

CR 91-80

# RULES CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPT. OF INDUSTRY, )  
LABOR & HUMAN RELATIONS )

RECEIVED

JAN 14 1992  
9:55 am  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,  
Labor and Human Relation, and custodian of the official records of said department, do hereby certify the  
the annexed rule(s) relating to mausoleums and crematoriums were duly  
(Subject)  
approved and adopted by this department on January 14, 1992.  
(Date)

I further certify that said copy has been compared by me with the original on file in the department  
and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set  
my hand and affixed the official seal of the  
department at 8:00 a.m.  
in the city of Madison, this 14th  
day of January A.D. 19 92.

Carol Skornicka  
Secretary

4-1-92

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)  
157.12 (2) and (4)

Stats., the Department of Industry, Labor and Human Relations  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 50, 51, 54 and ~~55~~ Building & Heating, Ventilating & Air Conditioning  
(Number) (Title)

The attached rules shall take effect on the first day of the month following publication  
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

RECEIVED

JAN 14 1992

Revisor of Statutes  
Bureau

Adopted at Madison, Wisconsin this

date: January 14, 1992

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

  
Secretary



# RULES in FINAL DRAFT FORM

**Rule:** \_\_\_\_\_ Chapters 50, 51, 54 and 55  
**Relating to:** \_\_\_\_\_ Mausoleums and Crematoriums  
\_\_\_\_\_

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to renumber ILHR 51.01 (16) and 51.01 (80); to amend ILHR 50.12 (1) (a) 1., Table 51.08 and 54.001; to repeal and recreate ILHR 54.12 (1) (c); and to create ILHR 50.12 (1) (a) 2., ILHR 50.18 (3), 51.01 (16), 51.01 (79r), 51.01 (80), 51.01 (104m), Table 51.08 footnote n, and 54.01 (7), relating to mausoleums and crematoriums.

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ANALYSIS OF PROPOSED RULES

Statutory Authority: s. 157.12 (2) and (4), Stats.  
Statutes interpreted: s. 157.12 (2) and (4), Stats.

In response to 1989 Wisconsin Act 307, the Department of Industry, Labor and Human Relations is proposing rules regulating mausoleums and crematoriums. The proposed rules require plan review and approval of public mausoleums and crematoriums as well as Department or authorized agent inspection of public mausoleums and crematoriums within 30 days of notification by the cemetery authority. The proposed rules establish minimum construction standards for public mausoleums, mausoleum spaces and crematoriums through current building code requirements. In addition to current requirements, mausoleum spaces must meet requirements considered as standard practice throughout this industry.

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SECTION 1. ILHR 50.12 (1) (a) 1. is amended to read:

ILHR 50.12 (1) (a) 1. ~~Department~~ Except for public mausoleums, department examination and approval for factories, office and mercantile buildings containing less than 25,000 cubic feet total volume is waived; however, the buildings shall comply with the applicable requirements of this code.

SECTION 2. ILHR 50.12 (1) (a) 2. is created to read:

ILHR 50.12 (1) (a) 2. Upon written request, the department may conduct an examination of preliminary mausoleum plans for compliance with the provisions of this code. Results of this examination will be in writing. A fee may be charged for this type of examination. Complete plans and specifications shall be submitted in accordance with sub. (5) prior to construction.

SECTION 3. ILHR 50.18 (3) is created to read:

ILHR 50.18 (3) PUBLIC MAUSOLEUM. Within 30 days after receiving written notice from a cemetery authority that the construction or conversion of a public mausoleum has been completed, the department or authorized agent shall inspect the public mausoleum and provide written notification of violations. Except as provided in s. 157.12 (2) (b), Stats., public mausoleum spaces may not be sold prior to approval by the department or its authorized agent.

Note: Sale of public mausoleums spaces is permitted prior to departmental approval in accordance with the requirements of the department of regulation and licensing.

SECTION 4. ILHR 51.01 (16) is renumbered 51.01 (15m).

SECTION 5. ILHR 51.01 (16) is created to read:

ILHR 51.01 (16) "Cemetery authority" means any person who owns or operates a cemetery specified in s. 157.065 (1), Stats.

SECTION 6. ILHR 51.01 (80) is renumbered 51.01 (79m).

SECTION 7. ILHR 51.01 (79r) is created to read:

ILHR 51.01 (79r) "Mausoleum" means a building, structure or part of a building or structure that is used or intended to be used for the burial of human remains.

SECTION 8. ILHR 51.01 (80) is created to read:

ILHR 51.01 (80) "Mausoleum space" means a niche, crypt or specific place in a mausoleum that contains or is intended to contain human remains.

SECTION 9. ILHR 51.01 (104m) is created to read:

ILHR 51.01 (104m) "Public mausoleum" means a mausoleum that holds or is intended to hold the remains of more than 10 humans or a mausoleum in which at least one mausoleum space is offered for sale to the general public.

SECTION 10. ILHR Table 51.08 is amended to read:

(Partial)  
TABLE 51.08  
Occupancy Separations  
Minimum Fire Resistive Ratings in Hours

Occupancies	Ch 54	Ch 55	
		Occupants ≤ 750	Occupants > 750
Ch 54	0	3 <sup>n</sup>	4 <sup>n</sup>
Ch 55			
≤ 750 occupants	3 <sup>n</sup>	3 <sup>e</sup>	4 <sup>e</sup>
> 750 occupants	4 <sup>n</sup>	4 <sup>e</sup>	4 <sup>e</sup>

SECTION 11. ILHR Table 51.08 footnote n is created to read:

Footnote n - Public mausoleums constructed adjacent to or as part of an assembly hall need not be provided with an occupancy separation.

SECTION 12. ILHR 54.001 is amended to read:

ILHR 54.001 SCOPE. This classification includes all factories and workshops, including all places where manual labor is employed, office buildings, telegraph and telephone offices, mercantile establishments where commodities are bought or sold, warehouses, railroad stations, exhibition buildings, public mausoleums, crematoriums, and places where not more than 100 persons assemble for recreation, entertainment, worship, or dining purposes.

SECTION 13. ILHR 54.01 (7) is created to read:

ILHR 54.01 (7) PUBLIC MAUSOLEUM CONSTRUCTION. Public mausoleum structures shall be constructed in accordance with s. ILHR 51.03 and mausoleum spaces shall be constructed of reinforced concrete.

SECTION 14. ILHR 54.12 (1) (c) is repealed and recreated to read:

ILHR 54.12 (1) (c) 1. 'Places of worship.' Except as provided in subd. 2., places of worship which are included under this chapter shall be provided with separate toilet rooms for each sex.

2. 'Mausoleums.' Sanitary facilities are not required for unheated worship areas of mausoleums without fixed seating or for mausoleums within cemeteries where public sanitary facilities for each sex are provided within the cemetery.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day on the month following publication in the Wisconsin Administrative Register.

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27531

Tommy G. Thompson  
Governor

Carol Skornicka  
Secretary



Mailing Address:  
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## State of Wisconsin Department of Industry, Labor and Human Relations

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January 14, 1992

Gary Poulson  
Assistant Revisor of Statutes  
2nd Floor  
119 Martin Luther King Blvd.  
Madison, Wisconsin 53703

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 91-80

RULE NO. Chapters ILHR 50, 51, 54 and 55

RELATING TO: Mausoleums and Crematoriums

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Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carol Skornicka".

Carol Skornicka  
Secretary