

INDUSTRY, LABOR AND HUMAN RELATIONS 17
Ind 69

Ind 69.15 Petition for variance. The department shall consider and may grant a variance from an administrative rule upon receipt of a fee, a completed petition for variance form from the owner, and a position statement from the fire department where applicable, provided an equivalency is established which meets the intent of the rule being petitioned.

(1) **PETITION FOR VARIANCE FOR RULES UNDER CH. ILHR 48, PETROLEUM PRODUCTS.** The fee for reviewing petitions for variances on rules under ch. ILHR 48 shall be \$270.

(2) **PETITION FOR VARIANCE ON RULES UNDER CHS. ILHR 20 TO 25, UNIFORM DWELLING CODE.** The fee for reviewing petitions for variance on rules under chs. ILHR 20 to 25 shall be \$100.

(3) **PETITIONS FOR VARIANCE ON RULES UNDER CHS. ILHR 50 TO 64, BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE.** The fee for reviewing petitions for variance on rules under chs. ILHR 50 to 64 shall be \$270.

(a) *Additional Fees.* For complex petitions for variance which require more than 10 hours to review and process, an additional fee may be charged at the rate of \$27.00 per hour for each hour in excess of 10 hours.

(b) *Refund.* A refund may be returned when the department's cost for processing the petition for variance are less than \$270. The amount of the refund will be determined by the department and will be based on the following schedule:

1. Petition for variance returned without decision before assignment for staff review\$250
2. Petition for variance returned without decision after staff review.....\$150 to \$200
3. Petition for variance returned without decision after staff report\$100 to \$150
4. Petition for variance approved based on precedent\$100 to \$150

(c) *Revisions.* The fee for revisions to previously reviewed petitions for variance is \$60.00 per petition.

(4) **PETITION FOR VARIANCE ON RULES UNDER CHS. ILHR 82, 83 AND 85, UNIFORM PLUMBING CODE.** The fee for processing petitions for variance on rules under chs. ILHR 82, 83 and 85 shall be as follows:

- (a) Plumbing variance\$100
- (b) Setback variance.....\$ 25
- (c) Site evaluation variance.....\$ 50

(5) **PETITION FOR VARIANCE UNDER S. 101.055 (4), STATS.** The fee for reviewing petitions for temporary, experimental and permanent variances under s. 101.055 (4), Stats., shall be \$150.

(6) **PETITIONS FOR VARIANCE, OTHER RULES.** The fee for reviewing petitions for variance on rules of the department, administered by the divi-

sion of safety and buildings, not specifically mentioned under this section shall be \$150.

(7) **PRIORITY PETITIONS.** Upon request, the department will process petitions for variance on a priority basis. The fees for processing these petitions shall be double the amounts specified in subs. (1) to (6).

History: Cr. Register, June, 1977, No. 258, eff. 7-1-77; r. and recr., Register, August, 1980, No. 296, eff. 9-1-80; r. and recr., Register, February, 1982, No. 314, eff. 3-1-82; r. and recr., Register, June, 1982, No. 318, eff. 7-1-82; r. and recr. Register, June, 1984, No. 342, eff. 7-1-84; correction in (1) and (2) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 1985, No. 352; cr. (3) (c), Register, December, 1985, No. 360, eff. 1-1-86.

Ind 69.16 Mines, pits and quarries. (1) NOTIFICATION. The operator, meaning a person or firm operating the crushing, screening or washing equipment, shall submit with the fee, the name of the mine, pit or quarry; the name of the operator or company; the mailing address; and the type of product to be mined (ore, stone, clay, lime or aggregate).

(2) **ANNUAL SAFETY INSPECTION SERVICE.** The annual safety inspection service fee for each metal or nonmetal mine, pit or quarry shall be based on the size of the respective operation for the calendar year. Production records shall be made available upon request. The fee shall be determined in accordance with Table 69.16-1.

Table 69.16-1

Annual Production (Tons Per Year)	Annual Safety Inspection Fee
0-1,000	No fee
1,001 - 50,000	\$ 70.00
50,001 - 100,000	\$ 135.00
100,001 - 200,000	\$ 270.00
201,000 - 300,000	\$ 405.00
300,001 - 400,000	\$ 540.00
400,001 - 500,000	\$ 676.00
Over 500,000	\$1081.00

Note: This fee does not apply to mines, pits or quarries used for private domestic use.

(3) **SHAFT MINE DEVELOPMENT.** (a) The fee for obtaining a shaft excavation permit shall be \$270.00.

(b) The fee for inspections or monitoring visits or both required by s. 101.15 (2) (f), Stats., shall be \$22.00 per hour per inspector.

(c) The fee for special inspections provided on request shall be in accordance with Table 69.16-2.