

## Chapter Comm 4

### SIGNS FOR SMOKING AREAS

Comm 4.01 Purpose.  
Comm 4.02 Signs.

Comm 4.03 Petition for variance.  
Comm 4.04 Penalties.

**Note:** Chapter Comm 4 has been repealed effective July 1, 2002. Please see Chs. Comm 61 to 65, Wisconsin Commercial Building Code for rules that regulate the subject matter of ch. Comm 4.

**Note:** Chapter ILHR 4 was renumbered ch. Comm 4 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1998, No. 510.

**Comm 4.01 Purpose.** Pursuant to s. 101.123 (6), Stats., the purpose of this chapter is to specify uniform dimensions and other characteristics of signs used to designate smoking areas.

**Note:** See Appendix for a reprint of s. 101.123, Stats.

**History:** Cr. Register, September, 1984, No. 345, eff. 10-1-84.

**Comm 4.02 Signs. (1) WORDING.** The signs used to designate smoking areas shall contain the words "Smoking Allowed" or "Smoking Permitted".

**(2) CHARACTER SPECIFICATIONS.** The letters shall be at least 3/4 inch in height and shall have a width:height ratio between 3:5 and 1:1 and a stroke-width:height ratio between 1:4 and 1:10.

**Note:** See Appendix for further explanatory information.

**(3) INTERNATIONAL SYMBOL.** Signs shall include the international symbol for smoking allowed. The symbol shall be at least 2-1/2 inches in each dimension.

**Note:** See Appendix for further explanatory information.

**(4) CHARACTERS CONTRAST AND BACKGROUND.** The signs shall have either light characters on a dark background or dark characters on a light background.

**Note:** Research has indicated that yellow on black, white on black and white on green provide the most easily visible color contrasts.

**(5) AFFIXING.** Signs shall be securely affixed and, where posted outdoors, shall be weather-resistant.

**(6) STATUTORY CITATION.** Signs may include, in letters of any size, the words "In accordance with section 101.123, Wisconsin Statutes".

**Note:** See Appendix for an example of a sign which meets these requirements.

**(7) OTHER SIGNS.** In addition to the signs required under s. 101.123 (4) (b), Stats., individual signs may be placed on tables and desks to designate "smoking allowed" or "smoking permitted" areas. The signs may be proportionate reductions of the signs specified in subs. (1) to (6).

**History:** Cr. Register, September, 1984, No. 345, eff. 10-1-84.

**Comm 4.03 Petition for variance. (1) PROCEDURE.** The department of commerce shall consider and may grant a variance to s. Comm 4.02 upon receipt of a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in granting a variance to promote the protection of the health, safety and welfare of the employees or the public. Violation of those conditions under which the variance is granted shall constitute a violation of this chapter. The cost for processing petitions for variance shall be \$50.

**Note:** Copies of the petition for variance (form SBD-9890) are available at no charge from the Division of Safety and Buildings, P.O. Box 2658, Madison, Wisconsin 53701.

**Note:** Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

**(2) PETITION PROCESSING TIME.** The department of commerce shall review and make a determination on a petition for variance within 15 business days of receipt of all information necessary to complete the review.

**History:** Cr. Register, September, 1984, No. 345, eff. 10-1-84.

**Comm 4.04 Penalties.** After April 1, 1985, any person who wilfully fails to comply with the rules of this chapter shall forfeit not more than \$25.

**History:** Cr. Register, September, 1984, No. 345, eff. 10-1-84.