

**STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
DEPARTMENT OF SAFETY : CR 23-007  
AND PROFESSIONAL SERVICES :  
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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

N/A

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The primary objective of this rulemaking project is to evaluate and update the *Wisconsin Commercial Building Code*, chapters SPS 361-366. This rulemaking update intends to keep this Code consistent with dynamic, contemporary regional and national construction and fire prevention practices and standards, and with legislation enacted since the previous update of this Code. The update is also needed in order to meet the content and timeliness requirements for the energy conservation provisions of this Code as established in sections 101.027 (2) and (3) of the Wisconsin Statutes.

In addition, the project evaluated other administrative code chapters that may be affected by this update of the *Wisconsin Commercial Building Code* including, at least, chapters SPS 303, 305, 314, 316, 318, 340, 343, and 345, relating to administrative procedures; licenses, certifications and registrations; fire prevention; electrical; elevators, escalators, and lift devices; gas systems; boilers and pressure vessels; anhydrous ammonia; mechanical refrigeration; rental unit energy efficiency; solar energy systems; cleaning methods for historic buildings; buildings constructed prior to 1914; and plumbing; respectively.

The majority of the proposed rule implements an update of the Wisconsin Commercial Building Code's adoption by reference of the commercial building code suite published by the International Code Council (ICC) from the 2015 edition to the 2021 edition. This update addresses changed references, errata discovered since the previous comprehensive

update of the Wisconsin Commercial Building Code, and elimination of certain provisions that have been rendered redundant due to updates to the ICC codes.

Additionally, several changes identified below were made to increase public safety in public buildings:

- Various requirements were changed to increase the number of conditions where automatic fire sprinklers are required in public buildings;
- Specific certification requirements were added for individuals performing inspections of smoke and fire dampers;
- An exemption from International Building Code ch. 17 Special Inspections was removed from the code;

Finally, a broad range of energy efficiency improvements were implemented as a result of the transition from the 2015 to the 2021 version of the International Energy Conservation Code.

## **V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The department held two public hearings on April 24 and 25, 2023.

Please see Attachment 1 for the Department's response to the public comments.

## **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment 1.: Statutory Authority** The department could consider amending s. SPS 361.03 (5), Wis. Adm. Code, as part of this rulemaking order, specifically to reflect the changes to local authority enacted in 2013 Wisconsin Act 270. Doing so appears to be consistent with the stated objectives for the rule.

**Response 1.:** The Department disagrees with this comment. The current s. SPS 361.03 (5) was specifically created in Clearinghouse Rule 16-094 to address the changes to local authority enacted in 2013 Wisconsin Act 270.

**Comment 2i.:** In SECTION 44, it appears that the rule modifies only the title of existing s. SPS 362.0706. If so, the department could consider retaining the current section and adding the new provision regarding horizontal continuity as a new section in ch. SPS 362. [See s. 1.04 (5), Manual.] If the current approach (repealing and recreating the section) is retained, the reference to "the section" in s. SPS 362.0706 (1) (a) should be replaced with a reference to "this subsection".

**Response 2i.:** The Department agrees with this comment as it relates to changing "the section" to "this subsection." The Department disagrees with the recommendation to create a new section in ch. SPS 362. All of the provisions relate to firewalls, and all of SPS 362 is structured to parallel the International Building Code (IBC) and horizontal continuity of firewalls is located in section 7.07 of the IBC. Following the

recommendation to create a new section in ch. SPS 362 would remove the parallel structure for this material and make it more difficult for the consumer to locate.

**Comment 2.j.:** In SECTION 63, the language following the colon in s. SPS 362.0903 (19) and (22) could be revised to form a complete sentence.

**Response 2.j.:** The Department agrees with the comment as it relates to s. SPS 362.0309 (19). The Department disagrees with the comment as it relates to s. SPS 362.0309 (22) because the existing text is consistent with the IBC language it is replacing and should be retained as written.

**Comment 5.e.:** In SECTION 38, the created section should be revised to avoid a slashed alternative (“and/or”). [See s. 1.08 (1) (d), Manual.] In addition, the phrase “single tenant R occupancy that is under the scope of the UDC” could be revised to avoid undefined acronyms. For example, “chs. s. SPS 230 to 325” could replace “the UDC”, and the phrase “single tenant R occupancy” could be replaced with a more “plain language” description. [See ss. 1.05 (1) (a) and 1.08 (2) (a), Manual.]

**Response 5.e.:** The Department agrees with the recommendation to remove the slashed alternative and the clarification of the UDC language. The Department disagrees with the recommendation to modify the “single tenant R occupancy” language as it is technical terminology that should be understood by a professional reading the code, and the value of the precision provided outweighs any advantage of more “plain language”.

**Comment 5.h.:** In SECTION 61, the first two instances of the word “system” could be replaced by the word “supply” for consistency with s. SPS 362.0903 (18) (b) (intro.). Also in that section, does it make sense to refer to a municipal water system as being located directly adjacent to or across the street from the relevant commercial building property? Would it be more consistent with ch. NR 811 to require the relevant commercial property to be within an area served by a municipal water system?

**Response 5.h.:** The Department agrees with the comment as it relates to the consistent use of “system” vs. “supply.” Because water system is a defined term elsewhere in the code the instance of “supply” in s. SPS 362.0903 (18) (b) (intro.) was changed to “system” and s. SPS 362.0903 (18) (am) was restructured to use system consistently. The Department disagrees with the comment as it relates to the recommended modification relating to what buildings are required to connect to municipal water systems. If a building was sited on a large tract of property the recommended change could be interpreted to require connection to a municipal water system that could potentially be miles from the site of the building, because the parcel on which the building is constructed is technically served by a municipal water system. The Department prefers the precision offered by the language as it exists in the proposed rule.

All remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

## **VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

N/A

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This attachment represents the unique issues raised during the public comment period. The comment section reflects a summary of the issues and represents testimony that was presented in support or opposition, or that provided information and recommendations to the Department. After considerable review of all comments, the Department submits its response to each of the issues as indicated below.

#	Provision	Comments / Recommendations	Agency Response/Modifications
	305.627 (1), 314.001 (3), 361.03 (16)	<p>I am writing today on behalf of the Sheet Metal and Air Conditioning Contractors Associations of Milwaukee and Wisconsin in regard to the Economic Impact Analysis of a proposed rule change relating to the Commercial Building Code SPS 361-366.</p> <p>Our local and statewide contractors' Association's wanted to express to you the importance of fire damper systems to Fire Life Safety in commercial buildings, as well as competent design, installation, and inspection of these systems.</p> <p>Thank you for the opportunity to provide input on this important process.</p>	<p>The Department modified the proposed rule to add certification requirements for certain individuals performing inspections of fire damper systems to address this comment.</p>
	361.04, 361.31	<p>Recently I got into an argument with a private plan reviewer regarding component submittals. I had submitted a wood frame building deferring engineering of engineered lumber flooring, walls, and headers onto the framing supplier. This has been typical in project delivery on wood frame buildings for some time now where the suppliers have their own designers/engineers and use very expensive software from the manufacturers to engineer, design, and specify members and connections. They produce shop drawings that are reviewed and approved by the engineer of record as is typical for other components customarily deferred such as precast concrete and open web steel joists.</p> <p>I was told that I had to do all of this engineering up front even though I already had engineering in hand from the supplier because he did not want to acknowledge the lumber framing as a structural component submittal.</p> <p>It was extremely frustrating to try to have a conversation/argument with this reviewer because DSPS has not formally defined or specified in the rules what constitutes a structural component submittal. Whereas there are several guidance documents from DSPS that cover the subject, it is</p>	<p>The Department determined that no change is appropriate in response to this comment because submission requirements are adequately defined in the existing code.</p>

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	<p>common when dealing with intransigent plan reviewers that if you point to anything other than actual code or rules, they say to you “well that’s not code, do what I tell you to do.”</p> <p>My suggestion is to add a definition in SPS 361.04, as well as a section under SPS 361.31 that clearly defines and lays out procedure for submission and review of “structural component submittals.” Additionally, please update your guidance to include engineered lumber framing (as well as light-gauge steel framing) such that your guidance is up to date with modern project delivery methods.</p>	
361.40 (3) (b)	<p>SPS 361.40(3)(b) states, “If the supervising architect, engineer, or designer withdraws from a construction project, the owner of the building or structure shall retain a new supervising professional within 30 days of the date of the withdrawal and provide the authority that issued plan approval the name and Wisconsin registration number of the replacement supervising professional.” The problem with the existing language is that it does not identify any penalty should the owner of the building or structure fail to provide/designate a replacement supervising professional to the authority that issued the plan approval within the allotted 30 days.</p> <p>If there is no supervising professional providing supervision over the project, language is requested to be inserted into the administrative chapter stating that the plans shall be rescinded per SPS 361.35 since the licensed professional as implied with the original approval is no longer providing supervision and because the owner has chosen not to provide a replacement. Language requested to be added to SPS 361.40(3)(b) is as follows, “If the supervising architect, engineer, or designer withdraws from a construction project, the owner of the building or structure shall retain a new supervising professional within 30 days of the date of the withdrawal and provide the authority that issued plan approval the name and Wisconsin registration number of the replacement supervising professional. Should a replacement supervising professional not be designated by the building or structure owner within the 30 days of the date of the</p>	<p>The department determined that no change is appropriate in response to this comment. Existing code provides for a number of different enforcement mechanisms adequate to address the situation described.</p>

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		withdrawal of the supervising professional last recognized, the plan approval shall be revoked as allowed by SPS 361.51.”	
362.0717 (3)		Proposed SPS 362.0717(3) for use with IBC 717.6.3 involving nonfire-resistance-rated floor assemblies is not also identified for application with IMC 607.6.3. Note that the IBC is the primary reference, and the IMC is a secondary reference of the same requirement.	The Department agrees with the comment. The recommended change was added to the proposed rule.
362.0717, 364.0607 (3m)		Current SPS 364.0607(4m) for use with IMC 607.5.4 is not duplicated for reference in SPS 362.0717 for use with IBC 717.5.5. Note that the IBC is the primary reference, and the IMC is a secondary reference of the same requirement.	The Department agrees with the comment. The recommended change was added to the proposed rule.
362.0717, 364.0607 (3m)		Current SPS 364.0607(3m) for use with IMC 607.5.5 is not duplicated for reference in SPS 362.0717 for use with IBC 717.5.3. Note that the IBC is the primary reference, and the IMC is a secondary reference of the same requirement.	The Department agrees with the comment. The recommended change was added to the proposed rule.
362.0717?		<p>2021 IBC 717.2.3 has new language regarding static dampers. “Fire dampers and ceiling radiation dampers that are listed for use in static systems shall only be installed in heating ventilation and air-conditioning systems that are automatically shut down in the event of a fire.”</p> <p>2021 IBC 717.6.2.1.1 states, “Dynamic systems. Only ceiling radiation dampers labeled for use in dynamic systems shall be installed in heating, ventilation and air-conditioning systems design to operate with fans on during fire.”</p> <p>At this time, UL has no specific testing procedure for dynamic dampers. Additionally, the means by which static dampers are installed at this time typically do not have a means to automatically shut down the HVAC system.</p> <p>If the intent is to adopt the 2021 ICC codes inclusive of these requirements, how is the Department to enforce the language in the 2021 code as to what is or is not acceptable for the installation for static dampers? What would be an acceptable means of installation for static dampers? Does it require placement of smoke detectors similar to that identified for smoke dampers in IBC 2021 section 717.3.3.2 to shut down the HVAC system? If so, I ask that the Department to provide</p>	The Department has determined that no change is appropriate in response to this comment. The Department agrees that some clarification of these provisions is warranted, but believes that clarification should be accomplished through a future addition to the appendix rather than in the body of the code.

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		<p>language specifically identifying such.</p> <p>What is or is not acceptable for the installation of dynamic dampers? The code provides no testing criteria, and UL has none to provide so as to justify they are acceptable listed “dynamic dampers?”</p> <p>Should these referenced 2021 ICC requirements be amended such that reference for the need to automatically shut down the system is removed?</p> <p>For your reference, the current code under 2015 IBC 717.3.1 states under Damper testing, “Fire dampers shall comply with the requirements of UL 555. Only fire dampers and ceiling radiation dampers labeled for use in dynamic systems shall be installed in heating, ventilation and air-conditioning systems designed to operate with fans on during fire.”</p> <p>The proposed 2021 code sections only have questions concerning application at this time, and no answers.</p>	
362.1210	<p>Proposed to be inserted as an amendment to IBC 1210.3 Privacy;</p> <p>The fixtures within a multi-user toilet room or any toilet room without a privacy lock shall be arranged, or a mazed passage or screen wall provided at the entrance to the room, such that when the door to the toilet room is open there is no clear sight line from outside of the toilet room to any of the fixtures in the toilet room that are not within a stall or other privacy partitions. The user of the fixture shall not be visible from outside the toilet room when the door is open.</p> <p>Discussion: If a young lady, spilled something on her blouse, and in order to clean it she unfastened portions so as to better access cleaning as she was using the sink, do you feel she would feel comfortable when the door opened with no privacy partition? See below. I feel the design would have a privacy conflict for those using the sink. I ask that that Department include the suggested language, or similar, to the proposed code language. See example below:</p>	<p>The department determined that no change is appropriate in response to this comment. The existing language in 2021 IBC 1210.3 already mandates that public restrooms shall be visually screened from outside entry or exit doorways to ensure user privacy within the restroom. The Department believes that that language sufficiently addresses the concern raised in the comment.</p>	
362.1700	<p>On behalf of AIA Wisconsin’s Codes and Standards Committee, I would like to request that the adoption of Chapter 17 Special Inspections of the 2021 International Building Code be removed from the code package that has been forwarded to the legislature for adoption.</p> <p>Wisconsin currently requires the involvement of a licensed</p>	<p>The Department has determined that no change is appropriate in response to this comment. The decision to remove the exemption for special inspections was made after</p>	



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	<p>professional for both the design and construction of buildings over 50,000 cubic feet. SPS 361.40(1)(a) requires proposed construction to be supervised by one or more Wisconsin registered architects or engineers, and the person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. Upon completion of the project and before initial occupancy the supervising architect, engineer or designer must file a written statement certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications.</p> <p>The need for the inspections required by chapter 17 is best determined by the supervising design professional based on the individual building’s unique project requirements. This is the reason that chapter 17, except for some test standard references, was not included when Wisconsin first adopted the International Building Code in 2002 and has not been included in the 3 code adoptions since then. Removing that control from the licensed professional and requiring these inspections across the board, will increase the cost of projects. In some cases, that cost will be significant. It is important to note, there is nothing in the building code or SPS rules that prevents the supervising design professional from requiring any or all the special inspections listed in Chapter 17 if they feel they are necessary.</p> <p>Including Chapter 17 in the building code will also add an additional layer of regulation to the construction process. The licensed professional that is responsible for design and/or construction must have special credentials if they are to perform any of the special inspections required by Chapter 17. The credentialing process is supposed to be managed by the building official, in this case DSPS or their authorized agent. In addition, Chapter 17 requires inspection reports be submitted to the building official. It is not clear if DSPS has a plan to issue or verify credentials, as well as accept and review required test reports. We believe the impact of these two requirements will be significant.</p> <p>The special inspection requirements of chapter 17 have been developed partly by the national code organizations that came together to form the International Code Council in response to building failures in other areas of the country, not Wisconsin.</p>	<p>significant consultation with stakeholders by both the Department and the Commercial Building Code Council and was deemed to be appropriate.</p>
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		<p>Many of those failures were a result of the quality of the contractors and the work they produced. My experience working nationally, is that Wisconsin contractors typically perform to a higher level of quality than their counterparts elsewhere in the country and consequently Wisconsin has not experienced the building failures that have occurred in other areas of the country.</p> <p>In summary, we do not believe the adoption of Chapter 17 will increase the safety of buildings and will add cost to construction projects. The decision to implement the requirements of Chapter 17 are best left to the licensed professional responsible for the project.</p>	
362.2902 (2) (c)		<p>On behalf of the AIA Wisconsin Codes &amp; Standards Committee, I wish to submit a comment regarding the proposed Wisconsin amendment to IBC 2021 s2902.2. Specifically, SPS 362.2902 (2) (c) Exception 6 to IBC s. 2902.2 is not included as part of this code.</p> <p>The excluded exception provides for the potential for gender-neutral sanitary facilities.</p> <p>This concept has seen a significant rise in popularity in a wide variety of building types.</p> <p>The exception was thoroughly scrutinized and adequately vetted at the ICC code development hearings and its acceptance into code language demonstrates its viability.</p> <p>It promotes an aspect of diversity, equity, and inclusion which the State of Wisconsin embraces in policy.</p> <p>Wisconsin need not be more restrictive.</p> <p>DSPS has granted at least one variance of which I am aware to allow such a facility. That variance apparently established an equivalency and reinforces the exceptions viability.</p>	<p>The Department agrees with the comment. The proposed rule was modified to not exclude exception 6 to IBC s. 2902.2.</p>
362.3103, 361.03 (12) (a)		<p>The language in IBC 3103 is not clear as to how the 180 days is to be applied. The Division has, for decades, enforced the language as "consecutive". Additionally, if one were to not address the addition of the word "consecutive", it is challenging, if not impossible, to enforce this rule. The Dept. has very little means to verify use by the owner if the interpretation is not deemed to be consecutive. The Department is requested to create an amendment to modify the language to state, "...Tents and other membrane</p>	<p>The Department determined that no change is appropriate in response to this comment. The Department believes that the existing language in IBC s. 3103 is appropriate as it is currently written.</p>

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		structures erected for a period of less than 180 consecutive days shall comply with the International Fire Code..." This requested action complements the proposed change in language associated in SPS 361.03(12)(a) for temporary use where the word "consecutive" is already proposed to be added.	
363.0403		2021 IECC Section C403.12.3 addresses pipe insulation. Are refrigerant linesets used on refrigeration equipment to be insulated to the minimum listed in the associated table? Immaterial of yes or no, the Department is requested to provide a note, or similar, so that the need for pipe insulation on refrigerant linesets is clarified to code users.	The Department determined that no change is appropriate in response to this comment. The requirements for insulation of refrigerant linesets may be different depending on individual hardware and installation conditions, and additional code sections also impact insulation requirements. For these reasons a blanket statement regarding the entire category of products is not appropriate.
363.0407		SPS 363.0407 is proposed to be removed in its entirety. Included in that action was what I believe to be an inadvertent removal of SPS 363.0407(3) and the direct recognition of the use of Comcheck when used with the 2021 IECC or ASHRAE 90.1-2019. That omission is requested to be corrected for reference and application by designers and code enforcement staff. Note that SPS 363.5405 was modified to address REScheck and the newer version of the IECC, so it's clearly a mistake that was not recognized.	The Department agrees with this comment. In response the relevant rule section was amended to only repeal ss. SPS 363.0407 (1) and (2), while leaving s. SPS 363.0407 (3) in place.
364.0401 (2) (a)		SPS 364.0401(2)(a) identifies that ventilation is required to be supplied during the periods the room or space is occupied. The section eliminates the mandate that mechanical ventilation be addressed in IMC 401.2 as written. SPS Table 364.0402 then identifies acceptance of natural ventilation for Dwelling Units, single and multiple. SPS 364.0401(1)(a) states that an engineered system is acceptable. SPS 364.0403(1)(a) goes on to state, "A ventilation system complying with IMC section 403.3 without the modifications of subs. (2) to (6) is recognized as meeting this exception."	The Department determined that no change is appropriate in response to this comment. The Department has reviewed the relevant sections of the IMC and ch. SPS 364 and determined that no conflict exists.

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		<p>This statement exempts SPS 364.0403(7). SPS 364.0403(7) states, “The requirements of IMC section 403.3.2 are not included as part of the chs. SPS 361 to 366”. The inclusion of SPS 364.0403(7) seems inappropriate, since a design professional could still justify to the Department or its representatives the use of IMC 403.3.2 by calling it an “engineered system”. The Department is requested to review the current language and modify.</p>	
	<p>364.0403 (1) (a)</p>	<p>SPS 364.0403(1)(a) states, “The system shall be arranged to operate continuously at a minimum exhaust rate of 0.05 cfm/sf. Subsequently, the system shall operate at a minimum of 0.75 cfm/sf automatically upon detection of vehicle operation, the presence of occupants, or by a combination of occupancy sensor and carbon monoxide and nitrogen dioxide sensors as appropriate for the room or space. The system shall also be designed so as to address the requirements listed in s. SPS 364.0403(2) and (3).”</p> <p>Those that are required to apply the code are confused by the language “...upon detection of vehicle operation...” Is the intent to require occupancy sensors so as to sense vehicle operation when a vehicle “moves” within a space, or is the language intended to address vehicle operation by way of measurable contaminants via CO and/or NO2 sensors? Bottom line, is it the intent of this section to require BOTH occupancy sensors AND CO/NO2 sensor installations; or is it the intent to have either one or other? It would seem the intent of the section is to always require CO and/or NO2 sensors and occupancy sensors. The current language is not clear and should be modified so as to clarify its intent.</p>	<p>The Department determined that no change is appropriate in response to this comment. The Department reviewed the existing code language and determined that no clarification is needed.</p>
	<p>364.0403 (Table)</p>	<p>2021 IMC Table 403.3.1.1 under “Private dwellings, single and multiple”, requires that kitchens in dwelling units have either 25 cfm continuous or 100 cfm intermittent exhausts per footnote f. SPS Table 364.0403 currently references 20 cfm continuous or 100 cfm intermittent exhausts. It is requested that SPS Table 364.0403 be modified so as to reflect the current minimum requirements of nationally published 2021 IMC Table 403.3.1.1 for the same use for continuity purposes. This is especially important since the use of natural ventilation in such spaces has been removed per changes in SPS Table 364.0402.</p>	<p>The Department agrees with this comment. The language in the proposed rule was updated to require 25 cfm as recommended.</p>

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364.0403 (Table)	<p>SPS Table 364.0403 provides an entry under “Specialty Shops”, Automotive service and repair garages for gasoline or diesel fueled vehicles.</p> <p>In review of the proposed code language, how does a Dept representative, or a designer know what to do with a service repair area as related to an “electric” car?</p> <p>The intent of the section as currently written above was to separate the ventilation requirements for those vehicles using gasoline and/or diesel; from those that use compressed natural gas or hydrogen gas. Note that compressed natural gas vehicle service/repair areas have a different set of ventilation requirements found in IMC 502.16.</p> <p>My point is that as currently proposed, the code does not provide specific ventilation requirements for electric cars that are serviced or repaired. In my opinion, although electric vehicles have no gasoline, ventilation should still be required because there are plenty of other contaminants such as oils, fluids, etc. in an electric car as it involves steering fluid, brake fluid, brakes (asbestos), transmission (?), batteries, etc.</p> <p>The Department is requested to change the SPS Table 364.0403 entry to, “Automotive service and repair garages for electric, gasoline or diesel fueled vehicles.</p>	<p>The Department agrees with the content of the comment, however no change was made as a result because electric vehicles were already added to the entry for service and repair garages in the draft rule as submitted to the clearinghouse.</p>	
364.0403 (Table)	<p>IMC 502.13 allows for use of IMC Chapter 4 (SPS Table 364.0403) for continuous ventilation or IMC section 404 for intermittent ventilation for an enclosed parking garage. SPS Table 364.0403 includes “Storage”, for Enclosed parking garages. This language, as currently provided, should be adequate so as to also address electric cars. However, in review of IMC 404, and SPS 364.0404 for intermittent enclosed parking garage ventilation, I’m not sure that the current language requiring CO and NO2 sensors is viable for an electric car only storage facility. I ask that the Department provide guidance within the code as to whether or not the electric car storage in an enclosed parking garage is required to have related parking garage ventilation. If the space were</p>	<p>The Department does not believe that any change is appropriate in response to this comment. The Department believes that the importance of uniform design for vehicle storage facilities outweighs any advantage of making specific provisions for the storage of electric vehicles.</p>	

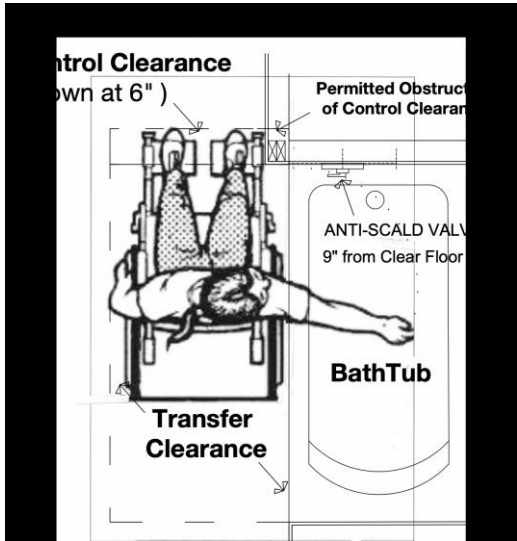
SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT’S RESPONSES,  
EXPLANATION OF MODIFICATION TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS  
CR 23-007, SPS 361-366, Wisconsin Commercial Building Code

This attachment represents the unique issues raised during the public comment period. The comment section reflects a summary of the issues and represents testimony that was presented in support or opposition, or that provided information and recommendations to the Department. After considerable review of all comments, the Department submits its response to each of the issues as indicated below.

		<p>to be solely used for electric cars, it would seem reasonable to eliminate the need to install CO and NO2 sensors. A letter from the owner stating such use should be required at the time of plan submittal, the space shall be posted with the language, “Parking for electric vehicles only. If motorized vehicles are to be parked in this area at any future time, enclosed parking garage ventilation shall be provided by the owner”. Lettering shall be similar to what is required per 2021 IBC 703.5. The letter shall contain acknowledgement that if the use changes at any future time, the owner would be responsible to modify the space so as to complement the new use (ie. storage of motorized vehicles).</p>	
<p>N/A</p>		<p>There is no guidance concerning the application or non-application of the Wisconsin Commercial Building Code and the Uniform Dwelling Code in regards to Airbnb’s. Airbnb is defined as in “Air Bed and Breakfast,” which is a service that lets property owners rent out their homes to travelers looking for a place to stay. Travelers can rent a space for multiple people to share, a shared space with private rooms, or the entire property for themselves. Via Wisconsin statute 101.01(12), a commercial building is one that “allows use by the public”. It would seem that such buildings would be deemed to be considered to be a commercial building, which would then require application of the Wisconsin Commercial Building Code. As such, the need to sprinkler those buildings, along with many other issues as it involves accessibility, etc with this use would seem to be required. Additionally, if such buildings are recognized as commercial, they may be in conflict with their local zoning rules. At this point in time, there has been little direction from the Department on this matter, and local municipalities are unsure as to how address these unique buildings. It has been noted that ATCP has rules regarding this situation as found in ATCP 72.14 which can be viewed at: <a href="https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72">https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72</a> This is to request that written direction be provided for use and reference by both commercial and UDC code users and enforcement agencies.</p>	<p>The Department determined that no action was appropriate in response to this comment. Any modifications in response to this comment would represent a significant change in the code that would affect large numbers of stakeholders, including small businesses. Because this issue does not appear to have been discussed with the Commercial Building Code Council during the rule making process, was not subject to SBRRB review, and was not subject to either EIA or general public comment any changes would be inappropriate at this time.</p>

SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT’S RESPONSES,  
EXPLANATION OF MODIFICATION TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS  
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<p>Multiple</p>	<p><b>Useable Bathrooms: Reach to tub &amp; shower controls</b> While tubs and showers are required to clear floor spaces for the fixtures themselves, the controls for them are not reachable in current provisions of state law, International Building Code 2015, ANSI A117.1-2017, and ADAAG.</p>	<p>The Department determined that no action was appropriate in response to this comment. Any modifications in response to this comment would represent a significant change in the code that would affect large numbers of stakeholders, including small businesses. Because this issue does not appear to have been discussed with the Commercial Building Code Council during the rule making process, was not subject to SBRRB review, and was not subject to either EIA or general public comment any changes would be inappropriate at this time.</p>
<p>The issue is, simply, that a seated person’s toes must go past the plane of the wall and the controls offset in order to accommodate the arc of reach.</p>		
	<p>This arrangement would be useful as a supplement to the IBC codes &amp; ADAAG side and forward reach provisions in that it addresses what the reach potential is <i>into corners</i>; it is <i>not</i> the combined area side and forward reach.</p>	
	<p>The diagram makes clear that in order to reach a control mounted on the Centerline of the tub, the traditional mounting location, 5-9” must be provided beyond the foot of the fixture in order to reach the water control. In actual practice we have found that offsetting the control 9” from the approach side of the fixture then permits an accessible reach with only 5” beyond the foot of the tub/shower.</p>	

SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT’S RESPONSES,  
EXPLANATION OF MODIFICATION TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS  
CR 23-007, SPS 361-366, Wisconsin Commercial Building Code

This attachment represents the unique issues raised during the public comment period. The comment section reflects a summary of the issues and represents testimony that was presented in support or opposition, or that provided information and recommendations to the Department. After considerable review of all comments, the Department submits its response to each of the issues as indicated below.

		<p>There used to be such a provision in Wisconsin’s administrative code for multi-family housing, Chapter 57, but it disappeared when the IBC was first adopted, in the name of “simplification.” In the meantime a similar provision has been carried forward in WHEDA’s Qualified Allocation Plans for the Section 42 housing assistance program, covering hundreds of apartments without objections from designers and builders.</p> <p>In addition,</p> <p>The beneficiaries extend beyond persons with disabilities: offsetting the controls makes it easier to reach when parents bathe children, or the user simply wants to adjust the water temperature before getting in.</p> <p>The features do not interfere with any one else’s use of the fixtures</p> <p>Most bathrooms are already larger than the traditional 5’ x 7’ standard; our current norms of designs based on market demands are for larger bathrooms, often with multiple bathing facilities; thus the floor space needed (9” max. by 30” wide = 1.88 SF) is a modest cost, and depending on the layout and size desired may not require any added area <i>per se</i>.</p> <p>Thomas Hirsch, FAIA, is currently participating in the revisions of ANSI A117.1-2017 but the process is not likely to produce results for a number of years. The AIA Wisconsin Codes &amp; Standards Committee would like to see this arrangement restored to Wisconsin’s housing, in statute while updating the state building codes, for more immediate effect and to assure continuity over time.</p>	
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 02/06/2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 361 to 366	
4. Subject Commercial Building Code	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s.20.165(2)(j)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The primary objective of this rulemaking project is to evaluate and update the Wisconsin Commercial Building Code, chapters SPS 361-366. This rulemaking update is intended to keep this Code consistent with dynamic, contemporary regional and national construction and fire prevention practices and standards, and with legislation enacted since the previous update of this Code. The update is also needed in order to meet the content and timeliness requirements for the energy conservation provisions of this Code as established in sections 101.027 (2) and (3) of the Wisconsin Statutes.  In addition, the project is expected to evaluate other administrative code chapters that may be affected by this update of the Wisconsin Commercial Building Code including, at least, chapters SPS 303, 305, 314, 316, 318, 340, 343, and 345, relating to administrative procedures; licenses, certifications and registrations; fire prevention; electrical; elevators, escalators, and lift devices; gas systems; boilers and pressure vessels; anhydrous ammonia; mechanical refrigeration; rental unit energy efficiency; solar energy systems; cleaning methods for historic buildings; buildings constructed prior to 1914; and plumbing; respectively.  This evaluation identified a need to move the authority for certain plumbing requirements out of ch. SPS 362 of the Commercial Building Code and into ch. 382 of the Wisconsin Plumbing Code. That change is incorporated into this rule project to ensure that the removal from the Commercial Building Code and insertion in the Plumbing Code happen simultaneously to avoid either a gap or overlap in regulation.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. This proposed rule was developed in consultation with the Wisconsin Commercial Building Code Council. The Commercial Building Code Council is authorized and created under s. 15.407 (18), Stats, and includes 11 members from different areas affected by the commercial building code. The council's duties are outlined in s. 101.023, Stats., which states:	

## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

“The commercial building code council shall review the rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. In preparing rules under this chapter that relate to public buildings and to buildings that are places of employment, the department shall consult with the commercial building code council.”

Beginning in February 2021, the Wisconsin Commercial Building Code Council held monthly meetings to comprehensively review significant changes adopted in updated versions of the model building codes and other standards incorporated by reference in the rule.

The following is a summary of the comments received during the 60-day comment period:

-- Gail Nordheim from 350 Wisconsin: "350 Wisconsin is a part of an international coalition of organizations seeking to make transformational progress toward environmental justice and toward solving our planet's climate crisis. Building decarbonization is central to 350 Wisconsin's mission. The Department of Energy states that commercial buildings generate 16% of all U.S. carbon dioxide emissions. Therefore we applaud the Department of Safety and Professional Services in their efforts to update the commercial building codes now under review. These updates will reduce emissions. By adopting this version of the code the state agency is doing the right thing as this code update puts Wisconsin on the path to being a regional leader.

The economic impact of the updated codes is clear. A 2019 analysis by the Midwest Energy Efficiency Alliance indicated that if Wisconsin updated to the 2018 International Energy Conservation Codes (IECC), it would save 15% of energy costs based on a weighted average of all building types. This would result in a first year savings of \$2,700,000 based on commercial construction levels in Wisconsin. The proposed codes move Wisconsin to the 2021 IECC for even greater savings.

Updating Wisconsin's Commercial Energy Code would lead to substantial positive economic impacts including but not limited to:

1. High-quality job creation in construction-related industries;
2. Reduction in utility bills for consumers whereby energy cost savings can lead to more disposable income for people to use in the wider economy;
3. Health cost savings and improved occupant health and comfort;
4. Reduction in electricity use;
5. Cost-effectiveness in construction, cheaper to build to the most updated code when looking at the life cycle cost;
6. Greater building resilience following extreme weather events;
7. Ability to market buildings as healthier with lower utility costs to businesses/tenants; and
8. Greater access to federal funding opportunities regarding codes and energy efficiency.

If we were to enact codes that match the 2021 standards, we could save up to 30% more energy, which could result in \$170 million in savings for Wisconsinites by 2030. Updating codes would result in energy savings, monetary savings, more resilient towns and cities, more jobs and put money back into consumer's pockets."

-- Justin Koscher from Polyisocyanurate Insulation Manufacturers Association (PIMA): "

The Polyisocyanurate Insulation Manufacturers Association (PIMA) is writing in support of the proposed rule updating Wisconsin's commercial building energy code (chapter SPS 363), which is part of the Department's larger update to the Commercial Building Code, chapters SPS 361-366. Adopting this draft rule will bring the State's commercial building

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

energy code in line with the 2021 International Energy Conservation Code (IECC) and fulfills a key recommendation from the Governor's Task Force on Climate Change. Also, we applaud the State for removing the weakening amendments adopted in prior code adoption cycles that had the effect of diluting the energy code's effectiveness in reducing energy waste and building operating costs. Keeping the State's energy code updated to the current version of the IECC is an important and cost-effective policy for addressing the negative economic and environmental impacts caused by building energy waste – a sector that is responsible for 40% of total U.S. energy use. This practice will help Wisconsin achieve a range of benefits, including:

- Reduced air pollution;
- Consumer and business cost savings;
- Increased flexibility and reliability of our energy system and grid;
- Reduced peak energy demand; and
- Improved energy productivity.

Maintaining the State's energy code to current standards ensures that Wisconsin will benefit from the regular improvements in construction practices and component technologies. This is especially true for commercial buildings where the relatively fast pace of innovation has resulted in significant energy savings over the last several code cycles. Under the 2021 IECC, the average energy use intensity of commercial buildings in Wisconsin will improve by approximately 9% compared to the current State code.

For every model code update, the Pacific Northwest National Laboratory and U.S. Department of Energy provide state-specific data on energy savings and incremental construction costs illustrating that building owners and occupants (and the State as a whole) quickly benefit from the adoption of the IECC without weakening amendments. The simple pay-back for the 2018 IECC and 2021 IECC in Wisconsin is two years and immediate, respectively."

-- Eric Lacey from Responsible Energy Codes Alliance (RECA): "The Pending Rule updating the Wisconsin Commercial Building Code would generate positive energy and cost savings for the owners and occupants of commercial buildings statewide and would help Wisconsin achieve meaningful greenhouse gas reduction in a cost-effective manner. We urge the Department to move quickly to finalize this rule and to continue to improve both commercial and residential statewide energy codes going forward. RECA's members and supporters have been involved in energy code development and adoption for over twenty years, and we offer our assistance and experience as you work to maximize building energy efficiency."

-- Ben Rabe from New Buildings Institute (NBI): "NBI is a national non-profit supporting better buildings that reduce energy use and carbon emissions through research, policy guidance and market transformation. We pride ourselves on technical expertise in cost-effective, scalable technologies that reduce energy use and carbon emissions in buildings in both the residential and commercial sectors. NBI urges to fully adopt the 2021 IECC commercial provision, which also apply to large multifamily buildings.

Wisconsin's current commercial energy code is based on the 2015 IECC and ASHRAE 90.1-2013 and was adopted in 2018. Since then, other Midwestern states such as Illinois, Minnesota, and Michigan have begun the process to adopt the 2021 IECC or equivalent as their commercial energy code. The 2021 IECC is a clear and substantial improvement over the 2015 version and will provide a range of energy efficiency, comfort, resiliency, and environmental benefits for the owners and occupants of commercial and large multifamily buildings in Wisconsin. A recent study by the U.S. Department of Energy (DOE) indicates that if Wisconsin updates from the 2015 IECC to the 2021 IECC, Wisconsin residents would experience the following savings:

- \$0.055 per square foot in annual savings
  - \$1.144 per square foot decrease in construction costs
  - \$3.23 per square foot in life-cycle cost savings over a 30-year period
  - 5.3 metric ton reduction in statewide CO2 emissions by 5.3 over a 30-year period
-

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Additionally, these changes to the energy code will help the State meet the goal for all electricity consumed within the state to be 100 percent carbon-free by 2050 outlined in the Clean Energy Plan. For these reasons, NBI encourages Wisconsin to move forward with the adoption of the 2021 IECC commercial provisions."

-- Stacey Paradis from Midwest Energy Efficiency Alliance (MEEA): "Thank you for the opportunity to provide comments on the adoption of the 2021 International Energy Conservation Code (IECC) for commercial buildings. The Midwest Energy Efficiency Alliance (MEEA) is a member-based non-profit organization serving as a collaborative network, promoting energy efficiency to optimize energy generation, reduce consumption, create jobs and decrease carbon emissions in all Midwest communities. MEEA has previously worked in Wisconsin on energy codes and provided technical assistance to the Wisconsin Department of Safety and Professional Services in previous energy code adoption cycles.

MEEA supports the current Wisconsin Commercial Building Code draft rules published for public comment. Updating the statewide commercial energy code to the 2021 IECC would not only improve building efficiency, create more comfortable and healthier indoor environments and result in greater building resilience, but it would also provide numerous economic benefits to Wisconsin's residents and business owners.

Adopting the 2021 IECC will reduce energy use and costs for Wisconsin residents and business owners, provide the state with health cost savings, create jobs and allow Wisconsin to access future federal funding for energy code and energy efficiency advancements. In order to realize greater economic, resilience and health benefits, MEEA strongly encourages Wisconsin to adopt the 2021 IECC for commercial buildings."

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

None

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14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

These proposed rules may have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., and will be submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a substantial number of small businesses. The Department of Safety and Professional Services estimates a total of \$247,000 in one-time costs for staffing and supplies and \$4,600 in annual costs for IT subscriptions to implement the rule. The updates are necessary for the Department to perform the functions stated in SPS 361.01. The estimated costs may not be absorbed in the agency budget.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The primary purpose of the codes under consideration is to protect public safety, health, and welfare. Periodic review and update of these codes is necessary to ensure that they still achieve that purpose. In addition, the review and update allows the opportunity to recognize and stay current with new construction products and practices. The review and update under this scope statement will include evaluation of the 2018 and 2021 editions of the above-mentioned model building code suite for incorporation. The primary alternative would be to not perform this rule-review process. This would reduce the public benefits that would otherwise occur by performing this review.

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16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule are the update of the Commercial Building Code standards and practices throughout Wisconsin to ensure public health and safety and ensure Wisconsin buildings are safe.

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17. Compare With Approaches Being Used by Federal Government

Energy Conservation Requirements - Section 304 (a) of the Energy Conservation and Production Act (ECPA) (Pub. L. No. 94-385), as amended, requires the US Department of Energy (DOE) to establish energy conservation standards and encourage states and local governments to adopt and enforce those standards through their building codes and other construction control mechanisms.

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

42 U.S.C. 6833 requires the DOE secretary to review any new revision of the International Energy Conservation Code (IECC) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ANSI/ASHRAE/IESNA) Standard 90.1 within 12 months after the publication date to determine whether the revision will improve energy efficiency in commercial buildings. If the DOE Secretary determines that the standard will achieve energy savings, each state is required to review the standards no later than 2 years after publication and certify that the state has reviewed and updated provisions of the state's commercial building code to incorporate provisions of the revised standards to the extent that the code will meet or exceed the revised standard.

DOE issued a determination on February 27, 2018, that ASHRAE Standard 90.1-2016, as compared to ASHRAE Standard 90.1-2013, would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of approximately 8.3% energy cost savings, 7.9% source energy savings, 6.8% site energy savings, and 4.2% carbon emissions savings.

DOE issued a determination on July 2, 2021, that ASHRAE Standard 90.1-2019, as compared to ASHRAE Standard 90.1-2016, would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of approximately 4.3% energy cost savings, 4.3% source energy savings, 4.7% site energy savings, and 4.2% carbon emissions savings.

On December 10, 2019, DOE issued a determination that the 2018 IECC, as compared to then 2015 IECC would achieve greater energy efficiency in buildings subject to the code as compared to the 2018 IECC. DOE estimates national savings in residential buildings of approximately 1.97% energy cost savings, 1.91% source energy savings, 1.68% site energy savings.

On July 19, 2021, DOE issued a determination that the 2021 IECC, as compared to the 2018 IECC, would achieve greater energy efficiency in buildings subject to the code as compared to the 2018 IECC. DOE estimates national savings in residential buildings of approximately 8.66% energy cost savings, 8.79% source energy savings, 9.38% site energy savings.

Similar to federal requirements, s. 101.027 (2), Wis. Stats., requires the department to review the energy conservation code and promulgate rules to improve energy conservation. The department is required to consider any cost of the required compared to any reasonable economic and environmental benefit of the requirement.

The review process used to evaluate the IECC and ASHRAE Standard 90.1 as part of this rule revision meets both federal and state requirements for reviewing energy conservation standards for use in commercial buildings. Wisconsin modifications to the IECC and ASHRAE Standard 90.1 are found in ch. SPS 363.

**Accessibility Requirements** -In addition to energy conservation requirements, commercial buildings are also required to meet federal requirements for accessibility for the disabled. These regulations include the following:

28 CFR 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.

28 CFR 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.

24 CFR 40 – Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures.

24 CFR 41 – Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

24 CFR 100 – Discriminatory Conduct Under the Fair Housing Act.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines. 24 CFR 40 and 41 provide technical guidance on the design, construction, and alteration of dwelling units as required by the federal Fair Housing Amendments Act of 1988. The American National Standard: Accessible and Usable Buildings and Facilities, (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities which are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the IBC. Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Illinois:

Currently, State Board of Education (ISBE) enforces building codes for their own structures. All other codes in the state are adopted by local municipalities, fire protection districts and counties. The IL Energy Conservation Act requires the State to adopt the current version of the IECC for all commercial and residential occupancies. The residential portion of the state's adoption is a mini-max code statewide. Illinois also adopts its own Statewide plumbing code.

The 2018 IECC applies to residential and commercial construction for which permits are issued statewide. The Illinois State Board of Education has adopted the 2018 IECC, 2015 IBC, IFC, IMC, IFGC, IPMC, IEBC for Pre-K thru 12 public Education Facilities (other than vehicular), but do not apply to Chicago. IBC adopted by Dept. of Health for hospitals where local codes do not apply.

The below codes are in effect for State owned facilities:

- 2015 International Building Code
- 2018 International Energy Conservation Code
- 2015 International Existing Building Code
- 2015 International Fire Code (excluding Chapter 4)
- 2015 International Fuel Gas Code
- 2015 International Mechanical Code
- 2015 International Property Maintenance Code

Iowa:

The State of Iowa imposes a combination of state required codes and locally adopted codes. When municipalities update their codes, they are required to update to the codes adopted by the state. The Iowa Building Code Bureau adopts the IBC, IRC, IMC, IEBC and IECC. The State Fire Marshal adopts the IFC. The Iowa Plumbing and Mechanical Code Advisory Council is responsible for the adoption of the state plumbing code. The state adopted versions of IFC and IECC are required to be enforced for all occupancies statewide by state and local government enforcement agencies. Local jurisdictions have the option of adopting the remaining state adopted codes or a stricter code as determined by the jurisdiction. Consequently, many local jurisdictions have adopted the IPC.

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

The Iowa Code with amendments is based on the 2015 editions of the International Codes, except for the IMC which is the 2021 edition and the IECC which is the 2012 edition. The state IFC and IECC are required for all construction. Iowa is a home-rule state and there is no law forcing them to update their codes. When they do update their codes, local jurisdictions with populations in excess of 15,000 have the option of adopting the prevailing state adopted codes or a stricter code as determined by the jurisdiction.

Michigan:

The Michigan Construction and Fire Codes are promulgated by the Construction Code Commission and State Fire Safety Board and are evaluated for revisions or modifications every three years (statutorily mandated) except for the residential code, which is on a flexible cycle of every three to six years. Once codes have been passed by those bodies, the regulations must be approved by the state legislature.

The code adoption process follows the I-Code three-year cycle (except for the IRC, which is a 3-6-year flex cycle), with a target effective date in January one year following the release of the new I-Codes. Codes are updated as needed every year.

The current editions of the MI Building, Residential, Mechanical, Plumbing., and Existing Building Codes have not been posted at this time.

Minnesota:

The adopting authority for the Minnesota State Building Code the Minnesota Department of Labor and Industry (DLI), Construction Codes & Licensing Division (CCLD). Jurisdictions that adopt building codes must adopt the Minnesota State Building Code or remain at their present level. CCLD has the authority to develop fire codes but delegates the authority to the State Fire Marshal who appoints a committee of fire chiefs and fire marshals to review and make recommendations for rulemaking. The State Fire Marshal administers the Minnesota Fire Code.

In 2015, the Minnesota Legislature passed a law requiring ICC codes be updated no more than every six years. That restriction does not apply to the codes administered by the authoritative state electrical board, plumbing board and high-pressure piping board.

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19. Contact Name Joseph Ricker	20. Contact Phone Number 608-267-2242
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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 23-007)

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PROPOSED ORDER

An order of the Department of Safety and Professional services **to repeal** SPS 361.02 (4), 361.03 (15) (b), 361.31 (2) (b) 2. b., (2) (c), 362.0202 (2) (h), and (Note), 362.0504, 362.0506, 362.0603, 362.0705, 362.0713, 362.0902, 362.0903 (4) (a) 2., (b), (5) (cm), (7) (b), (12), (16) and (17), 362.0904 (3), 362.0915, 362.1004, 362.1010, 362.1013, 362.1029, 362.1206, 362.1210 (2m), 362.1506, 362.1507, 362.1607, 362.1613, 362.1700, 362.1807, 362.1808, 362.1908, 362.2503, 363.0401 (5), 363.0403 (5), (6), (8), (9), (10), and (11), 363.0406, 363.0407 (1) and (2), 363.0408, 363.0502, 363.0503 (1), (2), (3), and (4), 363.5402, 363.5502, 363.5503, 364.0300 (1) (Note), 364.0506 (2) (c), 364.0507 (2), 364.0802, 364.1500 (1m), (2m), and (Note), 366.0605, 366.0902 (2), 366.0903, 366.0904, 366.1204, and 366.1301 (2); **to renumber** SPS 362.0202 (1) (a), 362.0202 (2) (f), 362.0202 (2) (i), 362.1405, 362.3307, 366.0603, and 366.0909; **to renumber and amend** SPS 362.1101, 362.1107, 362.1111, 362.1203, 362.1204, 362.1503, 366.0400, 366.0600, 366.0606, 366.0609, 366.0804, 366.0809, 366.0810, 366.1010, 366.1011, 366.1012, 366.1205, and 366.1401; **to amend** SPS 305.627 (1), SPS 361.03 (12) (intro) and (12) (a), (13) (b), (14) (intro), (a), (b), (c), (d), and (Note), 361.03 (15) (g), 361.04 (12), (13), (13g), and (14), 361.05 (1), (2), (3), (4), and (5), 361.30 (1) (b) 1., 361.31 (2) (b) 1., (3) (a), (3) (a) (Note 1), 361.32 (1) and (2), 361.36 (1) (a), (b), (c), (d), (e), (f), and (g), 361 Subchapter V (title), 361.45, 361.46 (title), (1), (2) (intro) and (b) and (f) and (g) and (3), 361.47 (1) (a) and (b), (2) (title) and (a) and (b), (3) (a) 1. and 3., (b) 3., (5), (6) (a) and (c), (d) 1., (e) and (f), 361.48 (intro.), 361.485 (1) and (2), 361.51 (8) (b), 361.60 (5) (c) 3., 362.0308, 362.0310, 362.0412 (1) and (2), 362.0415 (1), 362.0423, 362.0903 (1), (2), (3), (4) (a) (intro.), and 1., (5) (a), (b) 1., (Note 1), (9), (10) (a), and (14), 362.0907 (3), (5) (a), and (b), 362.1006 (1) (intro.) and (b), 362.1015, 362.1020 (intro) and (2), 362.1603 (1) and (3), 362.1802, 362.1806, 362.1810 (8), 362.2211, 362.2510, 362.2902 (1) (a) 2., (d) and (e) and (2) (a), 362.3001 (1) and (2), 362.3002 (1) (a) 2. b., 362.3500 (3), 362.3600 (1), 363.0101, 363.0302, 363.0303 (1) (Note), (2) (a) 1., 2., 3., and 4., 363.0401 (1) (b), (2), and (3), 363.0403 (1), (2), (3) (intro.) and (b), (4), and (7) (intro.), 363.0600 (1), (2), (3), and (4), 363.5101, 363.5302, 363.5303 (1) (Note), (2) (a) 1., 2., 3., and 4., 363.5403 (2), 363.5405, 363.5600 (1), (2), (3), and (4), 364.0300 (1), 364.0309 (1) (table) footnote a., 364.0401 (2) (b), 364.0402 (table), 364.0403 (5) d. 1., 364.0501 (3) (intro.) and (6), 364.0505, 364.0606 (1) and (2), 364.0701, 364.1500 (3), 365.0800, 365.0900, 366.0101 (4) (b) and (c), 366.0701, 366.0702 (1) and (2), 366.0902 (1), 366.1201 (1) and (2), and 366.1301 (3) and (4); **to repeal and recreate** 361.31 (1)

(b) 2. (Note 2), 361.36 (2), 362.0202 (2) (c), 362.0706, 362.0903 (18) (b) and (c) and (Note), 362.1009, 362.1011, 362.2902 (4), 363.0402, 363.0404, 364.0300 (2), and 364.0403 (table); and **to create** SPS 314.13(2m), SPS 361.02 (2) (Note), (3) (i), and (3) (i) (Note), 361.03 (15) (g) (Note) and (16) 361.04 (13w), 361.45 (Note), 362.0202 (1) (d), 362.0420, 362.0717 (3), (4) and (5), 362.0903 (4) (a) 1m., 362.0903 (5) (c) and (d), (18) (am), (19), (20), (21), (22), and (23), 362.0907 (6), 362.0912, 362.0913, 362.1006 (6), 362.1016, 362.1020 (4), 362.1030, 362.1209 , 362.1210 (3m), 362.1603 (7), 362.2902 (1) (a) 6., (d) (Note) and (7), 363.0403 (12) and (13), 364.0202 (1) (as), 364.0402 (table) (Note), 364.0403 (5) (c) 6., 364.0607 (5), 364.1500 (4), 365.0501 (4), 366.0303, 366.0306, and 366.1201 (1) (a), (b), and (c), relating to Commercial Building Code and affecting small business.

Analysis prepared by the Department of Safety and Professional Services.

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### ANALYSIS

**Statutes interpreted:** Sections 101.02 (15)(j), 101.023, 101.025, 101.027 (2), 101.12, and 101.13, Stats., which relate to standards for the approval, construction, alteration, addition to, repair, maintenance, and inspection of public buildings and places of employment and components.

**Statutory authority:** Sections 101.02 (1), 101.02 (15) (j), 101.025, 101.027 (2), 101.128 (2) (b), 101.13 (1m) (a), 101.132 (2) (c) 1. and (e) 2., and 101.14 (4) (a), Stats.

#### **Explanation of agency authority:**

**Section 101.02 (1) (b), Stats.** – “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings...”

**Section 101.02 (15) (j), Stats.** – “The department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe.”

**Section 101.025, Stats.** – Establishes requirements for standards for ventilation in public buildings and places of employment.

**Section 101.027 (2), Stats.** – “The department shall review the energy conservation code and shall promulgate rules that change the requirements of the energy conservation code to improve energy conservation. No rule may be promulgated that has not taken into account the cost of the energy conservation code requirement, as changed by the rule, in relationship to the benefits derived from that requirement, including the reasonably foreseeable economic and environmental benefits to the state from any reduction in the use of imported fossil fuel. The proposed rules changing the energy conservation code shall be submitted to the legislature in the manner provided under s. 227.19. In

conducting a review under this subsection, the department shall consider incorporating, into the energy conservation code, design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code or an energy efficiency code other than the International Energy Conservation Code if that energy efficiency code is used to prescribe design requirements for the purpose of conserving energy in buildings and is generally accepted and used by engineers and the construction industry.”

**Section 101.128 (2) (b), Stats.** – “The department shall promulgate rules that establish standards that the owner of a facility where the public congregates shall meet to achieve the equal speed of access required under par. (a).”

**Section 101.13 (1m) (a), Stats.** – “Except as provided in par. (b), the department shall by rule provide minimum requirements to facilitate the use of public buildings and places of employment by physically disabled persons where traffic might reasonably be expected by such persons.”

**Sections 101.132 (2) (c) 1. and (e) 2., Stats.** – “The department shall promulgate rules that specify the materials to be included in the submittal, the procedures to be followed upon receipt of a submittal, reasonable time limitations for reviewing submittals and issuing or denying permits and qualifications for authorized representatives.”

“The department shall promulgate rules establishing minimum accessibility requirements for the design and construction of covered multifamily housing and the remodeling of housing that are consistent with this subsection, that incorporate the applicable standards under ANSI A117.1 and that set forth permit and variance procedures for purposes of par. (c).”

**Section 101.14 (4) (a), Stats.** – “The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employees and frequenters of places of employment and public buildings.”

**Related statute or rules:**

Chapter SPS 305, General.

Chapter SPS 314, Fire Prevention.

Chapter SPS 316, Electrical.

Chapter SPS 318, Elevators, Escalators, and Lift Devices.

Chapters SPS 320 to 325, Uniform Dwelling Code.

Chapter SPS 328, Smoke Detectors and Carbon Monoxide Detectors.

Chapters SPS 381 to 387, Plumbing.

**Plain language analysis:**

The primary objective of this rulemaking project is to evaluate and update the *Wisconsin Commercial Building Code*, chapters SPS 361-366. This rulemaking update intends to keep this Code consistent with dynamic, contemporary regional and national construction and fire prevention practices and standards, and with legislation enacted since the previous update of this Code. The update is also needed in order to meet the content and timeliness requirements for the energy conservation provisions of this Code as established in sections 101.027 (2) and (3) of the Wisconsin Statutes.

In addition, the project evaluated other administrative code chapters that may be affected by an update of the *Wisconsin Commercial Building Code* including, at least, chapters SPS 303, 305, 314, 316, 318, 340, 343, and 345, relating to administrative procedures; licenses, certifications and registrations; fire prevention; electrical; elevators, escalators, and lift devices; gas systems; boilers and pressure vessels; anhydrous ammonia; mechanical refrigeration; rental unit energy efficiency; solar energy systems; cleaning methods for historic buildings; buildings constructed prior to 1914; and plumbing; respectively.

The majority of the proposed rule implements an update of the Wisconsin Commercial Building Code's adoption by reference of the commercial building code suite published by the International Code Council (ICC) from the 2015 edition to the 2021 edition. This update addresses changed references, errata discovered since the previous comprehensive update of the Wisconsin Commercial Building Code, and elimination of certain provisions that have been rendered redundant due to updates to the ICC codes.

Additionally, several changes identified below were made to increase public safety in public buildings and some of the changes were in response to public comment:

- Various requirements were changed to increase the number of conditions where automatic fire sprinklers are required in public buildings;
- Specific certification requirements were added for individuals performing inspections of smoke and fire dampers; and
- An exemption from International Building Code ch. 17 Special Inspections was removed from the code.

Finally, a broad range of energy efficiency improvements were implemented as a result of the transition from the 2015 to the 2021 version of the International Energy Conservation Code.

**Summary of, and comparison with, existing or proposed federal regulation:**

*Energy Conservation Requirements* - Section 304 (a) of the Energy Conservation and Production Act (ECPA) (Pub. L. No. 94-385), as amended, requires the US Department of Energy (DOE) to establish energy conservation standards and encourage states and local governments to adopt and enforce those standards through their building codes and other construction control mechanisms.

42 U.S.C. 6833 requires the DOE secretary to review any new revision of the International Energy Conservation Code (IECC) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ANSI/ASHRAE/IESNA) Standard 90.1 within 12 months after the publication date to determine whether the revision will improve energy efficiency in commercial buildings. If the DOE Secretary determines that the standard will achieve energy savings, each state is required to review the standards no later than 2 years after publication and certify that the state has reviewed and updated provisions of the state's commercial building code to incorporate provisions of the revised standards to the extent that the code will meet or exceed the revised standard.

DOE issued a determination on February 27, 2018, that ASHRAE Standard 90.1-2016, as compared to ASHRAE Standard 90.1-2013, would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of approximately 8.3% energy cost savings, 7.9% source energy savings, 6.8% site energy savings, and 4.2% carbon emissions savings.

DOE issued a determination on July 28, 2021, that ASHRAE Standard 90.1-2019, as compared to ASHRAE Standard 90.1-2016, would achieve greater energy efficiency in buildings subject to the code. DOE estimates national savings in commercial buildings of approximately 4.3% energy cost savings, 4.3% source energy savings, 4.7% site energy savings, and 4.2% carbon emissions savings.

On December 10, 2019, DOE issued a determination that the 2018 IECC, as compared to then 2015 IECC would achieve greater energy efficiency in buildings subject to the code as compared to the 2018 IECC. DOE estimates national savings in residential buildings of approximately 1.97% energy cost savings, 1.91% source energy savings, 1.68% site energy savings.

On July 19, 2021, DOE issued a determination that the 2021 IECC, as compared to the 2018 IECC, would achieve greater energy efficiency in buildings subject to the code as compared to the 2018 IECC. DOE estimates national savings in residential buildings of approximately 8.66% energy cost savings, 8.79% source energy savings, 9.38% site energy savings.

Similar to federal requirements, s. 101.027 (2), Wis. Stats., requires the department to review the energy conservation code and promulgate rules to improve energy conservation. The department is required to consider any cost of the required compared to any reasonable economic and environmental benefit of the requirement.

The review process used to evaluate the IECC and ASHRAE Standard 90.1 as part of this rule revision meets both federal and state requirements for reviewing energy conservation standards for use in commercial buildings. Wisconsin modifications to the IECC and ASHRAE Standard 90.1 are found in ch. SPS 363.

*Accessibility Requirements* - In addition to energy conservation requirements, commercial buildings are also required to meet federal requirements for accessibility for the disabled. These regulations include the following:

28 CFR 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.

28 CFR 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.

24 CFR 40 – Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures.

24 CFR 41 – Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.

24 CFR 100 – Discriminatory Conduct Under the Fair Housing Act.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines. 24 CFR 40 and 41 provide technical guidance on the design, construction, and alteration of dwelling units as required by the federal Fair Housing Amendments Act of 1988. The American National Standard: Accessible and Usable Buildings and Facilities, (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities which are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the International Building Code (IBC). Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

A preliminary hearing on the statement of scope was held on December 28, 2020. The following people and entities commented on the proposed scope:

- Timothy Schmitz, Lead Senior Regional Manager of Government Relations with the International Code Council (ICC), submitted written comments in support of updating SPS 361 to 366 summarized as follows:
  - Implementation of current model building codes is one of the nation’s best defenses against natural disasters, incorporating the latest technology to provide the safest and most resilient structures possible.

- Offered to continue to serve as a resource to DSPS throughout the code update process.
- Robert G. DuPont, Founder of the Alliance for Regulatory Coordination, submitted written comments in support of Statement of Scope 149-20 summarized as follows:
  - Expressed support for the use of contemporary model codes dealing with safety and resilience of buildings, accessibility, energy conservation, and fire prevention, as this best serves and protects Wisconsin citizens, businesses, and visitors.
  - Also expresses support for updates to the code to reflect legislation passed since the last code update.

No amendments were made to the scope statement as a result of the hearing comments received.

**Comparison with rules in adjacent states:**

**Illinois:**

Currently, Illinois State Board of Education (ISBE) enforces building codes for their own structures. All other codes in the state are adopted by local municipalities, fire protection districts and counties. The IL Energy Efficient Building Act requires the State to adopt the current version of the IECC for all commercial and residential occupancies. The residential portion of the state’s adoption is a mini-max code statewide. Illinois also adopts its own Statewide plumbing code.

The 2018 IECC applies to residential and commercial construction for which permits are issued statewide. The ISBE has adopted the 2018 IECC, 2015 IBC, IFC, IMC, IFGC, IPMC, IEBC for Pre-K thru 12 public Education Facilities (other than vehicular), but do not apply to Chicago. IBC adopted by Dept. of Health for hospitals where local codes do not apply.

The below codes are in effect for State owned facilities:

- *2015 International Building Code*
- *2018 International Energy Conservation Code*
- *2015 International Existing Building Code*
- *2015 International Fire Code (excluding Chapter 4)*
- *2015 International Fuel Gas Code*
- *2015 International Mechanical Code*
- *2015 International Property Maintenance Code*

**Iowa:**

The State of Iowa imposes a combination of state required codes and locally adopted codes. When municipalities update their codes, they are required to update to the codes

adopted by the state. The Iowa Building Code Bureau adopts the IBC, IRC, IMC, IEBC and IECC. The State Fire Marshal adopts the IFC. The Iowa Plumbing and Mechanical Code Advisory Council is responsible for the adoption of the state plumbing code. The State adopted versions of IFC and IECC are required to be enforced for all occupancies statewide by state and local government enforcement agencies. Local jurisdictions have the option of adopting the remaining state adopted codes or a stricter code as determined by the jurisdiction. Consequently, many local jurisdictions have adopted the IPC.

The Iowa Code with amendments is based on the 2015 editions of the International Codes, except for the IMC which is the 2021 edition and the IECC which is the 2012 edition. The state IFC and IECC are required for all construction. Iowa is a home-rule state and there is no law forcing them to update their codes. When they do update their codes, local jurisdictions with populations in excess of 15,000 have the option of adopting the prevailing state adopted codes or a stricter code as determined by the jurisdiction.

### **Michigan:**

The Michigan Construction and Fire Codes are promulgated by the Construction Code Commission and State Fire Safety Board and are evaluated for revisions or modifications every three years (statutorily mandated) except for the residential code, which is on a flexible cycle of every three to six years. Once codes have been passed by those bodies, the regulations must be approved by the state legislature.

The code adoption process follows the I-Code three-year cycle (except for the IRC, which is a 3-6-year flex cycle), with a target effective date in January one year following the release of the new I-Codes. Codes are updated as needed every year.

The current editions of the MI Building, Residential, Mechanical, Plumbing, and Existing Building Codes have not been posted at this time.

### **Minnesota:**

The adopting authority for the Minnesota State Building Code the Minnesota Department of Labor and Industry (DLI), Construction Codes & Licensing Division (CCLD). Jurisdictions that adopt building codes must adopt the Minnesota State Building Code or remain at their present level. CCLD has the authority to develop fire codes but delegates the authority to the State Fire Marshal who appoints a committee of fire chiefs and fire marshals to review and make recommendations for rulemaking. The State Fire Marshal administers the Minnesota Fire Code.

In 2015, the Minnesota Legislature passed a law requiring ICC codes be updated no more than every six years. That restriction does not apply to the codes administered by the authoritative state electrical board, plumbing board, and high-pressure piping board.

### **Summary of factual data and analytical methodologies:**



This proposed rule was developed in consultation with the Wisconsin Commercial Building Code Council. The Commercial Building Code Council is authorized and created under s. 15.407 (18), Stats, and includes 11 members from different areas affected by the commercial building code. The council's duties are outlined in s. 101.023, Stats., which states:

“The commercial building code council shall review the rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. In preparing rules under this chapter that relate to public buildings and to buildings that are places of employment, the department shall consult with the commercial building code council.”

Beginning in February 2021, the Wisconsin Commercial Building Code Council held monthly meetings to comprehensively review significant changes adopted in updated versions of the model building codes and other standards incorporated by reference in the rule. Standards incorporated by reference in the proposed rule were submitted to the Attorney General for approval pursuant to s. 227.21 (2), Stats., and authorization was granted.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rule was posted on the Department of Safety and Professional Services' website for 60 days in order to solicit input from small businesses, local units of government, and individuals for use in completing the economic impact analysis. The following comments were received:

-- Gail Nordheim from 350 Wisconsin:

"350 Wisconsin is a part of an international coalition of organizations seeking to make transformational progress toward environmental justice and toward solving our planet's climate crisis. Building decarbonization is central to 350 Wisconsin's mission. The Department of Energy states that commercial buildings generate 16% of all U.S. carbon dioxide emissions. Therefore we applaud the Department of Safety and Professional Services in their efforts to update the commercial building codes now under review. These updates will reduce emissions. By adopting this version of the code the state agency is doing the right thing as this code update puts Wisconsin on the path to being a regional leader.

The economic impact of the updated codes is clear. A 2019 analysis by the Midwest Energy Efficiency Alliance indicated that if Wisconsin updated to the 2018 International Energy Conservation Codes (IECC), it would save 15% of energy costs based on a weighted average of all building types. This would result in a first year savings of

\$2,700,000 based on commercial construction levels in Wisconsin. The proposed codes move Wisconsin to the 2021 IECC for even greater savings.

Updating Wisconsin's Commercial Energy Code would lead to substantial positive economic impacts including but not limited to:

1. High-quality job creation in construction-related industries;
2. Reduction in utility bills for consumers whereby energy cost savings can lead to more disposable income for people to use in the wider economy;
3. Health cost savings and improved occupant health and comfort;
4. Reduction in electricity use;
5. Cost-effectiveness in construction, cheaper to build to the most updated code when looking at the life cycle cost;
6. Greater building resilience following extreme weather events;
7. Ability to market buildings as healthier with lower utility costs to businesses/tenants; and
8. Greater access to federal funding opportunities regarding codes and energy efficiency.

If we were to enact codes that match the 2021 standards, we could save up to 30% more energy, which could result in \$170 million in savings for Wisconsinites by 2030. Updating codes would result in energy savings, monetary savings, more resilient towns and cities, more jobs and put money back into consumer's pockets."

-- Justin Koscher from Polyisocyanurate Insulation Manufacturers Association (PIMA):

"The Polyisocyanurate Insulation Manufacturers Association (PIMA) is writing in support of the proposed rule updating Wisconsin's commercial building energy code (chapter SPS 363), which is part of the Department's larger update to the Commercial Building Code, chapters SPS 361-366. Adopting this draft rule will bring the State's commercial building energy code in line with the 2021 International Energy Conservation Code (IECC) and fulfills a key recommendation from the Governor's Task Force on Climate Change. Also, we applaud the State for removing the weakening amendments adopted in prior code adoption cycles that had the effect of diluting the energy code's effectiveness in reducing energy waste and building operating costs. Keeping the State's energy code updated to the current version of the IECC is an important and cost-effective policy for addressing the negative economic and environmental impacts caused by building energy waste – a sector that is responsible for 40% of total U.S. energy use. This practice will help Wisconsin achieve a range of benefits, including:

- Reduced air pollution;
- Consumer and business cost savings;
- Increased flexibility and reliability of our energy system and grid;
- Reduced peak energy demand; and
- Improved energy productivity.

Maintaining the State's energy code to current standards ensures that Wisconsin will benefit from the regular improvements in construction practices and component technologies. This is especially true for commercial buildings where the relatively fast pace of innovation has resulted in significant energy savings over the last several code cycles. Under the 2021 IECC, the average energy use intensity of commercial buildings in Wisconsin will improve by approximately 9% compared to the current State code. For every model code update, the Pacific Northwest National Laboratory and U.S. Department of Energy provide state-specific data on energy savings and incremental construction costs illustrating that building owners and occupants (and the State as a whole) quickly benefit from the adoption of the IECC without weakening amendments. The simple pay-back for the 2018 IECC and 2021 IECC in Wisconsin is two years and immediate, respectively."

-- Eric Lacey from Responsible Energy Codes Alliance (RECA):

"The Pending Rule updating the Wisconsin Commercial Building Code would generate positive energy and cost savings for the owners and occupants of commercial buildings statewide and would help Wisconsin achieve meaningful greenhouse gas reduction in a cost-effective manner. We urge the Department to move quickly to finalize this rule and to continue to improve both commercial and residential statewide energy codes going forward. RECA's members and supporters have been involved in energy code development and adoption for over twenty years, and we offer our assistance and experience as you work to maximize building energy efficiency."

-- Ben Rabe from New Buildings Institute (NBI):

"NBI is a national non-profit supporting better buildings that reduce energy use and carbon emissions through research, policy guidance and market transformation. We pride ourselves on technical expertise in cost-effective, scalable technologies that reduce energy use and carbon emissions in buildings in both the residential and commercial sectors. NBI urges to fully adopt the 2021 IECC commercial provision, which also apply to large multifamily buildings.

Wisconsin's current commercial energy code is based on the 2015 IECC and ASHRAE 90.1-2013 and was adopted in 2018. Since then, other Midwestern states such as Illinois, Minnesota, and Michigan have begun the process to adopt the 2021 IECC or equivalent as their commercial energy code. The 2021 IECC is a clear and substantial improvement over the 2015 version and will provide a range of energy efficiency, comfort, resiliency, and environmental benefits for the owners and occupants of commercial and large multifamily buildings in Wisconsin. A recent study by the U.S. Department of Energy (DOE) indicates that if Wisconsin updates from the 2015 IECC to the 2021 IECC, Wisconsin residents would experience the following savings:

- \$0.055 per square foot in annual savings
- \$1.144 per square foot decrease in construction costs
- \$3.23 per square foot in life-cycle cost savings over a 30-year period

- 5.3 metric ton reduction in statewide CO2 emissions by 5.3 over a 30-year period

Additionally, these changes to the energy code will help the State meet the goal for all electricity consumed within the state to be 100 percent carbon-free by 2050 outlined in the Clean Energy Plan. For these reasons, NBI encourages Wisconsin to move forward with the adoption of the 2021 IECC commercial provisions."

-- Stacey Paradis from Midwest Energy Efficiency Alliance (MEEA):

"Thank you for the opportunity to provide comments on the adoption of the 2021 International Energy Conservation Code (IECC) for commercial buildings. The Midwest Energy Efficiency Alliance (MEEA) is a member-based non-profit organization serving as a collaborative network, promoting energy efficiency to optimize energy generation, reduce consumption, create jobs and decrease carbon emissions in all Midwest communities. MEEA has previously worked in Wisconsin on energy codes and provided technical assistance to the Wisconsin Department of Safety and Professional Services in previous energy code adoption cycles.

MEEA supports the current Wisconsin Commercial Building Code draft rules published for public comment. Updating the statewide commercial energy code to the 2021 IECC would not only improve building efficiency, create more comfortable and healthier indoor environments and result in greater building resilience, but it would also provide numerous economic benefits to Wisconsin's residents and business owners.

Adopting the 2021 IECC will reduce energy use and costs for Wisconsin residents and business owners, provide the state with health cost savings, create jobs and allow Wisconsin to access future federal funding for energy code and energy efficiency advancements. In order to realize greater economic, resilience and health benefits, MEEA strongly encourages Wisconsin to adopt the 2021 IECC for commercial buildings."

The Department evaluated whether the rules would have an environmental impact and concluded that the rules do not result in any possible significant, adverse environmental or social impacts. Therefore, preparation of an environmental assessment or environmental impact statement under s. 1.11, Stats., was not necessary.

The Department completed an evaluation of the potential impact on housing under s. 227.115, Stats. and concluded the rules do not impact housing.

### **Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

### **Effect on small business:**

These proposed rules may have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., and were submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a

substantial number of small businesses. No report was received. The Department's Regulatory Review Coordinator, Jennifer Garrett, may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-6795.

**Agency contact person:**

Joseph Ricker, Attorney, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-2242; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. SPS 305.627 (1) is amended to read:

**SPS 305.627 (1) GENERAL.** No person may perform inspections of fire detection, prevention, and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment for the purpose of administering and enforcing chs. SPS 361 to 366 and 375 to 379 unless the person holds a certification issued by the department as a certified fire detection, prevention, and suppression inspector or holds a certification as a commercial building inspector.

SECTION 2. SPS 314.13 (2m) is created to read:

**SPS 314.13 (2m) INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS.** The periodic inspection and testing of fire and smoke dampers required under NFPA 1, NFPA 80, and NFPA 105 shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 3. SPS 361.02 (2) (Note), (3) (i), and (3) (i) (Note) are created to read:

**SPS 361.02 (2) Note:** This includes buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes under s. 101.05 (1), Stats., and rural school buildings under the conditions set by s. 101.05 (4), Stats.

**(3) (i)** A “micro school” for 8 or fewer students enrolled in pre-kindergarten thru grade 12 if the school is located in a home or dwelling that falls under the scope of s. SPS 320.02.

**Note:** The department no longer reviews community based residential facilities (CBRFs). Contact the department of health services (DHS) for submittal requirements.

SECTION 4. SPS 361.02 (4) is repealed.

SECTION 5. SPS 361.03 (12) (intro) and (a), (13) (b), (14) (intro), (a), (b), (c), (d), and (Note) are amended to read:

**SPS 361.03 (12) TEMPORARY USE.** A municipal fire or delegated building code official authorized by the department may permit a building or structure to be used temporarily by the public, subject to all of the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 consecutive days, except the official may grant extensions for demonstrated cause.

(13) (b) Existing bleachers, grandstands, and folding and telescopic seating shall comply with IBC ~~section 1029.1.1~~ s. 1030.1.1.

(14) INTERNATIONAL FIRE CODE. The ~~2015~~ 2021 IFC does not apply to chs. SPS 361 to 366 except as follows:

(a) Design and construction-related requirements shall apply that are addressed in the IFC ~~section s.~~ s. 102.6; IFC ~~chapters chs.~~ chs. 2 to 4; IFC ~~sections ss.~~ ss. 501 to 502 and 504 to 510; IFC ~~sections ss.~~ ss. 601 to 605 and 607 to 609 606; IFC ~~chapters chs.~~ chs. 7 and 8; IFC ~~sections ss.~~ ss. 901.1 to 901.4.3, 901.4.5, 901.4.4, 901.4.6 to 909.18.9, and 909.20, 909.22 to 913, 1203, and 1207; IFC ~~chapters chs.~~ chs. 10, 11, 21, and 22; IFC ~~section 2311.7~~ s. 2311.8, and IFC ~~chapters chs.~~ chs. 24 to 37, 50, 51, 54 to 57, 59, 60, 62 to 67, and 80.

(b) Occupant loads addressed in IFC ~~section 1004.5~~ s. 1005.6 shall apply but shall be established by the ~~owner rather than~~ designer and approved by the code official.

(c) Construction-related inspections and reports shall apply that are addressed in IFC ~~chapters chs.~~ chs. 2 to 8; IFC ~~sections ss.~~ ss. 901.1 to 901.4.4, 901.4.6 to 909.18.9, and 909.20, and 909.22 to 913; and IFC ~~chapters chs.~~ chs. 10, 11, 21, 22, 24 to 37, 50, 51, 54 to 57, 59, 60, and 62 to 67, but may be performed or compiled by any qualified agency, rather than by a special inspector.

(d) Use and operation provisions shall apply ~~which that~~ which that are a contingency of design and construction-related requirements and ~~which that~~ which that are addressed in IFC ~~chapters chs.~~ chs. 2 to 4; IFC ~~sections ss.~~ ss. 501 and 502 and 504 to 510; IFC ~~sections ss.~~ ss. 601 to 605 and 607 to 609 606; IFC ~~chapters chs.~~ chs. 7 and 8; IFC ~~sections ss.~~ ss. 901.1 to 901.4.3, 901.4.5 901.4.4, and 901.4.6 to 909.18.9, and 909.20, 909.22 to 913, 1203 and 1207; and IFC ~~chapters chs.~~ chs. 10, 11, 21, 22, 24 to 37, 50, 51, 54 to 57, 59, 60, 62 to 67, and 80.

**Note:** A copy of the ~~2015~~ 2021 IFC may be viewed or acquired at [codes.iccsafe.org](http://codes.iccsafe.org).

SECTION 6. SPS 361.03 (15) (b) is repealed.

SECTION 7. SPS 361.03 (15) (g) is amended to read:

**SPS 361.03 (15) (g)** All requirements that specify obtaining a permit or certificate of occupancy. This global deletion does not in any way restrict the power of a local municipality to require a certificate of occupancy.

SECTION 8. SPS 361.03 (15) (g) (Note) and (16) are created to read:

**SPS 361.03 (15) (g) Note:** 361.03 (15) (b) was repealed as part of the 2021 code update.

**(16)** INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS. The initial inspection and testing of fire and smoke dampers required under NFPA 1, NFPA 80, and NFPA 105 shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 9. SPS 361.04 (12), (13), and (13g) are amended to read:

**SPS 361.04 (12)** “IPC” and “International Plumbing Code” mean the Wisconsin Plumbing Code, chs. SPS 381 to 387.

**(13)** “IPSC” and “International Private Sewage Code” mean the Wisconsin Plumbing Code and Private Onsite Wastewater Treatment Systems Code, chs. SPS 381 to 387.

**(13g)** “IRC” or “International Residential Code” means the *International Residential Code*® Uniform Dwelling Code, chs. SPS 320 to 325.

SECTION 10. SPS 361.04 (13w) is created to read:

**SPS 361.04 (13w)** “Modular commercial building element” means any modular commercial building, modular multifamily dwelling, modular commercial building system, modular multifamily dwelling system, modular commercial building system component, or modular multifamily dwelling system component.

SECTION 11. SPS 361.04 (14) is amended to read:

**SPS 361.04 (14)** “Multifamily dwelling” has the meaning given in s. ~~101.971(2)~~ 101.01(8m), Stats.

SECTION 12. SPS 361.05 (1), (2), (3), (4), and (5) are amended to read:

**SPS 361.05 (1)** IBC. The *International Building Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 362~~ chs. SPS 361 to 366 is incorporated by reference into chs. SPS 361 to 366.

**(2)** IECC. The *International Energy Conservation Code*® – ~~2015~~ 2021, subject to the modifications specified in ~~this chapter and ch. SPS 363~~ chs. SPS 361 to 366 is incorporated by reference into chs. SPS 361 to 366.

(3) IMC. The *International Mechanical Code*® – 2015 2021, subject to the modifications specified in ~~this chapter and ch. SPS 364~~ chs. SPS 361 to 366 is incorporated by reference into chs. SPS 361 to 366.

(4) IFGC. The *International Fuel Gas Code*® – 2015 2021, subject to the modifications specified in ~~this chapter and ch. SPS 365~~ chs. SPS 361 to 366 is incorporated by reference into chs. SPS 361 to 366.

(5) IEBC. The *International Existing Building Code*® – 2015 2021, subject to the modifications specified in ~~this chapter and ch. SPS 366~~ chs. SPS 361 to 366 is incorporated by reference into chs. SPS 361 to 366.

SECTION 13. SPS 361.30 (1) (b) 1. is amended to read:

**SPS 361.30 (1) (b) 1.** Single-story buildings and structures of less than 1,000 square feet located on individual parcels or lease sites at Wisconsin state fair park.

SECTION 14. SPS 361.31 (1) (b) 2. (Note 2) is repealed and recreated to read:

**SPS 361.31 (1) (b) 2. Note 2:** As a result of the change to the eSLA electronic submittal only process any reference to a document, drawing, or other material to be submitted in s. A-E 2.02 and this section should be understood to apply equally to paper and electronic versions of those materials.

SECTION 15. SPS 361.31 (2) (b) 1. is amended to read:

**SPS 361.31 (2) (b) 1.** ~~Except as provided in subd. 2., at least 4 sets of construction~~ Construction documents, including construction specifications, shall be submitted to the department or authorized representative for review.

SECTION 16. SPS 361.31 (2) (b) 2. b. and (2) (c) are repealed.

SECTION 17. SPS 361.31 (3) (a) and (3) (a) (Note 1) are amended to read:

**SPS 361.31 (3) (a)** ~~A plan review application form shall be included with the construction documents and information, including the information required by sub. 2,~~ shall be submitted to the department for examination and approval using the eSLA electronic safety and licensing application process. Pursuant to s. SPS 302.07 (3), the department shall review and make a determination on an application for plan review under this chapter within 15 business days.

**Note 1:** The Department ~~forms required in this chapter~~ requirements for submitting through the eSLA system, including timeframes for submittal and review procedures, are available at the Department's website at <https://www.dsps.wi.gov>, through links to ~~Division of Industry Services forms~~ <https://esla.wi.gov>, or the customer information page.



SECTION 18. SPS 361.32 (1) and (2) are amended to read:

**SPS 361.32 (1)** A building owner or building owner's representative may request and the department or its authorized representative may grant permission to start construction for the footings and foundations upon submission of construction documents under s. SPS 361.31.

**(2)** A building owner or building owner's representative who has been granted permission to start construction of the footings and foundations may proceed at the owner's own risk without assurance that a conditional approval for the building will be granted.

SECTION 19. SPS 361.36 (1) (a), (b), (c), (d), (e), (f), and (g) are amended to read:

**SPS 361.36 (1) (a)** Except as provided in par. (f) ~~and sub. (2) (b)~~, plan approval by the department or its authorized representative for new buildings and building additions shall expire 2 years after the approval date indicated on the approved building plans if the building shell is not closed in within those 2 years.

**(b)** ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for new buildings and building additions shall expire 3 years after the approval date indicated on the approved building plans if the building is not ready for occupancy within those 3 years.

**(c)** ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for interior building alterations shall expire ~~one year~~ 2 years after the approval date indicated on the approved building plans if the alteration work is not completed within ~~that year~~ those 2 years.

**(d)** ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for heating, ventilating, or air conditioning construction that does not include any associated building construction shall expire ~~one year~~ 2 years after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within ~~that year~~ those 2 years.

**(e)** ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for a fire protection system that does not include any associated building construction shall expire 2 years after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within those 2 years.

**(f)** ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for mausoleums within the scope of s. 440.92 (2) (e), Stats., shall expire 3 years after the date indicated on the approved building plans of the building shell if not closed within those 3 years.

(g) ~~Except as provided in sub. (2), plan~~ Plan approval by the department or its authorized representative for bleachers or free-standing canopies shall expire 2 years after the approval date on the approved plans of the structure.

SECTION 20. SPS 361.36 (2) is repealed and recreated to read:

**SPS 361.36 (2) EXTENSION OF PLAN APPROVAL.** Upon request and payment of the fee specified in ch. SPS 302, the expiration dates in sub. (1) (b) to (g) may be extended provided the request is submitted prior to expiration of the original approval.

SECTION 21. SPS 361 Subchapter V (title) is amended to read:

**SPS 361 Subchapter V — Approval and Inspection of Modular ~~Multifamily Dwellings and their Components~~ Commercial Building Elements**

SECTION 22. SPS 361.45 is amended to read:

**SPS 361.45 Modular ~~multifamily dwelling~~ commercial building elements scope.** This subchapter shall govern the design, manufacture, installation, and inspection of modular ~~multifamily housing, modular multifamily building systems, and the building system components~~ commercial building elements displaying the Wisconsin insignia.

SECTION 23. SPS 361.45 (Note) is created to read:

**SPS 361.45 Note:** “modular commercial building element” is defined in SPS 361.01 (13w)

SECTION 24. SPS 361.46 (title), (1), (2) (intro), (2) (b), (2) (f), (2) (g), and (3) are amended to read:

**SPS 361.46 Manufacture, sale, and installation of ~~dwellings~~ modular commercial building elements.**

(1) No modular ~~multifamily housing, modular multifamily building system and the building system components~~ commercial building element subject to this subchapter may be manufactured for use, sold for initial use or installed in this state unless it is approved by the department and it bears the Wisconsin insignia issued in accordance with s. SPS 361.47 (6).

(2) A manufacturer of a ~~modular multifamily dwelling~~ modular commercial building elements shall establish a compliance assurance program to ensure that materials, production, and site operations conform to chs. SPS 361 to 366 and approved construction documents. The compliance assurance program shall be independent from the production of the unit. The compliance assurance program shall include all of the following:

(b) A flow chart, plant layout, or other schematic plan or document illustrating and describing the process for manufacturing modular ~~multifamily dwellings~~ commercial building elements, including locations and check points where mandatory inspections will occur.

(f) Procedures for final inspection, identification, and labeling of finished modular ~~multifamily housing, modular multifamily building systems, and the building system components~~ commercial building elements, including a system for issuing and maintaining records of serial numbers on units and components.

(g) Procedures for handling, storing, and protecting all finished modular ~~multifamily housing, modular multifamily building systems, and the building system components~~ commercial building elements at the manufacturing plant or other storage facility.

(3) The manufacturer shall obtain building plan review and approval, in accordance with this subchapter, for a any modular multifamily dwelling commercial building element before any on-site construction within the scope of chs. SPS 361 to 366 is commenced.

SECTION 25. SPS 361.47 (1) (a) and (b), (2) (title) and (a) and (b), (3) (a) 1. and 3., (b) 3., (5), (6) (a) and (c), (d) 1., (e) and (f) are amended to read:

**SPS 361.47 (1) (a)** An application for approval of any modular ~~multifamily housing, modular multifamily building system, and the building system components~~ commercial building element shall be submitted to the department on a form required by the department, along with the appropriate fees in accordance with s. SPS 302.34 (5).

(b) The department shall review and make a determination on an application for approval of a modular ~~multifamily housing modular multifamily building system, and the components of the building system~~ commercial building element within 30 days.

**(2) APPROVAL OF PLANS AND SPECIFICATIONS FOR MODULAR ~~MULTIFAMILY BUILDING SYSTEMS AND BUILDING SYSTEM COMPONENTS~~ COMMERCIAL BUILDING ELEMENTS.**

(a) ~~Four sets~~ A complete set of building, structural, and HVAC plans, including elevations, sections, ~~and details, and one set of specifications,~~ and calculations shall be submitted to the department on behalf of the manufacturer for examination and approval.

(b) ~~Four sets~~ A complete set of plans and specifications for manufactured building components shall be submitted to the department on behalf of the manufacturer for examination and approval.

(3) (a) 1. 'Department review.' If the department determines that the plans, specifications, and application for approval submitted for a modular ~~multifamily building system or a building system component~~ commercial building element substantially conform to the provisions of chs. SPS 361 to 366, the department shall issue a conditional approval. A

conditional approval issued by the department may not constitute an assumption of any liability for the design or construction of the manufactured building.

**3.** `Stamping of plans, specifications, and compliance assurance program.' Plans, specifications, and compliance assurance programs that are conditionally approved under subd. 1. shall be stamped "conditionally approved." ~~At least 3 copies~~ and shall be returned to the person designated on the application for approval ~~and one.~~ A copy shall be retained by the department.

**(b) 3.** `Stamping of plans, specifications, and compliance assurance program.' Plans, specifications, and compliance assurance programs for which approval is denied under subd. 1. shall be stamped "~~not approved.~~" ~~At least 3 copies~~ "denied" and shall be returned to the person submitting the application for approval ~~and one.~~ A copy shall be retained by the department.

**(5)** Manufacturers shall contract with an independent inspection agency to conduct in-plant inspections to assure that the manufactured modular ~~multifamily building system and the building system components~~ commercial building elements are in compliance with the plans and specifications approved by the department and that the manufacturer has established a compliance assurance program, as required under s. SPS 361.46 (2). All inspections, for the purpose of administering and enforcing chs. SPS 361 to 366, shall be performed by a Wisconsin certified commercial building inspector.

**(6) (a)** Upon departmental approval of the plans and satisfactory in-plant inspections of the modular ~~multifamily building system, and the building system components~~ commercial building element, a Wisconsin insignia shall be purchased from the department in accordance with the fee established in s. SPS 302.34 (6). A manufacturer shall display a Wisconsin insignia on any approved modular ~~multifamily building system, or building system component~~ commercial building element.

**(c)** Each Wisconsin insignia shall be assigned and affixed to a specific manufactured modular ~~multifamily dwelling unit or building system component~~ commercial building element that is specified by the department before the dwelling is shipped from the manufacturing plant.

**(d) 1.** `Manufacturer's insignia records.' The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias, including construction compliance certificates, indicating the number of Wisconsin insignias that have been affixed to a modular ~~multifamily building, building system component, or groups of building components~~ commercial building element; which Wisconsin insignias have been applied to which manufactured modular ~~multifamily dwelling or manufactured building system component~~ commercial building element; the disposition of any damaged or rejected Wisconsin insignias; and the location and custody of all unused Wisconsin insignias. The manufacturer or the independent inspection agency shall maintain the records for at least 10 years. The manufacturer shall send a copy of the records to the department upon request.

(e) Each modular ~~multifamily dwelling unit and major transportable section or component~~ commercial building element shall be assigned a serial number.

(f) Modular ~~multifamily housing, modular multifamily building systems, and building system components~~ commercial building elements that bear the Wisconsin insignia may be manufactured, offered for sale, and installed anywhere in Wisconsin where the installation site complies with the other provisions of chs. SPS 361 to 366.

SECTION 26. SPS 361.48 (intro) is amended to read:

**SPS 361.48** The department shall suspend or revoke its approval of a modular ~~multifamily building system or building system component~~ commercial building element if it determines that the standards for construction or the manufacture and installation of a modular ~~multifamily building system or modular multifamily building system component~~ commercial building element do not meet the standards established under chs. SPS 361 to 366 or that those standards are not being enforced as required by chs. SPS 361 to 366. The procedure for suspension and revocation of approval shall be as follows:

SECTION 27. SPS 361.485 (1) and (2) are amended to read:

**SPS 361.485 (1)** Upon suspension or revocation by the department of the approval of any manufactured modular ~~multifamily dwelling or manufactured building component~~ commercial building element, the manufacturer may not attach a Wisconsin insignia to any modular ~~multifamily dwelling or building component~~ commercial building element manufactured for which the approval was suspended or revoked. Upon the expiration date of the suspension or revocation, the manufacturer may resume the attachment of insignias to the ~~dwelling or building component~~ modular commercial building element manufactured after the date approval is reinstated. If any ~~dwelling or building component~~ modular commercial building element was manufactured during the period of suspension or revocation, the manufacturer may not attach the Wisconsin insignia unless the department has inspected, or caused to be inspected, the manufactured modular ~~multifamily dwelling or manufactured building component~~ commercial building element and is satisfied that all requirements for certification have been met.

**(2)** The manufacturer shall return to the department all insignias allocated for a manufactured modular ~~multifamily dwelling or manufactured building component~~ commercial building element no later than 30 days from the effective date of any suspension or revocation of the approval by the department. The manufacturer shall also return to the department all insignias that it determines are no longer needed.

SECTION 28. SPS 361.51 (8) (b) is amended to read:

**SPS 361.51 (8) (b)** A plan that includes the use of an alternate model building code submitted for plan review under this subsection ~~is exempt from fee and approval requirements under subs. (2) to (7) and~~ shall be subject to fees set under s. SPS 302.51 for

a new approval for an alternate standard but is exempt from the petition for variance requirements under s. SPS 361.22.

SECTION 29. SPS 361.60 (5) (c) 3. is amended to read:

**SPS 361.60 (5) (c) 3.** An alteration of ~~to~~ a space ~~in a building containing~~ involving less than 100,000 cubic feet of ~~total building~~ volume.

SECTION 30. SPS 362.0202 (1) (a) is renumbered to SPS 362.0202 (1) (ar).

SECTION 31. SPS 362.0202 (1) (d) is created to read:

**SPS 362.0202 (1) (d)** “Toilet room” means a room used for privately accessing sanitation fixtures.

SECTION 32. SPS 362.0202 (2) (c) is repealed and recreated to read:

**SPS 362.0202 (2) (c)** “Commercial motor vehicle” has the meaning given in s. 340.01 (8) Stats., but does not include fire apparatus.

SECTION 33. SPS 362.0202 (2) (f) is renumbered to SPS 362.0202 (1) (ag).

SECTION 34. SPS 362.0202 (2) (h) and (Note) are repealed.

SECTION 35. SPS 362.0202 (2) (i) is renumbered to SPS 362.0202 (1) (bm).

SECTION 36. SPS 362.0308 is amended to read:

**SPS 362.0308** Substitute the following wording for IBC ~~section 308.4.2~~ s. 308.3.2: Five or fewer persons receiving medical care. A facility with 5 or fewer persons receiving medical care shall be classified as Group R-3.

SECTION 37. SPS 362.0310 is amended to read:

**SPS 362.0310 Use and occupancy classification.** This is a department informational note to be used under IBC ~~section 310.2~~ s. 310: Note: ~~See s. SPS 361.02 Notes for statutory definitions of adult family home and community-based residential facility.~~ See s. SPS 361.04 for definitions of dwelling unit and multifamily dwelling.

SECTION 38. SPS 362.0412 (1) and (2) are amended to read:

**SPS 362.0412 (1)** Substitute the following wording for exception 1 in IBC ~~section 412.4.4~~ s. 412.3.4: Heating equipment that is suspended at least 10 feet above the upper surface of wings or engine enclosures of the highest aircraft which may be housed in the hangar; or at least 8 feet above the floor in shops, offices, and other sections of the hangar communicating with storage or service areas.

(2) Substitute the following wording for the requirements, but not the exception, in IBC ~~section 412.4.3~~ s. 412.3.3: Floor surface. Floors Floor surfaces shall be made of materials allowed by IBC s. 406.2.4 and shall be graded and drained to meet the requirements of ch. SPS 382.

SECTION 39. SPS 362.0415 (1) is amended to read:

**SPS 362.0415 (1)** Substitute the definition in s. SPS 362.0202 (2) (g) for the corresponding definition in IBC ~~section 415.2~~ s. 202 for use in IBC s. 415: “Immediately dangerous to life and health (IDLH).”

SECTION 40. SPS 362.0420 is created to read:

**SPS 362.0420 Separation walls.** A single tenant R occupancy that is under the scope of the Uniform Dwelling Code, chs. SPS 320 to 325, shall be separated from any commercial tenant by not less than one hour rated fire partitions in accordance with IBC s. 708, one hour rated horizontal assemblies in accordance with IBC s. 711, or both.

SECTION 41. SPS 362.0423 is amended to read:

**SPS 362.0423 Storm shelters.** The requirements in IBC ~~sections 423.3 ss. 423.4 and 423.4~~ 423.5 are not included as part of chs. SPS 361 to 366.

SECTION 42. SPS 362.0504 is repealed.

SECTION 43. SPS 362.0506 is repealed.

SECTION 44. SPS 362.0603 is repealed.

SECTION 45. SPS 362.0705 is repealed.

SECTION 46. SPS 362.0706 is repealed and recreated to read:

**SPS 362.0706 Fire Walls.**

(1) FIRE WALL IDENTIFICATION. These are department rules in addition to the requirements in IBC s. 706:

(a) *Purpose.* Pursuant to s. 101.135, Stats., the purpose of this subsection is to establish uniform standards for the identification of fire walls on the exterior of buildings.

(b) *Sign requirements*

1. ‘General.’ The sign shall consist of 3 circles arranged vertically on the exterior wall, marking the location of the fire wall and centered on the fire wall. The circles shall either

be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.

**2. 'Size of circle.'** Each circle shall be the same size. The diameter of the circle shall be at least 1 1/2 inches, but no greater than 2 inches.

**3. 'Spacing.'** The circles shall be spaced an equal distance apart. The distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be no more than 12 inches.

**4. 'Color.'** The color of the circle shall be red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.

**5. 'Content.'** The sign shall indicate the hourly rating of the fire wall.

**(2) HORIZONTAL CONTINUITY.** This is a department alternative to the requirements in IBC s. 706.5.1: The fire wall can be extended 4 feet in one direction.

SECTION 47. SPS 362.0713 is repealed.

SECTION 48. SPS 362.0717 (3), (4) and (5) are created to read:

**SPS 362.0717 (3) NONFIRE-RESISTANCE-RATED FLOOR ASSEMBLIES.** This is a department additional method to the methods listed in IBC s. 717.6.3: Ducts contained within individual dwelling units may connect up to three stories without a fire-rated shaft. The annular space around the penetrating duct shall be protected with an approved noncombustible material that resists the free passage of flame and the products of combustion.

**(4) PENETRATIONS OF SHAFT ENCLOSURES.** This is a department exception to the requirements in IBC s. 717.5.3: Smoke dampers are not required in ducts that are used in the exhaust portion of laboratory ventilating systems which are designed and installed in accordance with NFPA 45.

**(5) SMOKE DAMPERS IN HEALTH CARE FACILITIES.** This is a department exception to the requirements in IMC s. 717.5.5: Smoke dampers are not required in Group I-2 duct penetrations of smoke barriers in fully ducted HVAC systems.

SECTION 49. SPS 362.0902 is repealed.

SECTION 50. SPS 362.0903 (1), (2), (3), (4) (a) (intro.) and 1. are amended to read:

**SPS 362.0903 (1)** Substitute the following wording for condition 3 in IBC section s. 903.2.1.1: ~~None of the stories in which the~~ The fire area is located containing the A-1 occupancy has no stories that include a level of exit discharge.



(2) Substitute the following wording for condition 3 in IBC ~~section s.~~ 903.2.1.2: ~~None of the stories in which the~~ The fire area is located containing the A-2 occupancy has no stories that include a level of exit discharge.

(3) Substitute the following wording for condition 3 in IBC ~~section s.~~ 903.2.1.3: ~~None of the stories in which the~~ The fire area is located containing the A-3 occupancy has no stories that include a level of exit discharge.

(4) (a) (intro.) ~~Except as provided in par. (b), an~~ An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than ~~20,000~~ 12,000 square feet in area.

SECTION 51. SPS 362.0903 (4) (a) 1m. is created to read:

**SPS 362.0903 (4) (a) 1m.** Throughout any Group E fire area with an occupant load of 300 or more.

SECTION 52. SPS 362.0903 (4) (a) 2. is repealed.

SECTION 53. SPS 362.0903 (4) (b) is repealed.

SECTION 54. SPS 362.0903 (5) (a), (b) 1., and (Note 1) are amended to read:

**SPS 362.0903 (5) (a)** Except as provided in pars. (b) to ~~(cm)~~ (d), an automatic sprinkler system installed in accordance with IBC ~~section s.~~ 903.3 shall be provided throughout all buildings with a Group R fire area.

(b) 1. The multifamily dwelling does not contain more than ~~20~~ 4 dwelling units.

**Note:** See s. ~~101.971(2)~~ 101.01 (8m), Stats., for the definition of “multifamily dwelling.”

SECTION 55. SPS 362.0903 (5) (c) is created to read:

**SPS 362.0903 (5) (c)** Automatic sprinkler systems installed in Group R-3 and Group R-4, Condition 1 occupancies, and townhouses meeting the separation requirements listed in subs. 1. and 2. shall be permitted to be installed throughout in accordance with NFPA 13D when all of the following apply:

1. The townhouse does not exceed more than 3 stories above grade plane in height.

2. Each dwelling unit within the townhouse is separated from other dwelling units by at least 1-hour fire-resistive-rated separation barriers constructed in accordance with the requirements of IBC s. 707.

SECTION 56. SPS 362.0903 (5) (cm) is repealed.

SECTION 57. SPS 362.0903 (5) (d) is created to read:

**SPS 362.0903 (5) (d)** Townhouses may be constructed without an automatic fire sprinkler system if all of the following conditions apply:

1. The townhouse meets the definition in IBC ch. 2.
2. The townhouse does not exceed more than 2 stories above grade plane in height.
3. Each dwelling unit within the townhouse is separated from other dwelling units by at least 2-hour fire-resistive-rated separation walls constructed in accordance with the requirements of IBC s. 706. The separation wall does not have to comply with the structural stability requirements of IBC s. 706.2 and the horizontal continuity requirements of IBC s. 706.5.

**Note:** Exceptions to sprinkler requirements found in s. 101.14 (4m), Stats., and this section apply only to s. SPS 362.0903 and IBC s. 903 and do not affect other sections of chs. SPS 361 to 366 or the IBC.

SECTION 58. SPS 362.0903 (7) (b) is repealed.

SECTION 59. SPS 360.0903 (9) and (10) (a) are amended to read:

**SPS 362.0903 (9)** Substitute the following wording for the requirements in IBC ~~section s.~~ 903.3.1.2.1: Sprinkler protection complying with NFPA 13 shall be provided for exterior balconies, decks and ground-floor patios of dwelling units where the building is of Type V construction, ~~provided if there is a roof or deck above, or where exterior balconies,~~ decks and ground floor patios of dwelling units and sleeping units are constructed in accordance with IBC s. 705.2.3.1, exception 3. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members, and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

**(10) (a)** Substitute the following wording for the requirements in IBC ~~section s.~~ 903.3.1.3: Where allowed in s. SPS 362.0903 (5), automatic sprinkler systems in townhouses and multifamily dwellings shall be installed throughout in accordance with NFPA 13D, except as provided in par. (b).

SECTION 60. SPS 362.0903 (12) is repealed.

SECTION 61. SPS 362.0903 (14) is amended to read:

**SPS 362.0903 (14)** This is a department rule in addition to the requirements of IBC ~~section s.~~ 903.3.1.1: When the provisions of chs. SPS 361 to 366 require that a building

or portion thereof be equipped with an automatic sprinkler system in accordance with this section, sprinklers may be installed throughout in accordance with the alternate design standard of the FM Global Loss Prevention Data Sheets 2-0 Installation Guidelines for Automatic Sprinklers March 2010, Interim Revision October 2020 and 8-9 Storage of Class 1, 2, 3, 4 and Plastic Commodities March 2010, Interim Revision July 2021.

SECTION 62. SPS 362.0903 (16) and (17) are repealed.

SECTION 63. SPS 362.0903 (18) (am) is created to read:

**SPS 362.0903 (18) (am)** *Access to a municipal water system.* In this section access to a municipal water system means a Municipal Water System, as defined in s. NR 811.02, that is located directly adjacent to or across the street from a property where the commercial building is located, and the property is able to be served by that municipal water system.

SECTION 64. SPS 362.0903 (18) (b), (c), and (Note) are repealed and recreated to read:

**SPS 362.0903 (18) (b)** *Building types and occupancies.* These are department rules in addition to requirements in IBC s. 903.2: An automatic fire sprinkler system is not required under this section in a building that does not have access to a municipal water system.

**1.** A Group A-2 occupancy that is not already exempt under IBC s. 903.2.1.2 when all of the following apply:

**a.** The building is limited to a single A-2 occupancy fire area that does not exceed 5,000 square feet.

**b.** The occupant load of the fire area does not exceed 200.

**c.** Building height is a maximum of two stories above grade plane. Required exits that do not exit directly to grade shall be enclosed in fire resistant rated exit stairs or ramps per IBC s. 1023.

**d.** The building has a minimum of three exits on each story.

**e.** All basements and windowless stories adhere to the provisions of IBC s. 903.2.11.

**2.** A single story Group R occupancy building located at a camp when all of the following apply:

**a.** The building is used no more than 180 cumulative days per calendar year.

**b.** The building is limited to a single Group R occupancy fire area that does not exceed 2,500 square feet.

**Note:** Restrooms serving the cabin are considered a part of the R occupancy for the application of this code section.

- c. The occupant load of the fire area does not exceed 50.
- d. The fire area is located only on floors with exit discharge at grade.
- e. All sleeping rooms have a direct exit to the exterior.

(c) *Additional requirements.* These are department rules in addition to the requirements in IBC s. 903.2 for the buildings in par. (b): A building that meets the requirements of par. (b) shall also comply with all of the following:

1. The occupant load shall be displayed in accordance with IBC s. 1004.9.
2. All open flames, including smoking, shall be prohibited in the building and within 50 feet from the building, except for flame equipment used to reheat or maintain food temperatures. In this section “open flame” means a candle, solid fuel fireplace, or other similar flames. It does not refer to permanently installed, listed, fuel-fired heating and cooking equipment that was installed in compliance with all applicable building code requirements in effect at the time of installation.
3. A smoke detection and fire alarm system shall be installed throughout the building in accordance with IBC ss. 907.3 through 907.7 and as follows:
  - a. For A-2 occupancy buildings adhering to this exception, automatic detection is required to be installed in all interior spaces of the building. Automatic detection shall be extended to all combustibles concealed spaces if automatic fire sprinkler protection would otherwise be required per IBC s. 903.3.1.1.. Automatic detection shall utilize smoke detectors unless ambient conditions prohibit such an installation. In spaces where smoke detectors cannot be utilized due to ambient conditions, approved automatic heat detectors shall be permitted.
  - b. For R occupancy cabin buildings automatic detection is required to be installed in all interior spaces of the building. Automatic detection shall utilize smoke detectors unless ambient conditions prohibit such an installation. In spaces where smoke detectors cannot be utilized due to ambient conditions, approved automatic heat detectors shall be permitted.
4. Portable fire extinguishers shall be installed in accordance with IBC s. 906.
5. A municipal fire and building inspection position statement shall be submitted to the department on an approved form indicating the municipality's review and approval of the proposed building design. The position statement shall be completed by the fire code official if there is no commercial building inspector for the jurisdiction.

**Note:** Position statement forms are available from the department's website at [dsps.wi.gov](http://dsps.wi.gov).

SECTION 65. SPS 362.0903 (19), (20), (21), (22), and (23) are created to read:

**SPS 362.0903 (19) STORIES WITHOUT OPENINGS.** This is a department exception to the requirements in IBC s. 903.2.11.1: Windowless stories with all required exits provided directly at grade when the story is located at or above grade plane.

**(20) WOODWORKING OPERATIONS.** This is a department informational note to be used under IBC s. 903.2.4.1: Note: The 2,500 square foot area in IBC s. 903.2.4.1 is the size of the woodworking area, not the size of the fire area.

**(21) GROUP S-1.** This is a department requirement in addition to IBC s. 903.2.9: An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 fire area used for the storage of boats in racks where the fire area exceeds 5,000 square feet.

**(22) GROUP S-2 PARKING GARAGES.** Substitute the following wording for condition 3 in IBC s. 903.2.10: Where the building area of the open parking garage in accordance with IBC s. 406.5 exceeds 48,000 square feet.

**(23) GROUP S-1 DISTILLED SPIRITS OR WINE.** This is a department alternative to the requirements of IBC s. 903.3.1.1: When the provisions of chs. SPS 361 to 366 require that a building or portion thereof be equipped with an automatic sprinkler system in accordance with this section, automatic fire sprinkler protection in buildings storing distilled spirits in wooden barrels or casks may be installed throughout the fire area containing this type of storage in accordance with the alternate design standard of FM Ignitable Liquid Storage in Portable Containers 7-29 (Oct. 2020 w/ interim revision Jan. 2021).

SECTION 66. SPS 362.0904 (3) is repealed.

SECTION 67. SPS 362.0907 (3), (5) (a), and (b) are amended to read:

**SPS 362.0907 (3)** Substitute the following wording for the requirements in IBC ~~section s.~~ 907.4.2.5: The building official is authorized to require the installation of listed manual fire alarm box protective covers to prevent malicious false alarms or provide the manual fire alarm box with protection from physical damage. The protective cover shall be transparent or red in color with a transparent face to permit visibility of the manual fire alarm box. Each cover shall include proper operating instructions. A protective cover that emits a local alarm signal shall not be installed unless approved. Protective covers shall not project more than that permitted by IBC ~~section s.~~ 1003.3.3.

(5) (a) The requirements in NFPA 72 ~~section 21.3.3~~ s. 21.3.3.1 do not apply to elevator pits.

(b) The requirements in NFPA 72 ~~section 21.3.7~~ s. 21.3.8 (2) are not included as part of chs. SPS 361 to 366.

SECTION 68. SPS 362.0907 (6) is created to read:

**SPS 362.0907 (6) BLEACHERS.** This is a department exception to IBC s. 907.2: Fire alarm systems are not required for open air bleachers with a maximum occupant load of 15,000 where the egress from the bleachers is on the exterior and does not reenter a building to reach a public way.

SECTION 69. SPS 362.0912 is created to read:

**SPS 362.0912 Fire department connections** This is a department informational note to be used under IBC s. 912: Note: Where IBC ss. 912.2, 912.2.1, 912.2.2, 912.4, 912.4 Exception, or 912.4.2 indicate approval by the fire code official is required, the fire chief or designated representative that administers Wisconsin Fire Prevention Code ch. SPS 314 within the municipality shall be the approving authority.

SECTION 70. SPS 362.0913 is created to read:

**SPS 362.0913 Fire pumps.**

(1) Substitute the following wording for the requirements in IBC s. 913.1 Exception: Pumps for automatic sprinkler systems installed in accordance with s. SPS 362.0903(10).

(2) Water supply control valves required by IBC s. 913.4 on a fire pump where the fire pump supplies either an automatic fire sprinkler system, a standpipe system, or both, shall be monitored per IBC s. 903.4.

SECTION 71. SPS 362.0915 is repealed.

SECTION 72. SPS 362.1004 is repealed.

SECTION 73. SPS 362.1006 (1) (intro.) and (b) are amended to read:

**SPS 362.1006 (1)** This is a department exception to the requirements in IBC ~~section s.~~ 1006.3: The length of a common path of egress travel requirements may ~~not be more than~~ extended to 200 feet within townhouse dwelling units provided the townhouse complies with all of the following:

(b) Each dwelling unit within the townhouse is separated from other dwelling units by at least 2-hour fire-resistive-rated separation walls constructed in accordance with the requirements of IBC ~~section s.~~ 706 ~~and do not contain any openings and plumbing~~

~~equipment or mechanical equipment.~~ The separation wall does not have to comply with the structural stability requirements of IBC ~~section s.~~ 706.2 and the horizontal continuity requirements of IBC ~~section s.~~ 706.5.

SECTION 74. SPS 362.1006 (6) is created to read:

**SPS 362.1006 (6) CERTAIN TOWNHOUSES.** This is a department rule in addition to the requirements in IBC s. 1006.2.1: Notwithstanding any prohibition in IBC table 1006.2.1 the length of common path of egress travel for an occupancy constructed in accordance with s. SPS 362.0903 (5) (d) may not exceed 200 feet.

SECTION 75. SPS 362.1009 is repealed and recreated to read:

**SPS 362.1009 Accessible means of egress.**

(1) AREAS OF REFUGE. This is a department exception in addition to IBC s. 1009.6: Areas of refuge are not required at floors that are not required to be accessible.

(2) TWO WAY COMMUNICATION. This is a department requirement in addition to IBC s. 1009.8: Two-way communication systems and elevator landing communication systems must be designed to meet the requirements of NFPA 72.

SECTION 76. SPS 362.1010 is repealed.

SECTION 77. SPS 362.1011 is repealed and recreated to read:

**SPS 362.1011 Stairways.**

(1) WIDTH AND CAPACITY. This is a department rule in addition to the requirements in IBC s. 1011.1: Where installing an inclined platform lift or stairway chairlift, the clear-passage width shall be provided with the lift in the unfolded, usable position.

(2) VEHICLE INSPECTION PITS. This is a department exception in addition to those listed in IBC s. 1011.1: handrails are not required for stairs accessing vehicle service pits.

SECTION 78. SPS 362.1013 is repealed.

SECTION 79. SPS 362.1015 is amended to read:

**SPS 362.1015 Guards.** Substitute the following wording for the requirements, but not the exception in IBC ~~section s.~~ 1015.2: Guards shall be located along the open side of walking surfaces, balconies, mezzanine, stairs, ramps, landings, roofs, and similar surfaces intended to be used by building occupants or the public where the change in elevation is more than 30 inches (762 mm) to the floor or roof below or more than 30 inches (762 mm) measured vertically to the grade below at any point within 36 inches

(914 mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with IBC ~~section 1607.8~~ s. 1607.9.

SECTION 80. SPS 362.1016 is created to read:

**SPS 362.1016 Egress through intervening spaces.** Substitute the following wording for the requirements, but not the exceptions, in IBC s. 1016.2.5: Egress shall not pass-through kitchens, storage rooms, closets, bathrooms or other rooms where privacy is expected, or spaces used for similar purposes.

SECTION 81. SPS 362.1020 (intro) and (2) are amended to read:

**SPS 362.1020** This is a department exception to the requirements in IBC ~~section 1020.6~~ s. 1020.7: Other spaces or rooms constructed as required for corridors, and that are adjacent to a fire-resistance-rated corridor, may not be construed as intervening rooms; and may be open to the corridor when all of the following are satisfied:

(2) The spaces are not occupied for the incidental uses listed in IBC Table ~~508.2~~ 509.1.

SECTION 82. SPS 362.1020 (4) is created to read:

**SPS 362.1020 (4)** The shared wall is at least 50% open to the corridor.

SECTION 83. SPS 362.1029 is repealed.

SECTION 84. SPS 362.1030 is created to read:

**SPS 362.1030 Spaces under bleachers and grandstands.** This is an additional department exception to the requirements in IBC s. 1030.1.1.1: The requirements in IBC s. 1030.1.1.1 shall not apply to open air bleachers that have an independent egress to a public way.

SECTION 85. SPS 362.1101 is renumbered SPS 362.1102 and SPS 362.1102 (intro.), as renumbered, is amended to read:

**SPS 362.1102** These are department rules in addition to the requirements in IBC ~~section 1101.2~~ s. 1102.1 and ICC/ANSI A117.1 ~~section ss.~~ ss. 1003 and 1004:

SECTION 86. SPS 362.1107 is renumbered SPS 362.1108 and amended to read:

**SPS 362.1108 (1) GROUP I.**

(a) *Group I-1.* Substitute the following wording for the requirements, but not the exception, in IBC ~~section 1107.5.1.2~~ s. 1108.5.1.3: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.



**(b) Group I-2 nursing homes.** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.5.2.2~~ s. 1108.5.2.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**(c) Group I-2 hospitals.** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.5.3.2~~ s. 1108.5.3.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**(2) GROUP R.**

**(a) Group R-1.** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.6.1.2~~ s. 1108.6.1.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**(b) Group R-2.**

**1. `Apartment houses, monasteries, and convents.'** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.6.2.1.2~~ s. 1108.6.2.2.2: Where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**2. `Boarding houses, dormitories, fraternity houses, and sorority houses.'** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.6.2.2.2~~ s. 1108.6.2.3.2: Where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**(c) Group R-3.** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.6.3~~ s. 1108.6.3: In Group R-3 occupancies where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**(d) Group R-4.** Substitute the following wording for the requirement, but not the exception, in IBC ~~section 1107.6.4.2~~ s. 1108.6.4.2: In structures with three or more dwelling units or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

**(3) SITE IMPRACTICALITY.**

(a) *Petition for variance.* This is a department rule in addition to the requirements in IBC ~~section 1107.7.4~~ s. 1108.7.4: In accordance with s. 101.132 (2) (b) 4. and (c) 2., Stats., the owner may use the petition for variance procedure specified in s. SPS 361.22 to request a reduction in the number of Type A or Type B dwelling units due to site impracticality.

**Note:** The Department may grant a variance in accordance with ch. SPS 303 which requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBD-9890 form is available at the Department's Web site at [www.dsps.wi.gov](http://www.dsps.wi.gov) through links to Division of Industry Services forms.

(b) *Condition.* Substitute the following wording for condition 1 under IBC ~~section 1107.7.4~~ s. 1108.7.4: Not less than 50% of the units required by IBC ~~section 1107.7.1~~ s. 1108.7.1 on the site are Type A or Type B units.

(4) **MULTISTORY UNITS.** Substitute the following wording for IBC ~~section 1107.7.2~~ s. 1108.7.2: A multistory dwelling or sleeping unit that is not provided with elevator service is not required to be a Type B unit. Where a multistory unit is provided with external elevator service to only one floor, the floor provided with elevator service shall be the primary entry to the unit, shall comply with the requirements for a Type B unit and a toilet facility shall be provided on that floor.

SECTION 87. SPS 362.1111 is renumbered to SPS 362.1112, and SPS 362.1112 (1) (a), (b) 1., (2) (a) and (b), as renumbered, are amended to read:

**SPS 362.1112 Signage.**

(1) (a) *General.* Substitute the following wording for the requirements for location 1 in IBC ~~section 1111.1~~ s. 1112.1: Except as specified par. (b), accessible parking spaces required in IBC ~~section~~ s. 1106 for the general public shall be identified with a sign complying with the accessible parking sign requirements specified in s. Trans 200.07.

(b) 1. 'Small parking facilities.' Accessible parking spaces required by IBC ~~section 1106.1~~ s. 1106.2 are not required to be signed when the total number of parking spaces provided is four or less.

(2) (a) Substitute the following wording for the introductory paragraph of IBC ~~section 1111.2~~ s. 1112.3: Signage indicating directional information or information about functional spaces or signage indicating special accessibility provisions shall comply with ICC A117.1 and be provided at the following locations:

(b) This is a department informational note to be used under IBC ~~section 1111.3~~ s. 1112.4. Note: Refer to s. SPS 362.0400 (5) for requirements for no-smoking signs.

SECTION 88. SPS 362.1203 is renumbered to SPS 362.1202 and amended to read:

**SPS 362.1202** This is a department rule in addition to the requirements in IBC ~~section 1203.5~~ s. 1202.5: The use of natural ventilation shall be permitted in any of the following:

SECTION 89. SPS 362.1204 is renumbered to SPS 362.1203 and amended to read:

**SPS 362.1203** Substitute the following wording for the requirements and exception in IBC ~~section 1204.1~~ s. 1203.1: Interior spaces intended for human occupancy shall conform to the IMC.

SECTION 90. SPS 362.1206 is repealed.

SECTION 91. SPS 362.1209 is created to read:

**SPS 362.1209 Entry to attic spaces.** This is a department exception to the requirements in IBC s. 1209.2: Where a fire rated access panel is required to be installed in a roof framing system that has structural members at least 24 inches apart the opening width may be less than 20 inches where approved by the department or its authorized representative.

SECTION 92. SPS 362.1210 (2m) is repealed.

SECTION 93. SPS 362.1210 (3m) is created to read:

**SPS 362.1210 (3m) Requirements.** A toilet room shall contain a lavatory and water closet.

SECTION 94. SPS 362.1405 is renumbered SPS 362.1404

SECTION 95. SPS 362.1503 is renumbered SPS 362.1502 and amended to read:

**SPS 362.1502 Secondary Roof roof drainage.** These are department rules in addition to IBC ~~section 1503.4~~ s. 1502: Design and installation of roof drainage systems shall comply with IBC ~~section 1503~~ s. 1502 and all applicable provisions in ch. SPS 382.

SECTION 96. SPS 362.1506 is repealed.

SECTION 97. SPS 362.1507 is repealed.

SECTION 98. SPS 362.1603 (1), and (3) are amended to read:

**SPS 362.1603 (1)** Flat-roof snow load,  $P_f$

(3) Snow load importance factor,  $I_s$ .

SECTION 99. SPS 362.1603 (7) is created to read:

**SPS 362.1603 (7)** Slope factor,  $C_s$ .

SECTION 100. SPS 362.1607 is repealed.

SECTION 101. SPS 362.1613 is repealed.

SECTION 102. SPS 362.1700 is repealed.

SECTION 103. SPS 362.1802 is amended to read:

**SPS 362.1802** In addition to the definitions in IBC ~~section 1802.4~~ s. 202, the following term has the meaning given in s. SPS 362.0202 (1): “Neutral plane.”

SECTION 104. SPS 362.1806 is amended to read:

**SPS 362.1806** This is an additional department footnote for IBC Table 1806.2: Footnote c. Values to be multiplied by 0.5 for saturated soils. Saturated soil is evidenced by the presence of redoximorphic features or other indications of the presence of excess water.

SECTION 105. SPS 362.1807 is repealed.

SECTION 106. SPS 362.1808 is repealed.

SECTION 107. SPS 362.1810 (8) is amended to read:

**SPS 362.1810 (8)** DESIGN CRACKING MOMENT. Substitute the following equation for IBC equation ~~18-11:  $M_n = 3(f'_c)(S_m)$~~  18-5:  $\Phi M_n = 3(f'_c)(0.5)(S_m)$ .

SECTION 108. SPS 362.1908 is repealed.

SECTION 109. SPS 362.2211 is amended to read:

**SPS 362.2211 Steel trusses spanning 60 feet or greater.** The requirements in IBC ~~section 2211.3.3~~ s. 2211.1.3.2 are not included as part of chs. SPS 361 to 366.

SECTION 110. SPS 362.2503 is repealed.

SECTION 111. SPS 362.2510 is amended to read:

**SPS 362.2510 Water-resistive barriers.** This is a department rule in addition to the requirements in IBC ~~section~~ s. 2510.6: The vertical leg of any flashing at the base of a an exterior wall with that includes two layers of a water-resistive barrier shall be installed in

a manner that places the vertical leg of the flashing beneath and behind both layers of the water-resistive barrier.

SECTION 112. SPS 362.2902 (1) (a) 2. is amended to read:

**SPS 362.2902 (1) (a) 2.** Where drinking fountains are required, other reasonable alternatives are acceptable, as approved by the department. Examples are bottle fillers, bottled water, and bar service.

SECTION 113. SPS 362.2902 (1) (a) 6. and (d) (Note) are created to read:

**SPS 362.2902 (1) (a) 6.** Exception 2 to IBC s. 2902.1.1 is not included as part of this code.

**(d) Note:** Examples and applications of this rule are outlined in more detail at s. 101.128, Stats.

SECTION 114. SPS 362.2902 (1) (d) and (e) and (2) (a) are amended to read:

**SPS 362.2902 (1) (d)** *Addition to IBC Table 2902.1.* This is an additional department footnote for IBC Table 2902.1: Footnote e: g. Wherever more than 500 people congregate and more than the required minimum number of water closets or urinals are provided for males, twice as many of those additional toilet facilities shall be provided for females.

**(e)** *Alternative to IBC Table 2902.1.* This is a department alternative to the minimum fixture requirements of IBC Table 2902.1: The required number of toilet plumbing fixtures may be based on the actual occupancy load rather than the load determined by square footage per IBC Table 1004.1.1. 1004.5 The actual occupancy load shall be based on justification found acceptable to the department.

**(2) (a)** *Lavatories for toilet rooms.* This is a department rule in addition to the requirements in IBC ~~section s.~~ 2902.1: At least one lavatory shall be provided in each toilet room or in a gender-designated lounge adjacent to the toilet room. If a multiple-use lavatory is provided, 24 linear inches of wash sink, or 20 inches measured along the edge of a circular basin will be considered equivalent to one lavatory. The total number of fixtures shall be based on the required number of separate facilities.

SECTION 115. SPS 362.2902 (4) is repealed and recreated to read:

**SPS 362.2902 (4) PUBLIC FACILITIES.**

**(a)** This is a department requirement in addition to the requirements in IBC s. 2902.3: The required public facilities must be provided on site or an adjacent site under the same ownership.

(b) This is a department exception to the requirements in IBC s. 2902.3: Toilet rooms may be omitted in a small retail or mercantile building where all of the following requirements are met:

1. No more than 25 occupants are accommodated.
2. Other restrooms are conveniently located and available to the patrons and employees during all hours of operation.
3. The omission is approved in writing by the local unit of government.
4. A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

SECTION 116. SPS 362.2902 (7) is created to read:

**SPS 362.2902 (7) RESTROOM EQUITY.** Public facilities which meet the requirements of ss. 101.128 (3) and (4), Stats., must provide a sufficient number of toilets and fixtures to ensure women have a speed of access equal to that of men when at maximum capacity under s. 101.128 (2), Stats.

SECTION 117. SPS 362.3001 (1) and (2) are amended to read:

**SPS 362.3001 (1)** Substitute the following wording for the requirements in IBC ~~section 3001.2~~ s. 3001.3: Except as otherwise provided for in chs. SPS 361 to 366, the design, construction, installation, alteration, repair, and maintenance of conveyances and their components shall comply with ch. SPS 318.

**(2)** Substitute the following wording for the requirements in IBC ~~section 3001.4~~ s. 3001.5: A change in use of an elevator from freight to passenger, passenger to freight, or from one freight class to another freight class shall comply with ch. SPS 318.

SECTION 118. SPS 362.3002 (1) (a) 2. b. is amended to read:

**SPS 362.3002 (1) (a) 2. b.** R-2, except for passenger elevators serving only floors within a single dwelling unit.

SECTION 119. SPS 362.3307 is renumbered to 362.3300.

SECTION 120. SPS 362.3500 (3) is amended to read:

**SPS 362.3500 (3) ADDITION.** This is a department rule in addition to the requirements in IBC ~~chapter ch. 35: NFPA 45-2015~~ 45-2019, Standard on Fire Protection for Laboratories Using Chemicals, is incorporated by reference into chs. SPS 361 to 366.

SECTION 121. SPS 362.3600 (1) is amended to read:

**SPS 362.3600 (1) EXCLUSIONS.** The provisions in IBC Appendices A, B, D, F to K, and M, and O are not included as part of chs. SPS 361 to 366.

SECTION 122. SPS 363.0101 is amended to read:

**SPS 363.0101** The requirements in IECC ~~sections ss.~~ C101 and C103 to ~~C109~~ C110 are not included as part of this chapter.

SECTION 123. SPS 363.0302 is amended to read:

**SPS 363.0302** These are department rules in addition to the requirements in IECC ~~section s.~~ C302: The exterior design temperatures used for heating and cooling load calculations shall be as specified under Table 363.0302 or ASHRAE 90.1 - 2019.

SECTION 124. SPS 363.0303 (1) (Note), (2) (a) 1., 2., 3., and 4. are amended to read:

**SPS 363.0303 (1) Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the ~~2015~~ 2021 IECC constitutes compliance with this section.

**(2) (a) 1.** ASTM ~~C177-13~~ C177-19, Test method by guarded hot plate apparatus.

**2.** ASTM ~~C335/335M-10~~ C335/C335M-17, Test method of horizontal pipe insulation.

**3.** ASTM ~~C518-15~~ C518-21, Test method by means of the heat flow meter apparatus.

**4.** ASTM ~~C1363-11~~ C1363-19, Test method by means of a hot box apparatus.

SECTION 125. SPS 363.0401 (1) (b), (2), and (3) are amended to read:

**SPS 363.0401 (1) (b)** Section SPS 363.0403 ~~(4)~~ (3) relating to economizers.

**(2)** The requirements in ANSI/ASHRAE/IESNA ~~90.1-2013-section~~ 90.1-2019 s. 8.4.2 are not included as part of this chapter.

**(3)** Substitute the following wording for ANSI/ASHRAE/IESNA ~~90.1-2013-section~~ 90.1-2019 s. 8.4.3.1: A measurement device shall be installed in new buildings to monitor total electrical energy use. For buildings with tenants, total electrical energy shall be monitored for the total building or for each individual tenant.

SECTION 126. SPS 363.0401 (5) is repealed.

SECTION 127. SPS 363.0402 is repealed and recreated to read:

**SPS 363.0402 Building envelope requirements.** The requirements in IECC s. C402.5.1.5 Item 3 are not included as part of chs. SPS 361 to 366.

SECTION 128. SPS 363.0403 (1), (2), (3) (intro.) and (b), and (4) are amended to read:

**SPS 363.0403 (1) CALCULATION OF HEATING AND COOLING LOADS.** The following wording is a department requirement in addition to the requirements in IECC ~~section C403.2.1~~ s. C403.1.1: Design heating and cooling loads shall be determined in accordance with s. SPS 363.0302 and Table 363.0302 or ASHRAE 90.1 – 2019.

**(2) EQUIPMENT AND SYSTEM SIZING.** Substitute the following wording for the requirements and the exceptions in IECC ~~section C403.2.2~~ s.C403.3.1: Heating and cooling equipment and systems shall be sized to provide the minimum space and system loads calculated in accordance with s. SPS 363.0302 or ASHRAE 90.1 – 2019.

**(3) ECONOMIZERS SIMPLE HVAC SYSTEMS.** Substitute the following wording for the requirements in IECC ~~section C403.3~~ s. C403.5: Supply air economizers shall be provided on the following cooling systems:

**(b)** All other cooling systems  $\geq$  ~~54,000~~ 60,000 Btu/h. Where a single room or space is supplied by multiple air systems, the aggregate cooling capacity of those systems shall be used in applying this requirement.

**(4) ECONOMIZERS COOLING REQUIREMENTS.** Substitute the following wording for the title of IECC Table ~~C403.3 (1)~~ C403.3.2 (3): **MINIMUM BUILDING CHILLED WATER SYSTEM COOLING CAPACITY FOR DETERMINING ECONOMIZER COOLING REQUIREMENTS.**

SECTION 129. SPS 363.0403 (5) and (6) are repealed.

SECTION 130. SPS 363.0403 (7) (intro.) is amended to read:

**SPS 363.0403 (7) DEMAND CONTROLLED VENTILATION.** Substitute the following for the wording, but not the exceptions, in IECC ~~section 403.2.6.1~~ s. C403.7.1: Demand control ventilation (DCV) is required for spaces larger than 40 people per 1000 sq. ft. (93 m<sup>2</sup>) of floor area (as established in IMC Table ~~403.3~~ 403.3.1.1) and served by systems with one or more of the following:

SECTION 131. SPS 363.0403 (8), (9), (10), and (11) are repealed.

SECTION 132. SPS 363.0403 (12) and (13) are created to read:

**SPS 363.0403 (12) FAULT DETECTION AND DIAGNOSTICS.** The requirements in IECC ss. C403.2.3 Item 2, C403.2.3 Item 3, and C403.2.3 Item 4 are not included as part of chs. SPS 361 to 366.



**(13) DUCT AND PLENUM INSULATION AND SEALING.** This is a department informational note to be used under IECC s. C403.12.1: Note: For the purpose of determining insulation requirements, ductwork located outside of the building envelope is considered to be located outside of the building.

SECTION 133. SPS 363.0404 is repealed and recreated to read:

**SPS 363.0404 (1) HEAT TRAPS.** The requirements in IECC s. C404.3 are not included as part of this chapter.

**(2) HEATED WATER SUPPLY PIPING.** The requirements of IECC ss. C404.5, C404.5.1, and C404.5.2 are not included as part of chs. SPS 361 to 366. Refer to ch. SPS 382 for heated water supply piping requirements.

**(3) CIRCULATION SYSTEMS.** The requirements of IECC ss. C404.6.1, C404.6.2, and C404.6.3 are not included as part of chs. SPS 361 to 366. Refer to ch. SPS 382 for service water heating circulation requirements.

**(4) POOLS AND SPAS.** The requirements in IECC ss. C404.8.2 and C404.8.3 are not included as part of this chapter.

SECTION 134. SPS 363.0406 is repealed.

SECTION 135. SPS 363.0407 (1) and (2) are repealed.

SECTION 136. SPS 363.0408 is repealed.

SECTION 137. SPS 363.0502 is repealed.

SECTION 138. SPS 363.0503 (1), (2), (3), and (4) are repealed.

SECTION 139. SPS 363.0600 (1), (2), (3), and (4) are amended to read:

**SPS 363.0600 (1)** ASTM ~~C177-13~~ C177-19, Test method for steady-state heat flux measurements and thermal transmission properties by means of the guarded-hot-plate apparatus.

**(2)** ASTM ~~C335/335M-10~~ C335/335M-17, Test method for steady state heat transfer properties of horizontal pipe insulation.

**(3)** ASTM ~~518-15~~ 518-21, Test method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

**(4)** ASTM ~~C1363-11~~ C1363-19, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

SECTION 140. SPS 363.5101 is amended to read:

**SPS 363.5101** The requirements in IECC sections ss. R101 and R103 to R109 R110 are not included as part of this chapter.

SECTION 141. SPS 363.5302 is amended to read:

**SPS 363.5302** These are department rules in addition to the requirements in IECC ~~section~~ s. R302: The exterior design temperatures used for heating and cooling load calculations shall be as specified in SPS Table 363.0302 or ASHRAE 90.1 – 2019.

SECTION 142. SPS 363.5303 (1) (Note), (2) (a) 1., 2., 3., and 4. are amended to read:

**SPS 363.5303 (1) Note:** Use of the ASHRAE Handbook of Fundamentals standard in effect at the time of publication of the ~~2015~~ 2021 IECC constitutes compliance with this section.

- (2) (a) 1.** ASTM ~~C177-13~~ C177-19, Test method by guarded hot plate apparatus.
- 2.** ASTM ~~C335/335M-10~~ C335/335M-17, Test method of horizontal pipe insulation.
- 3.** ASTM ~~E518-15~~ 518-21, Test method by means of the heat flow meter apparatus.
- 4.** ASTM ~~C1363-11~~ C1363-19, Test method by means of a hot box apparatus.

SECTION 143. SPS 363.5402 is repealed.

SECTION 144. SPS 363.5403 (2) is amended to read:

**SPS 363.5403 (2)** Substitute the following wording for the requirements in IECC ~~section~~ R403.3.2 s. R403.3.4: All ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with IMC ~~section~~ s. 603.9.

SECTION 145. SPS 363.5405 is amended to read:

**SPS 363.5405** This is a department informational note to be used under IECC ~~section~~ s. R405.6: Note: The federal Department of Energy has developed REScheck™, a computer program that may be used in demonstrating compliance for a residential building which has no more than 3 stories above grade plane and has 3 or more dwelling units. The REScheck program may be downloaded at <http://www.energycodes.gov>. The most recent version of REScheck shall be used to determine code compliance. When using the program, the applicable code must be defined as the ~~“2015 IECC.”~~ “2021 IECC.”

SECTION 146. SPS 363.5502 is repealed.

SECTION 147. SPS 363.5503 is repealed.

SECTION 148. SPS 363.5600 (1), (2), (3), and (4) are amended to read:

**SPS 363.5600 (1)** ASTM ~~E177-13~~ C177-19, Test method for steady-state heat flux measurements and thermal transmission properties by means of the guarded-hot-plate apparatus.

**(2)** ASTM ~~E335/335M-10~~ C335/335M-17, Test method for steady state heat transfer properties of horizontal pipe insulation.

**(3)** ASTM ~~E518-15~~ C518-21, Test method for steady-state thermal transmission properties by means of the heat flow meter apparatus.

**(4)** ASTM ~~E1363-11~~ C1363-19, Test method for thermal performance of materials and envelope assemblies by means of a hot box apparatus.

SECTION 149. SPS 364.0202 (1) (as) is created to read:

**SPS 364.0202 (1) (as)** “Dry stored” means storage of a boat out of water.

SECTION 150. SPS 364.0300 (1) is amended to read:

**SPS 364.0300 (1)** This is a department rule in addition to the requirements in IMC ~~chapter~~ ch. 3: In addition to the requirements in chs. SPS 361 to 366, the heating and ventilation systems for health care facilities only shall conform to the applicable provisions of ~~FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities 2014, except as provided in sub. (2)~~ ANSI /ASHRAE /ASHE Standard 170 – 2017, Ventilation of Health Care Facilities.

SECTION 151. SPS 364.0300 (1) (Note) is repealed.

SECTION 152. SPS 364.0300 (2) is repealed and recreated to read:

**SPS 364.0300 (2)** Substitute the following definition for the corresponding definition listed in ASHRAE 170 s. 3: “Alteration”, has the meaning as given in IEBC s. 202.

SECTION 153. SPS 364.0309 (1) (table) footnote a. is amended to read:

**SPS 364.0309 (1) (table) footnote a.** For indoor temperature requirements in health care facilities, use ~~FGI Guidelines for Design and Construction of Hospitals and Outpatient Facilities, 2014~~ ANSI /ASHRAE /ASHE Standard 170 – 2017, Ventilation of Health Care Facilities.

SECTION 154. SPS 364.0401 (2) (b) is amended to read:

**SPS 364.0401 (2) (b)** Mechanical exhaust ventilation shall be provided for natatoriums and chlorine storage and handling rooms even when the space or building is not occupied.

SECTION 155. SPS 364.0402 (table) is amended to read:

Table 364.0402  
Natural Ventilation  
Allowed for Specific Occupancies  
Occupancy Classification

<p><b>Correctional Facilities</b> Cells without plumbing features Dining halls &lt; 100 persons Guard stations Day room Booking/waiting</p> <p><b>Dry cleaners, laundries</b> Coin-operated dry cleaners Coin-operated laundries Storage, pick up</p> <p><b>Education</b> Auditoriums &lt; 100 persons Media center Music/theatre/dance Day care facilities &lt; 20 children (through age 4) Multiuse assembly &lt; 100 persons</p> <p><b>Factories</b></p> <p><b>Food and beverage service</b> Bars, cocktail lounges &lt; 100 persons Dining rooms &lt; 100 persons Kitchens (cooking)</p> <p><b>Hotels, motels, resorts and dormitories</b> Multipurpose assembly &lt; 100 persons Bedroom/living room Conference/meeting &lt; 100 persons Dormitory sleeping areas Gambling casinos &lt; 100 persons Lobbies/pre-function</p>	<p><b>Business areas</b> Conference rooms &lt; 100 persons Reception areas &lt; 100 persons Main entry lobbies &lt; 100 persons Lecture &lt; 100 persons <u>Office space &lt; 300 sq. ft.</u></p> <p><b>Public spaces</b> Places of religious worship &lt; 100 persons Courtrooms &lt; 100 persons Legislative chambers &lt; 100 persons Libraries &lt; 100 persons Museums &lt; 100 persons</p> <p><b>Dwellings <u>Dwellings, single and multiple</u></b> Garages <del>Kitchens</del> Living areas</p> <p><b>Retail stores, sales floors, and showroom floors</b> Sales Dressing rooms Mall common areas Storage rooms</p> <p><b>Specialty shops</b> Pet shops (animal areas) Supermarkets Car washes Enclosed parking garages 850 <del>S.F.</del> <u>sq. ft.</u> or less in area and storing 5 or fewer vehicles</p>	<p><b>Sports and amusement <del>Discos/dance</del></b> <u>Dance</u> floors &lt; 100 persons Bowling alleys (seating areas) &lt; 100 persons Game arcades &lt; 100 persons Ice arenas without combustion <u>engines &lt; 100 persons</u> Places of religious worship <del>engines</del> &lt; 100 persons Gym, stadium, arena (play area) Spectator areas &lt; 100 persons Swimming pools (pool and deck area) &lt; 100 persons Health club/aerobics room &lt; 100 persons Health club/weight room &lt; 100 persons</p> <p><b>Theaters</b> Auditoriums &lt; 100 persons Lobbies &lt; 100 persons Stages, studios &lt; 100 persons</p> <p><b>Transportation</b> Platforms &lt; 100 persons Waiting rooms &lt; 100 persons Aircraft hangars (with single aircraft and no adjacent occupancies)</p> <p><b>Workrooms</b> Meat processing Pharmacy (prep. area) Photo studios Copy, printing rooms</p>
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SECTION 156. SPS 364.0402 (table) (Note) is created to read:

**SPS 364.0402 (table) Note:** Natural ventilation is no longer permitted for kitchen exhaust.

SECTION 157. SPS 364.0403 (5) (c) 6. is created to read:

**SPS 364.0403 (5) (c) 6.** ‘Corridors.’ In a corridor, there shall be at least 7.5 CFM of outside air per 100 square feet.

SECTION 158. SPS 364.0403 (5) (d) 1. is amended to read:

**SPS 364.0403 (5) (d) 1.** Substitute the following wording for the requirements in IMC sections ~~403.1.1.1 ss. 403.3.1.1~~ through 403.3.1.1.2.3.4: Where multiple spaces having different ventilation rate requirements are served by a common ventilation system, the minimum amount of outdoor airflow supplied by the ventilation system shall equal the total outdoor airflow required for each space if each space is provided with minimum air changes in accordance with this paragraph.

SECTION 159. SPS 364.0403 (table) is repealed and recreated to read:

**Table 364.0403  
Ventilation Requirements**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load (persons per 1,000 sq. ft.)<sup>a</sup></b>	<b>Exhaust (cfm/net sq. ft. floor area)</b>	<b>Common Ventilation System Alternative – Minimum AC Rate per hour with A/C</b>
<b>Correctional facilities</b>			
Sleeping rooms <sup>d</sup>	20	NR	2.0
Dining halls	100	NR	2.0
Guard stations	40	NR	1.5
<b>Dormitory sleeping areas</b>	20	NR	1.0
<b>Dry cleaners, laundries</b>			
Coin-operated dry cleaners	8	NR	1.0
Coin-operated laundries	8	NR	1.0
Commercial dry cleaners	NA	2.0	NR
Commercial laundries	NA	2.0	NR
Storage, pick up	8	NR	1.0
Laundry rooms	NA	0.5	NR
<b>Dwellings, single and multiple</b>			
Living areas	2 persons for first bedroom, plus one person for each additional bedroom	NR	1.0
Kitchens <sup>d</sup>	NA	100 cfm intermittent or 25 cfm continuous	NR
Toilet rooms and bathrooms <sup>d</sup>	NA	Mechanical exhaust capacity 50 cfm intermittent or 20 cfm continuous per room <sup>j</sup>	NR
Garages, separated by a solid wall for each dwelling	NA	100 cfm/vehicle	NR
Garages, common for multiple units <sup>c</sup>	NA	0.5	NR
<b>Education</b>			
Auditoriums	150	NR	2.0
Classrooms	50	NR	2.0
Day care facilities	30	NR	2.0
Laboratories (science)	30	NR	2.0
Music rooms	50	NR	2.0
Special education	35	NR	2.0
Training shops	30	NR	2.0
<b>Food and beverage service</b>			
Bars and cocktail lounges	100	NR	2.0

Cafeterias, fast food	100	NR	2.0
Dining rooms	70	NR	2.0
Kitchens (cooking) <sup>d, e</sup>	20	NR	1.0
<b>Health care facilities</b>			
Hospitals	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Nursing homes	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
Outpatient Surgical Facilities	See s. SPS 364.0300	See s. SPS 364.0300	See s. SPS 364.0300
<b>Hotels, motels, and resorts</b>			
Assembly rooms	120	NR	2.0
Bathrooms for guest rooms <sup>c, d</sup>	NA	35 cfm/room	NR
Bedrooms	footnote f	NR	1.0
Conference rooms	50	NR	2.0
Casinos	NA	2.0	NR
Living rooms	footnote f	NR	1.0
Lobbies	30	NR	2.0
<b>Industrial/Factory</b>			
Factories and machine shops	13	NR	NR
Foundries	13	NR	NR
Sawmills	NA	NR	NR
<b>Offices</b>			
Conference rooms	50	NR	1.5
Office spaces	7	NR	1.5
Reception areas	60	NR	1.5
Telecommunication centers and data Entry	60	NR	1.5
<b>Retail stores, sales floors, and showroom floors</b>	8	NR	1.0
<b>Seasonal occupancies, camps, and lodges</b>			
Dining and recreational areas	70	NR	1.0
Living and sleeping areas	NA	NR	1.0
Club houses	15	NR	1.0
Drive-ins	15	NR	1.0
<b>Specialty shops</b>			
Automotive service and repair garages for gasoline, electric, or diesel powered vehicles <sup>c, k, l</sup>	NA	0.5	NR
Barber shops	25	NR	1.0
Beauty salons <sup>h</sup>	NA	0.5	NR
Car washes	NA	0.5	NR
Clothier, furniture shops	8	NR	1.0
Florist shops	8	NR	1.0
Hardware, drugs, fabrics stores	8	NR	1.0
Nail salons <sup>m</sup>	NA	0.6	NR
Supermarkets	8	NR	1.0
<b>Sports and amusement</b>			
Ballrooms and discos	100	NR	2.0
Bleacher areas	363 or 18 in./person	NR	2.0
Bowling centers (seating areas)	70	NR	2.0
Game rooms	70	NR	2.0
Ice skating rinks (indoor)	5	NR	NR
Natoriums	NA	2.0 cfm/sq. ft. pool area	NR

Playing floor (gymnasiums)	30	NR	2.0
Roller skating rinks (indoor)	30	NR	2.0
Spectator areas (non-bleacher)	150	NR	2.0
<b>Storage</b>			
Chlorine storage and handling rooms	NA	2.0	NR
Enclosed parking garages <sup>i, n</sup>	NA	0.5	NR
Evidence Storage	NA	0.5	NR
Warehouses <sup>o</sup>	NA	NR	NR
<b>Theaters</b>			
Auditoriums	150	NR	2.0
Lobbies	150	NR	2.0
Stages, studios	70	NR	2.0
Ticket booths	60	NR	2.0
<b>Transportation</b>			
Platforms	100	NR	2.0
Waiting rooms	100	NR	2.0
Aircraft hangars (for 2 or more aircraft or any hangar with adjacent occupancies)	NA	0.5	NR
<b>Utility and public spaces</b>			
Elevator cars	NA	1.0	NR
Janitor closets	NA	2.0 or 75 cfm/sink <sup>g</sup>	NR
Locker and dressing rooms <sup>c</sup>	NA	0.5	NR
Shower rooms (per shower head)	NA	50 cfm intermittent or 20 cfm continuous	NR
Toilet rooms <sup>c, d</sup>	NA	75 cfm/TF <sup>g</sup>	NR
<b>Workrooms</b>			
Bank vault	5	NR	NR
Meat processing	10	NR	NR
Pharmacy	20	NR	1.5
Photo studio	10	NR	1.0
Printing	13	footnote j	NR

NA = not applicable; NR = none required; cfm = cubic feet per minute; TF = toilet fixtures (water closets and urinals); A/C = air conditioning.

a. Based upon net floor area.

b. The ventilation rate is based upon cubic feet per minute per square foot of the floor area being ventilated.

c. Mechanical exhaust is required. Recirculation of air from these spaces that would otherwise be allowed by IMC s. 403.2.1. is prohibited.

d. Transfer air is permitted in accordance with IMC s. 403.2.2.

e. Provide an exhaust rate of not less than 1.5 cfm/sq. ft.

f. The minimum mechanical ventilation rate is 15 cfm/room of outside air.

g. Natural ventilation may be allowed under this section.

h. The classification of a 'beauty' salon depends on the types of services provided. Only beauty salons that routinely provide chemical processing of hair to produce texture or color changes.

i. Enclosed parking garages are parking garages that fail to meet the criteria for open garages in IBC s. 406.5.2.

Ventilation systems in enclosed parking garages shall comply with IMC s. 502.13. A mechanical ventilation system may not be required if the room or space meets all of the following:

1. Has a floor area of 850 sq. ft. or less.

2. Used for the storage of 5 or fewer motorized vehicles.

3. Meets the natural ventilation requirements of IMC s. 402 and s. SPS 364.0402.

j. Refer to IMC ch. 5 for exhaust requirements based upon the chemicals used.

k. For compressed natural gas IMC s. 502.16.

l. Mezzanine floor areas that are open to a service and/or repair area may not be included as floor area when determining the minimum exhaust rate from the room or space.

m. For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors. The exhaust system shall be capable of exhausting the greater of 50 cfm per station or 0.6 cfm per sq. ft. of work area. Manicure tables and pedicure stations not provided with factory-installed exhaust inlets shall be provided

with exhaust inlets located not more than 12 inches horizontally and vertically from the point of chemical application as required by IMC s. 502.20.

n. The requirements for enclosed parking garages shall apply to all buildings, or rooms, spaces, or parts of buildings, into which motor vehicles are being driven for loading or unloading, or that are stored.

o. Warehouses include indoor drive-through self-service storage facilities in which a customer may temporarily park a motorized vehicle for purposes of loading and unloading materials, provided the motor is not running.

SECTION 160. SPS 364.0501 (3) (intro.) and (6) are amended to read:

**SPS 364.0501 (3)** These are department rules in addition to the requirements in IMC ~~section 501.2.1~~ s. 501.3.1.

**(6)** These are department rules in addition to IMC ~~section s.~~ s. 501.3.2: The bottom of an exhaust outlet shall be located at least 12 inches vertically from the adjoining grade level, adjacent roof, and bottom of an areaway. Additional clearance may be required so as to address local weather conditions and surrounding land contour.

SECTION 161. SPS 364.0505 is amended to read:

**SPS 364.0505** ~~The requirements~~ Exception 1 in IMC ~~section 505.4~~ are s. 505.3 is not included as part of chs. SPS 361 to 366.

SECTION 162. SPS 364.0506 (2) (c) is repealed.

SECTION 163. SPS 364.0507 (2) is repealed.

SECTION 164. SPS 364.0606 (1) and (2) are amended to read:

**SPS 364.0606 (1)** This is a department informational note to be used under IMC ~~section~~ s. 606.2.1: Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 131, 132, and 134, also refer to NFPA standard 90A ~~section 4-4.2A~~ s. 4.2.4 for air handling units between 2,000 cfm and 15,000 cfm.

**(2)** This is a department informational note to be used under IMC ~~section s.~~ s. 606.4: Note: For DHS licensed healthcare facilities as specified in chs. DHS 124, 131, 132, and 134, also refer to NFPA standard 90A ~~section 4-3.2~~ s. 4.3.10 for smoke dampers isolating air handling units.

SECTION 165. SPS 364.0607 (5) is created to read:

**SPS 364.0607 (5)** NONFIRE-RESISTANCE-RATED FLOOR ASSEMBLIES. This is a department additional method to the methods listed in IMC s. 607.6.3: Ducts contained within individual dwelling units may connect up to three stories without a fire-rated shaft. The annular space around the penetrating duct shall be protected with an approved noncombustible material that resists the free passage of flame and the products of combustion.

SECTION 166. SPS 364.0701 is amended to read:



**SPS 364.0701** Barometric dampers may not be used for combustion air as allowed by IFC ~~section s.~~ 304.3 and NFPA ~~54-2015 section~~ 54-2021 s. 9.3.1.4.

SECTION 167. SPS 364.0802 is repealed.

SECTION 168. SPS 364.1500 (1m), (2m), and (Note) are repealed.

SECTION 169. SPS 364.1500 (3) is amended to read:

**SPS 364.1500 (3)** NFPA ~~45-2015~~ 45-2019, Standard on Fire Protection for Laboratories Using Chemicals.

SECTION 170. SPS 364.1500 (4) is created to read:

**SPS 364.1500 (4)** ANSI/ASHRAE/ASHE Standard 170-2017, Ventilation of Health Care Facilities.

SECTION 171. SPS 365.0501 (4) is created to read:

**SPS 365.0501 (4)** Plastic venting systems associated with gas-fired appliances shall meet the requirements of UL 1738, inclusive of specific testing and marking requirements for pipe, fittings, and cement.

SECTION 172. SPS 365.0800 is amended to read:

**SPS 365.0800 Referenced standards.** This is a department rule in addition to the requirements in IFGC ~~chapter ch.~~ 8: The following standard is incorporated by reference into chs. SPS 361 to 366: ANSI Z223.1/NFPA ~~54-2015~~ 54-2021, National Fuel Gas Code.

SECTION 173. SPS 365.0900 is amended to read:

**SPS 365.0900** IFGC Appendices A to ~~D~~ E are not included as part of this chapter.

SECTION 174. SPS 366.0101 (4) (b) and (c) are amended to read:

**SPS 366.0101 (4) (b)** Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IEBC ~~chapters 5 through 13~~ chs. 3, 4, 6 to 12, and 14 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC ~~chapter 14~~ ch. 13 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

SECTION 175. SPS 366.0303 is created to read:

**SPS 366.0303** The requirements in IEBC s. 303 are not included as part of chs. SPS 361 to 366.

SECTION 176. SPS 366.0306 is created to read:

**SPS 366.0306** This is a department informational note to be used under IEBC s. 306. Note: See s. 101.132, Stats., for additional accessibility requirements.

SECTION 177. SPS 366.0400 is renumbered to 366.0500 and amended to read:

**SPS 366.0500** The requirements in IEBC ~~chapter 4~~ ch. 5 are not included as part of chs. SPS 361 to 366, ~~except for the requirements in IEBC section 410 when applied by IEBC section 1401.2.5.~~

SECTION 178. SPS 366.0600 is renumbered to SPS 366.0308, and SPS 366.0308 (intro.), as renumbered, is amended to read:

**SPS 366.0308** These are department rules in addition to the requirements in IEBC ~~chapter 6~~ s. 308 and are established under the authority of s. 101.127, Stats.:

SECTION 179. SPS 366.0603 is renumbered to SPS 366.0307.

SECTION 180. SPS 366.0605 is repealed.

SECTION 181. SPS 366.0606 is renumbered to SPS 366.0405 and amended to read:

**SPS 366.0405** The requirements in IEBC ~~sections 606.2 to 606.2.5~~ ss. 405.2 to 405.2.6 are not included as part of chs. SPS 361 to 366.

SECTION 182. SPS 366.0609 is renumbered to SPS 366.0408 and amended to read:

**SPS 366.0408** The requirements in IEBC ~~section 609~~ s. 408 are not included as part of chs. SPS 361 to 366.

SECTION 183. SPS 366.0701 is amended to read:

**SPS 366.0701** Substitute the following wording for the requirements in IEBC ~~section s.~~ 701.2 ~~but not the exception~~: Conformance. An existing building or portion thereof may not be altered such that the building becomes less safe than was required in its existing condition.

SECTION 184. SPS 366.0702 (1) and (2) are amended to read:

**SPS 366.0702 (1)** Substitute the following wording for the requirements in IEBC ~~section 702.4 s. 702.7~~: All new work shall comply with materials and methods requirements in the IBC, IECC, IFGC, IMC, and IPC, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

**(2)** The requirements in IEBC ~~section 702.4.1 s. 702.7.1~~ are not included as part of chs. SPS 361 to 366.

SECTION 185. SPS 366.0804 is renumbered SPS 366.0803 and amended to read:

**SPS 366.0803** This is a department exception to the requirement in IEBC ~~section 804.2 s. 803.2~~: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings. This exclusion is also applicable to sprinkler systems triggered by changes of use or additions.

SECTION 186. SPS 366.0809 is renumbered to SPS 366.0807 and amended to read:

**SPS 366.0807** The exception to the requirements in IEBC ~~section 809.1 s. 807.1~~ and the requirements in IEBC ~~section 809.2 s. 807.2~~ are not included as part of chs. SPS 361 to 366.

SECTION 187. SPS 366.0810 is renumbered to SPS 366.0808 and amended to read:

**SPS 366.0808** ~~Substitute the following wording for the requirements in IEBC section 810.1:~~ This is a department requirement in addition to IEBC s. 808. Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 188. SPS 366.0902 (1) is amended to read:

**SPS 366.0902 (1)** BOILER AND FURNACE EQUIPMENT ROOMS. Substitute the following wording for the requirements, but not the exceptions, in IEBC ~~section 902.1.2 s. 902.2~~: Boiler and furnace equipment rooms. Boiler and furnace equipment rooms adjacent to or within Groups I-1, I-2, I-4, R-1, R-2, and R-4 occupancies shall be enclosed in compliance with IBC 509 heating equipment enclosure requirements.

SECTION 189. SPS 366.0902 (2) is repealed.

SECTION 190. SPS 366.0903 is repealed.

SECTION 191. SPS 366.0904 is repealed.

SECTION 192. SPS 366.0909 is renumbered to SPS 366.0908.

SECTION 193. SPS 366.1010 is renumbered to SPS 366.1009 and amended to read:

**SPS 366.1009** Substitute the following wording for the requirements in IEBC ~~section 1010 s. 1009~~: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 194. SPS 366.1011 is renumbered to SPS 366.1010 and SPS 366.1010 (1) and (2), as renumbered, are amended to read:

**SPS 366.1010 (1)** This is a department rule in addition to the requirements in IEBC ~~section 1011 s.1010~~: At least one existing elevator shall be provided with emergency recall operation and emergency in-car operation complying with ch. SPS 318 when an existing building or structure that is greater than 60 feet in height is changed to include a Group R-1 or R-2 occupancy.

**(2)** This is a department rule in addition to the requirements in IEBC ~~section 1011 s.1010~~: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with ~~s. SPS 362.0915~~ IBC s. 915.

SECTION 195. SPS 366.1012 is renumbered to SPS 366.1011 and amended to read:

**SPS 366.1011** This is a department rule in addition to the requirements in IEBC ~~section 1012.2 s. 1011.2~~: Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with IBC ~~chapter ch. 9~~ when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R-1 or R-2 occupancy.

SECTION 196. SPS 366.1201 (1) is amended to read:

**SPS 366.1201 (1)** This is a department rule in addition to the requirements in IEBC ~~section s. 1201.1~~: Any historic building is exempt from the energy requirements of chs. SPS 361 to 366: except as follows:

SECTION 197. SPS 366.1201 (1) (a), (b), and (c) are created to read:

**SPS 366.1201 (1) (a)** Existing ceiling, wall, or floor cavities exposed during alterations shall be filled with insulation.

**(b)** All replacement skylight, window, or door assemblies shall meet the minimum code requirements of the IECC unless specifically designed to address unique aesthetics associated with the historic nature of the building. Glass only replacements in an existing sash and frame are exempt from the application of the IECC.

(c) Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing so as to meet the minimum insulation required by the IECC or shall provide insulation to the greatest extent possible.

SECTION 198. SPS 366.1201 (2) is amended to read:

**SPS 366.1201 (2) REPORT.** The requirements in IEBC ~~section 1202.2~~ s. 1201.2 are not included as part of chs. SPS 361 to 366.

SECTION 199. SPS 366.1204 is repealed.

SECTION 200. SPS 366.1205 is renumbered to SPS 366.1204 and SPS 366.1204 (intro.), as renumbered, is amended to read:

**SPS 366.1204** These are department rules in addition to the requirements in IEBC ~~section 1205~~ s. 1204: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

SECTION 201. SPS 366.1401 is renumbered to SPS 366.1301 and SPS 366.1301 (1), as renumbered, is amended to read:

**SPS 366.1301 (1)** Substitute the following wording for the requirements in IEBC ~~section 1401.2~~ s. 1301.2: The provisions of ~~sections 1401.2.1~~ ss. 1301.2.1 through ~~1401.2.5~~ 1301.2.6 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions may not apply to buildings with occupancies in Group H or Group I.

SECTION 202. SPS 366.1301 (2), as renumbered, is repealed.

SECTION 203. SPS 366.1301 (3) and (4), as renumbered, are amended to read:

**SPS 366.1301 (3)** The requirements in IEBC ~~section 1401.3.2~~ s. 1301.3.2 are not included as part of chs. SPS 361 to 366.

**(4)** This is a department rule in addition to the requirements in IEBC ~~section 1401.2~~ s. 1301.2: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

SECTION 204. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated: 5/23/2023



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Secretary

Department of Safety and Professional Services