

1975 Senate Bill 105

Date published: June 9, 1976

**CHAPTER 404, Laws of 1975**  
(Vetoed in Part)

AN ACT to renumber 101.80 and 101.81; and to create 15.227 (6), 20.445 (4), 66.301 and subchapter I (title), subchapter II and subchapter III (title) of chapter 101 and 145.024 of the statutes, relating to the adoption of a statewide code for construction of one- and 2-family dwellings, creating a dwelling code council, granting rule-making authority, making appropriations and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 15.227 (6) of the statutes is created to read:

15.227 (6) DWELLING CODE COUNCIL. There is created in the department of industry, labor and human relations a dwelling code council, consisting of 15 members appointed for staggered 3-year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on-site construction of one- and 2-family housing; 2 members shall be representatives of manufacturers or installers of manufactured one- and 2-family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one- and 2-family housing; and 2 members shall represent the public. An employe of the department designated by the industry, labor and human relations commission shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. Ten members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council shall be required.

~~Meetings of the council may be called by the chairperson selected by the council.~~

Vetoed  
in Part

SECTION 2. At the appropriate place in the schedule of section 20.005 of the statutes, insert the following amounts for the purpose indicated:

1975-76      1976-77

**20.445 Industry, labor and human  
relations, department of**

(4) **SERVICES FOR HOUSING STANDARDS**

(a) One- and 2-family dwelling  
code

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SECTION 3. 20.445 (4) of the statutes is created to read:

20.445 (4) SERVICES FOR HOUSING STANDARDS. (a) *One- and 2-family dwelling code*. As a continuing appropriation, the amounts in the schedule for development and administration of the dwelling code program under subch. II of ch. 101.

(g) *Dwelling code fees*. All moneys received under subch. II of ch. 101 for the administration of that subchapter.

SECTION 4. 66.301 of the statutes is created to read:

**66.301 One- and 2-family dwelling code.** Ordinances enacted by any county, city, village or town relating to the construction and inspection of one- and 2-family dwellings shall conform to subch. II of ch. 101.

SECTION 5. Subchapter I (title) of chapter 101 of the statutes is created to read:

#### SUBCHAPTER I

#### REGULATION OF INDUSTRY: GENERAL PROVISIONS

(to precede s. 101.01)

SECTION 6. Subchapter II of chapter 101 of the statutes is created to read:

#### SUBCHAPTER II

#### ONE- AND 2-FAMILY DWELLING CODE

(to precede s. 101.60)

**101.60 Purpose.** The purpose of this subchapter is to establish statewide construction standards and inspection procedures for one- and 2-family dwellings and to promote interstate uniformity in construction standards by authorizing the department to enter into reciprocal agreements with other states which have equivalent standards.

**101.61 Definitions.** In this subchapter:

(1) "Dwelling" means any building the initial construction of which was commenced on or after the effective date of this act (1975), which contains one or 2 dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2) "Owner" means any person having a legal or equitable interest in the dwelling.

**101.62 Dwelling code council; power.** The dwelling code council shall review the standards and rules for one- and 2-family dwelling construction and recommend a uniform dwelling code for adoption by the department which shall include rules providing for the conservation of energy in the construction and maintenance of dwellings and for costs of specific code provisions to home buyers to be related to the benefits derived from such provisions. Upon its own initiative or at the request of the department, the council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter. The council shall recommend variances for different climate and soil conditions throughout the state.

**101.63 Departmental duties.** The department shall:

(1) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, except plumbing, as defined in s. 145.01 (1). No set of rules shall be adopted which has not taken into

account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from such provisions.

(2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, except plumbing, as defined in s. 145.01 (1), of one- and 2-family dwellings under sub. (1). Persons certified as inspectors may be employes of the department, a city, village, town, county or an independent inspection agency.

(3) Contract to provide inspection services, at municipal expense, to any municipality which requires such service under s. 101.65.

(4) Cooperate with the department of health and social services in the establishment of plumbing standards for one- and 2-family dwellings and the certification of persons performing plumbing inspections for one- and 2-family dwellings.

(5) Biennially review the rules adopted under this subchapter.

(6) Issue special orders which it deems necessary to secure compliance with this subchapter and enforce the same by all appropriate administrative and judicial proceedings.

(7) Prescribe and furnish to municipalities a standard building permit form for all new one- and 2-family dwellings.

(8) Hear petitions regarding the dwelling code, rules and special orders in accordance with s. 101.02 (6) (e) to (i) and (8).

(9) Establish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.

**101.64 Departmental powers.** The department may:

(1) Hold hearings on any matter relating to this subchapter and issue subpoenas to compel the attendance of witnesses and the production of evidence at such hearings.

(2) At the request of the owner or renter enter, inspect and examine dwellings, dwelling units or premises necessary to ascertain compliance with the rules and special orders under this subchapter.

(3) Revise the rules under this subchapter after consultation with the dwelling code council.

(4) Provide for or engage in the testing, approval and certification of materials, devices and methods of construction.

(5) Collect and publish data secured from the building permits.

(6) Adopt rules prescribing procedures for approving new building materials, methods and equipment.

(7) Enter into reciprocal agreements with other states regarding the approval of building materials and methods where the standards of the other state meet the intent of the dwelling code and the rules promulgated under this subchapter.

(8) Study the operation of the dwelling construction code and other laws related to the construction of dwelling units to determine their impact upon the cost of building construction and their effectiveness upon the health, safety and welfare of the occupants.

**Vetoed in Part** ~~101.645 Limitation on rule-making authority. Prior to the adoption or revision of any rule under this subchapter, the department shall submit the rule to the appropriate standing committees of each house of the legislature as determined by the presiding~~

~~Officer thereof. A public hearing shall be held before the committees to review any such proposed rule. The rule shall enter into effect only upon approval as a joint resolution by each house of the legislature.~~ **Vetoed in Part**

**101.65 Municipal authority.** Cities, villages, towns and counties:

(1) May:

(a) Exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the ~~minimum~~ requirements of the one- and 2-family dwelling code adopted in accordance with this subchapter. A county ordinance shall apply in any city, village or town which has not enacted such ordinance. **Vetoed in Part**

(b) Under s. 66.30, jointly exercise the jurisdiction granted under par. (a).

(c) By ordinance establish and collect fees to defray the cost of jurisdiction exercised under par. (a) or (b).

(d) By ordinance provide remedies and penalties for violation of the jurisdiction exercised under par. (a) or (b).

(2) Shall contract with the department for those inspection services which the municipality does not perform or contract for under sub. (1) (a) or (b) and reimburse the department for its reasonable and necessary expenses incurred in the performance of such services pursuant to s. 101.63 (9).

(3) Shall use the standard building permit form prescribed and furnished by the department and file a copy of each such permit issued with the department.

**101.66 Compliance and penalties.** (1) Every builder, designer and owner shall use building materials, methods and equipment which are in conformance with the one- and 2-family dwelling code.

(2) All inspections ~~under ss. 101.63 (1) and 101.65 (2)~~ shall be by persons certified by the department. **Vetoed in Part**

(3) Whoever violates this subchapter shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day that such violation continues constitutes a separate offense.

SECTION 7. 101.80 and 101.81 of the statutes are renumbered 101.47 and 101.49, respectively.

SECTION 8. Subchapter III (title) of chapter 101 of the statutes is created to read:

SUBCHAPTER III  
MOBILE HOME CODE

(to precede s. 101.90)

SECTION 9. 145.024 of the statutes is created to read:

**145.024 Interdepartmental cooperation.** The department shall cooperate with the department of industry, labor and human relations in:

(1) The adoption of rules relating to plumbing. The department shall appoint one representative from the department of industry, labor and human relations to the plumbing code committee.

(2) The establishment of qualifications for the certification of persons performing plumbing inspections of one- and 2-family dwellings.

(3) The establishment by rule of a schedule of fees to defray the administrative costs of certification.

**SECTION 10. Cross reference changes.** (1) Wherever the cross reference to "101.80" appears in section 20.445 (1) (f) of the statutes, the reference to "101.47" is substituted.

(2) Wherever the cross reference to "101.81" appears in section 20.445 (5) (a) of the statutes, the reference to "101.49" is substituted.

**SECTION 11. Initial council terms.** The first members of the dwelling code council created by section 15.227 (6) of the statutes shall be appointed by the governor for the following terms: 5 for a term of 3 years, 5 for a term of 2 years and 5 for a term of one year.

**SECTION 12. Effective date.** This act shall take effect on July 1, 1975, or on the first day of the month commencing at least 15 days after passage and publication, whichever is later, except that sections 101.61, 101.65 and 101.66 of the statutes shall take effect 6 months after the uniform dwelling code is published in the Wisconsin administrative register.

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