work as a journeyman plumber (restricted). No journeyman plumber (restricted) or registered learner shall contract for work, advertise or do anything which would lead others to believe him to be qualified as a master plumber (restricted) in his classification.

(c) All persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be subject to all laws and rules governing plumbers. If qualified, persons may be licensed under any number of classifications under sub. (2). Separate licenses shall be issued under sub. (2) (a) and (b), but licenses issued under sub. (2) (b) may extend to any number of items under that paragraph.

(2) **CLASSIFICATIONS.** The classifications which the department shall use are a sewer services classification and an "appliances, equipment and devices" classification. Persons so classified may engage in the following types of work:

(a) *Sewer services.* Persons classified under this paragraph may install septic tanks for private sewage disposal systems, drain fields designed to serve such septic tanks, and the sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building.

(b) *Appliances, equipment or devices.* Under this paragraph persons installing water softeners, water heaters or other items in connection with the water supply or water distribution systems which do not require a direct connection to the waste or drain piping systems are limited to making connection to existing installations. There shall be no drilling, tapping or direct connection made to any waste or drain pipe to serve items installed under this section. The maximum length of water piping permitted to be installed under this section shall be the minimum required to connect the item to the system.

145.15 Licenses. (1) No city, village, town or county may require the licensing of any person licensed or registered under ss. 145.15 to 145.18 for any activity regulated under ss. 145.15 to 145.18 or rules adopted thereunder.

(2) All licenses issued under ss. 145.15 to 145.18 shall be issued by the department. The department shall not restrict the work done by any licensed journeyman sprinkler system fitter of any automatic fire sprinkler contractor or apprentice to any geographical territory.

(3) Any person not licensed under this chapter prior to April 26, 1972 who was regularly engaged in the occupation of installing automatic fire sprinkler systems on or before March 1, 1967, shall be licensed under ss. 145.15 to 145.18 without being required to pass any written, oral or practical examination qualifying him for a license under ss. 145.15 to 145.18. Any such person shall apply for the appropriate license and pay the appropriate license fee.

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(4) No person may install automatic fire sprinkler systems unless licensed or registered to do so by the department. Licenses and registrations pertaining to automatic fire sprinkler systems are not transferable.

History: 1971 c. 255; 1981 c. 20.

145.16 Fire sprinkler system apprentices, registration. Automatic fire sprinkler system apprentices may not be required to apply for any license but shall register with the department as an apprentice. The apprentices shall be enrolled in a qualified apprenticeship sprinkler fitters program recognized by the department.

History: 1971 c. 255; 1979 c. 221.

145.165 Automatic fire sprinkler fitter — maintenance only registration. (1) An automatic fire sprinkler fitter — maintenance only registration certificate is required for any person who is employed to maintain automatic fire sprinkler systems by a business establishment registered under s. 145.175. The department shall, by rule, specify the requirements for issuing an automatic fire sprinkler fitter — maintenance only registration certificate and specify the activities in which a person holding a certificate under this section may engage.

(2) This section does not apply to any person registered under s. 145.16 or licensed under s. 145.17 (2).

History: 1981 c. 20.

145.17 Inspectors and rule-making. (1) The department may employ competent supervisors, who shall be licensed automatic fire sprinkler contractors or journeymen automatic fire sprinkler system fitters, and may employ other persons. The department may accept as certification of inspection, inspection by the insurance services organization of Wisconsin, the industrial risk insurers association, the factory mutual engineering corporation or other rate service organization.

(2) The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under s. 15.227 (16), shall advise the department in formulating the rules.

History: 1971 c. 255; 1979 c. 102, 221.

145.175 Automatic fire sprinkler — maintenance only registration. An automatic fire sprinkler — maintenance only registration certificate is required before any business estab-

lishment may maintain or repair existing automatic fire sprinkler systems in its physical facilities. The department shall, by rule, specify the qualifications for issuing an automatic fire sprinkler — maintenance only registration certificate. The department shall, by rule, specify the activities in which a person holding a registration certificate under this section may engage.

History: 1981 c. 20.

145.18 Temporary permits. The department may issue temporary permits to journeymen automatic fire sprinkler system fitters or to automatic fire sprinkler contractors pending examination of applicants for licenses. The department may also issue temporary permits to applicants for automatic fire sprinkler — maintenance only registration certificates. The department shall, by rule, prescribe the procedure for issuing these permits. Examination fees shall be paid at the time the permit is issued.

History: 1971 c. 255; 1981 c. 20.

145.19 Sanitary permit. (1) **REQUIREMENT; INFORMATION; FORMS.** No septic tank may be purchased and no private sewage system may be installed unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit from the governmental unit responsible for the regulation of private sewage systems in which the property is located. The department shall prescribe the information to be included in the sanitary permit and furnish sanitary permit forms to the governmental unit. The applicant shall submit the completed sanitary permit to the governmental unit. The governmental unit shall approve or disapprove the sanitary permit according to the rules promulgated by the department under this chapter. No person may sell at retail, as defined under s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser holds a valid sanitary permit issued under this section.

(2) **FEE.** No fee for a sanitary permit may be less than \$41, or the amount determined under department rule adopted after July 2, 1983. The governing body for the governmental unit responsible for the regulation of private sewage systems may establish a fee for a sanitary permit which is more than \$41, or the amount determined under department rule adopted after July 2, 1983.

(3) **COPY AND PART OF FEE FORWARDED TO THE DEPARTMENT.** The governmental unit responsible for the regulation of private sewage systems shall forward a copy of each valid sanitary permit and \$20, or the amount determined under department rule adopted after July 2,

1983, of the fee to the department within 90 days after the permit is issued.

(4) **USE OF FEE.** The portion of this fee retained by the governmental unit responsible for the regulation of private sewage systems shall be used for the administration of private sewage system programs.

(5) **FEE ADJUSTMENT.** The department, by rule promulgated under ch. 227, may adjust the minimum permit fee under sub. (2) and the fee portion forwarded under sub. (3).

(6) **GROUNDWATER FEE.** In addition to the fee under sub. (2), the governmental unit responsible for the regulation of private sewage systems shall collect a groundwater fee of \$25 for each sanitary permit. The governmental unit shall forward this fee to the department together with the copy of the sanitary permit and the fee under sub. (3). The moneys collected under this subsection shall be credited to the groundwater fund.

History: 1979 c. 34, 221; 1983 a. 27; 1983 a. 189 s. 329 (20); 1983 a. 410.

145.20 Private sewage systems. (1) ORGANIZATION AND PERSONNEL. (a) The governing body of the governmental unit responsible for the regulation of private sewage systems may assign the duties of administering the private sewage system program to any office, department, committee, board, commission, position or employe of that governmental unit.

(b) The governmental unit responsible for the regulation of private sewage systems shall obtain the services of a certified soil tester, either as an employe or under contract, to review and verify certified soil tester reports under sub. (2).

(2) **GOVERNMENTAL UNIT RESPONSIBILITIES.** The governmental unit responsible for the regulation of private sewage systems shall:

(a) Review certified soil tester reports for proposed private sewage systems and verify the report at the proposed site, if necessary.

(b) Approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.

(c) Issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall state the specific reasons for disapproval and amendments to the application, if any, which render the application approvable. Each notice shall also give notice of the applicant's right to appeal and the procedures for conducting an appeal under ch. 68.

(d) Inspect all private sewage systems after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

(e) File reports and conduct surveys and inspections as required by the governmental unit responsible for the regulation of private sewage systems or the department.

(f) Investigate violations of the private sewage system ordinance and s. 146.13 or 146.14 (2), issue orders to abate the violations and submit orders to the district attorney, corporation counsel or attorney general for enforcement.

(g) Perform other duties regarding private sewage systems as considered appropriate by the governmental unit responsible for the regulation of private sewage systems or as required by the rules of the department.

(h) Inspect existing private sewage systems to determine compliance with s. 66.036 if a building or structure is being constructed which requires connection to an existing private sewage system. The county is not required to conduct an on-site inspection if a building or structure is being constructed which does not require connection to an existing private sewage system.

(3) **DEPARTMENT RESPONSIBILITIES.** (a) The department may specify categories of private sewage systems for which approval by the department is required prior to issuance of sanitary permits by the governmental unit responsible for the regulation of private sewage systems.

(b) The department shall review the private sewage system program in each governmental unit responsible for the regulation of private sewage systems to ascertain compliance with sub. (2) and with regulations issued by the department. This review shall include a random audit of sanitary permits, including verification by onsite inspection.

(c) If the governing body for a governmental unit responsible for the regulation of private sewage systems does not adopt a private sewage system ordinance meeting the requirements of s. 59.065 or if the governmental unit does not appoint personnel meeting the requirements of sub. (1) or if the governmental unit does not comply with the requirements of sub. (2), the department may conduct hearings in the county seat upon 30 days' notice to the county clerk. As soon as practicable after the public hearing, the department shall issue a written decision regarding compliance with s. 59.065 or sub. (1) or (2). If the department determines that there is a violation of these provisions, the governmental unit may not issue a sanitary permit for the installation of a private sewage system until the violation is corrected.

(d) The department shall conduct training and informational programs for officials of the governmental unit responsible for the regulation of private sewage systems and employes

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and persons licensed under this chapter and s. 146.20 to improve the delivery of service under the private sewage system program. The department shall obtain the assistance of the Wisconsin counties association in planning and conducting the training and informational programs.

(4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A governmental unit may assess the owner of a private sewage system for costs related to the pumping of a septic or holding tank. The governmental unit shall make any assessment in the same manner that a city, village or town makes an assessment under s. 66.60.

History: 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410

145.21 State aids to private sewage system programs. (1) ELIGIBILITY; USE.

A governmental unit responsible for the regulation of private sewage systems is eligible for payments under this section for each qualifying sanitary permit. A qualifying sanitary permit is a sanitary permit issued under s. 145.19 if the department receives a copy of the permit within 90 days after the permit is issued. Payments shall be made from the appropriation under s. 20.445 (1) (cm) for administration of private sewage system programs.

NOTE: Sub. (1) is shown as affected by ch. 262, laws of 1979, eff. 7-1-85, which deletes "145.022 or" preceding "145.19".

(2) PAYMENTS OF \$20 PER PERMIT. Except as provided under sub. (3) the department shall make payments to a governmental unit responsible for the regulation of private sewage systems equal to \$20 for each qualifying sanitary permit.

(3) PRORATED PAYMENTS. If the appropriation under s. 20.445 (1) (cm) is not sufficient to make payments in the amounts indicated under sub. (2), the department shall prorate the payments among the governmental units responsible for the regulation of private sewage systems according to the number of qualifying permits issued by each governmental unit.

History: 1979 c. 34; 1979 c. 221 ss. 648s, 2202 (20); 1979 c. 262 ss. 4 to 6 (1), (2)

145.23 Rules. The department may make and enforce rules relating to lot size and lot elevation necessary for proper sanitary conditions in the development and maintenance of subdivisions not served by a public sewer, where provision for such service has not been made.

History: 1979 c. 221 ss. 607, 649

145.24 Variances. (1) If an existing private sewage system either is not located in soil meeting the siting standards or is not constructed in

accordance with design standards promulgated under s. 145.02 or 145.13, the owner of the private sewage system may petition the department for a variance to the siting or design standards.

NOTE: Sub. (1) is shown as affected by 1983 Wis. Act 410, section 88, which deletes "or trial regulatory procedures promulgated under s. 145.022" following "145.13", eff. 7-1-85.

(2) The department shall establish procedures for the review and evaluation of existing private sewage systems which do not comply with siting or design standards.

(3) Upon receipt of a petition for a variance, the department shall require the owner of the private sewage system to submit information necessary to evaluate the request for a variance. If the department determines that the existing private sewage system is not a failing private sewage system, and continued use of the existing private sewage system will not pose a threat of contamination of waters of the state, then the department may issue a variance to allow continued use of the existing private sewage system. The department shall rescind the variance if the existing private sewage system becomes a failing private sewage system or contaminates waters of the state.

History: 1983 a. 410

145.25 Use of plumbing fixtures prohibited.

(1) PROHIBITIONS. Except as provided in sub. (3), commencing January 1, 1979:

(a) No person may sell at retail, install in any building or cause to be installed in any building:

1. A water closet which uses more than 4 gallons of water per flush or which does not conform to department rules for water usage per flush promulgated under sub. (2) (a) 1.

2. A showerhead which uses more than 3 gallons of water per minute.

(b) No person may install in any public restroom or cause to be installed in any public restroom:

1. Any urinal intended for use by male persons which uses more than 1.5 gallons of water per flush.

2. Any faucet which allows more than one gallon of water to flow through the faucet after the handle is released.

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

(2) DEPARTMENT RULES. (a) The department shall, by rule:

1. Formulate standards for water usage for water closets, showerheads, faucets and urinals which will reduce water consumption and meet the requirements of public health, safety and

sanitation. The standards shall also conform to standards adopted by the American national standards institute.

2. Formulate a list of all fixtures and devices available commercially which comply with the requirements of this section or rules promulgated under this section.

(b) The department shall not promulgate any rules which either directly or indirectly prohibit the use of manual flushing devices for urinals.

(3) EXEMPTIONS. (a) The department may, by rule, exempt specified fixtures and devices from compliance with the requirements of this section or rules promulgated under this section if it determines that there is an inadequate supply of fixtures or devices offered by at least 2 manufacturers which comply with this section or with rules promulgated under this section or if public health, safety and sanitation require fixtures which do not comply with this section or with rules promulgated under this section.

(b) The department may, upon request, waive compliance with flushing requirements of this section or rules promulgated under this section relating to flushing requirements:

1. For any building in existence on or before January 1, 1979, if its drainage system configur-

ation requires a greater quantity of water for adequate flushing than complying with water usage requirements under this section or rules promulgated under this section would permit.

2. If any building is served by a public sewer system which requires the use of a greater quantity of water for adequate flushing than complying with water usage requirements under this section or rules promulgated under this section would permit.

(c) Notwithstanding sub. (1), plumbing fixtures which do not meet the requirements of this section which are ordered for sale by a retailer prior to May 2, 1978 may be sold at retail within 2 years after May 2, 1978, if the retailer informs the buyer, prior to any sale after January 1, 1979, that the fixture does not meet the requirements of this section. Installation of any plumbing fixtures sold at retail under this paragraph shall be completed within 2 years after May 2, 1978.

(4) PENALTY. Whoever violates subs. (1) to (3) shall forfeit to the state not more than \$50 for each violation.

History: 1977 c. 275; 1979 c. 154