

CR 93-174

# RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

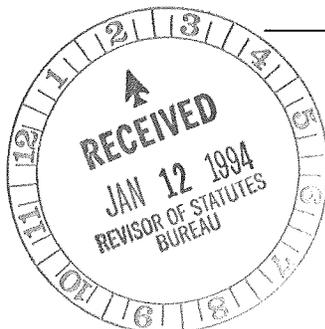
I, Carol Skornicka, Secretary of the Department of Industry,  
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that  
the annexed rule(s) relating to public swimming pools - plan review  
(Subject)

were duly approved and adopted by this department on January 12, 1994  
(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 9:00 a.m.  
in the city of Madison, this 12th  
day of January A.D. 19 94.

Pat Osborne  
for Secretary



# ORDER OF ADOPTION

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

101.02 (1) and 145.02 (3)

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

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

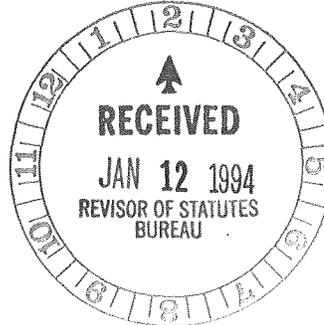
ILHR 2  
ILHR 90

(Number)

Fees  
Design and Construction of Public Swimming Pools

(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.



Adopted at Madison, Wisconsin this

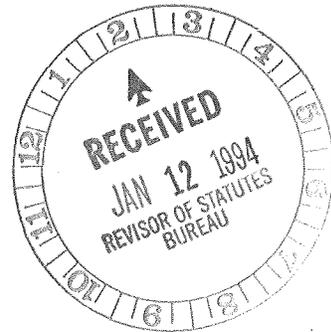
date: January 12, 1994

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

Pat Osleone  
for Secretary



# RULES in FINAL DRAFT FORM



**Rule No.:** \_\_\_\_\_ Chapter ILHR 90  
**Relating to:** \_\_\_\_\_ Public Swimming Pools - Plan Review  
**Clearinghouse Rule No.:** \_\_\_\_\_ 93-174

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 90.03 (1); to renumber ch. HSS 171; to renumber and amend ILHR 90.01 (1) and 90.04 (1) (d); to repeal and recreate ILHR 90.02 (2) and 90.03 (6); and to create ILHR 2.52 (6m) and 2.68, relating to plan review of public swimming pools.

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ANALYSIS OF RULES

Statutory authority: ss. 101.02 (1) and 145.02 (3), Stats.  
Statutes interpreted: s. 145.26, Stats.

The enactment of the state budget, 1993 Wisconsin Act 16, transfers the responsibility of reviewing public swimming pool plans from the Department of Health and Social Services to the Department of Industry, Labor and Human Relations. Prior to the enactment of this law the fees for reviewing public swimming pool plans were specifically delineated in s. 140.051 (3) of the Statutes. The law has now eliminated these statutorily specified fees and has mandated that the Department establish the fees by administrative rule.

The proposed rules establish fees for the Department of Industry, Labor and Human Relations to cover the costs for administering the swimming pool plan review program. The proposed rules also renumber the current rules of ch. HSS 171, Design and Construction of Public Swimming Pools, to an ILHR prefix and numbering sequence to reflect the transfer of the program. The proposed rules also substitute the petition for variance procedures outlined in ch. ILHR 3 for the "comparable compliance" process currently established under s. HSS 171.02 (2) for recognizing alternatives to the code.

The department intends at some future date to form a citizens advisory committee and review the rules of chapter ILHR 90 for the purpose of keeping the chapter up to date with current technology and materials.

SECTION 1. Chapter HSS 171 is renumbered ch. ILHR 90.

SECTION 2. ILHR 2.52 (6m) is created to read:

ILHR 2.52 (6m) PETITIONS FOR VARIANCE ON RULES UNDER CH. ILHR 90. The fee for processing petitions for variance on rules under ch. ILHR 90 shall be \$225.00 per petition.

SECTION 2. ILHR 2.68 is created to read:

ILHR 2.68 SWIMMING POOL PLAN REVIEW FEES. (1) Plan examination fees for public swimming pools and water attractions shall accompany the plans and specifications when submitted. If the department determines, upon review of the plans, that inadequate fees were provided, the necessary additional fees shall be provided prior to departmental approval.

(2) Except as provided in sub. (3), plan examination fees for the construction, alteration or reconstruction of public swimming pools and water attractions shall be as follows:

(a) \$300.00 for the initial construction of a public swimming pool, gutter type;

(b) \$225.00 for the initial construction of a public swimming pool, skimmer type;

(c) \$300.00 for the initial construction of a water attraction;

(d) \$100.00 for an alteration or reconstruction of a public swimming pool or water attraction; and

(e) \$60.00 for revisions to previously approved plans.

(3) If the plans and specifications involve more than one public swimming pool or more than one water attraction at the same site, plan review fees shall be the highest applicable fee under sub. (2) for one pool, or if not a pool, for one attraction, plus 50% of the applicable fee for each additional pool or attraction.

Note: See s. ILHR 90.02 (2) for definitions relative to swimming pools.

SECTION 4. ILHR 90.01 (1) as renumbered is amended to read:

ILHR 90.01 (1) This chapter is promulgated under the authority of s. ~~140.03(1)(b)~~ ~~145.26~~, Stats., to regulate the design and construction of public swimming pools, including whirlpools and water recreation attractions, in order to protect the health and safety of the public.

SECTION 5. ILHR 90.02 (2) as renumbered is repealed and recreated to read:

ILHR 90.02 (2) PETITION FOR VARIANCE. (a) The department will consider and may grant a variance to an administrative rule upon receipt of a fee and 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 or welfare of the public. Violation of those conditions under which the variance is granted constitutes a violation of this chapter.

(b) Petitions for variance shall be submitted and processed in accordance with ch. ILHR 3.

Note: The fees for submission and review of petitions for variance on rules of this chapter are specified in s. ILHR 2.52.

SECTION 6. ILHR 90.03 (1) as renumbered is repealed.

SECTION 7. ILHR 90.03 (6) as renumbered is repealed and recreated to read:

ILHR 90.03 (6) "Department" means the department of industry, labor and human relations.

SECTION 8. ILHR 90.04 (1) (d) as renumbered is amended to read:

ILHR 90.04 (1) (d) Fees for plan review shall be as prescribed in s. ~~140.051(3)/Stats~~ ILHR 2.68. The proper fee shall be submitted with the plans and specifications under par. (a).

(END)

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EFFECTIVE DATE

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

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Tommy G. Thompson  
Governor  
Carol Skornicka  
Secretary



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Madison, WI 53707-7946  
Telephone (608) 266-7552

## State of Wisconsin Department of Industry, Labor and Human Relations

January 12, 1994

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 W. Wilson St.  
Madison, Wisconsin 53703-3233

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. 93-174  
RULE NO. Chapter ILHR 90  
RELATING TO: Public Swimming Pools - Plan Review

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,

  
Carol Skornicka  
Secretary

