

1989 Assembly Bill 321

Date of enactment: **December 7, 1989**  
Date of publication\*: **December 19, 1989**

## 1989 WISCONSIN ACT 109

AN ACT to repeal 101.645 (3) (b); to renumber and amend 101.145 (3) and 101.645 (3) (a); to amend 101.145 (4), 101.145 (6), 101.61 (1), 101.645 (2), 101.645 (4), 101.71 (2) and 101.745 (4); and to create 101.14 (1) (bm), 101.615 and 101.715 of the statutes, relating to: smoke detectors.

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

**SECTION 1.** 101.14 (1) (bm) of the statutes is created to read:

101.14 (1) (bm) The secretary and any deputy may, at all reasonable hours, enter the interior of private dwellings at the request of the owner or renter for the purpose of s. 101.145 (6) or 101.645 (4).

**SECTION 2.** 101.145 (3) of the statutes, as affected by 1987 Wisconsin Act 376, is renumbered 101.145 (3) (a) and amended to read:

101.145 (3) (a) The owner of a residential building shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector ~~and~~.

(b) ~~The owner of a residential building shall~~ maintain any such smoke detector ~~which that~~ is located in a common area of that residential building.

(c) The occupant of a unit in a residential building shall maintain any smoke detector in that unit, except that if an occupant who is not an owner, ~~or a state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property,~~ gives written notice to the owner that a smoke detector in his or her ~~the~~ unit is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional.

**SECTION 3.** 101.145 (4) of the statutes, as affected by 1987 Wisconsin Act 376, is amended to read:

101.145 (4) REQUIREMENT. The owner of a residential building the initial construction of which ~~construction~~ is commenced before, on or after May 23, 1978, shall install and maintain a functional smoke detector in the basement and at the head of any ~~common~~ stairway on each floor level of the building and shall install a functional smoke detector either in each sleeping area of each unit or elsewhere in the unit ~~but no more than within~~ 6 feet ~~from the doorway~~ of each sleeping area and not in a kitchen.

**SECTION 4.** 101.145 (6) of the statutes is amended to read:

101.145 (6) DEPARTMENT INSPECTION AND ORDERS. The department may inspect all residential buildings ~~and may issue orders, except the interior of private dwellings,~~ as may be necessary to ensure compliance with this section. The department may inspect the interior of private dwellings at the request of the owner or renter as may be necessary to ensure compliance with this section. The department may issue orders as may be necessary to ensure compliance with this section.

**SECTION 5.** 101.61 (1) of the statutes is amended to read:

101.61 (1) "Dwelling" means any building ~~the initial construction of which was commenced on or after December 1, 1978, which that~~ 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.

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**SECTION 6.** 101.615 of the statutes is created to read:

**101.615 Application.** This subchapter applies to a dwelling the initial construction of which was commenced on or after December 1, 1978, except that s. 101.645 applies to a dwelling the initial construction of which was commenced before, on or after May 23, 1978.

**SECTION 7.** 101.645 (2) of the statutes is amended to read:

101.645 (2) (title) APPROVAL AND INSTALLATION. A smoke detector required under this section shall be approved, ~~and installed and maintained~~ as required under s. 101.145 (2) and (3) ~~(a)~~.

**SECTION 8.** 101.645 (3) (a) of the statutes, as affected by 1987 Wisconsin Act 376, is renumbered 101.645 (3) and amended to read:

101.645 (3) The owner of a dwelling ~~the initial construction of which was commenced on or after May 23, 1978,~~ shall install a functional smoke detector in the basement of the dwelling and on each floor level except the attic or storage area of each dwelling unit. The occupant of such a dwelling unit shall maintain any smoke detector in that unit, except that if any occupant who is not the owner, ~~or any state, county, city, village or town officer, agent or employe charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property,~~ gives written notice to the owner that the smoke detector is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional.

**SECTION 9.** 101.645 (3) (b) of the statutes, as created by 1987 Wisconsin Act 376, is repealed.

**SECTION 10.** 101.645 (4) of the statutes is amended to read:

101.645 (4) INSPECTION. The department or a municipal authority may inspect new dwellings, may inspect the common areas of dwellings and ~~may inspect dwellings,~~ at the request of the owner or renter, may inspect the interior of a dwelling unit in a dwelling to ensure compliance with this section.

**SECTION 11.** 101.71 (2) of the statutes is amended to read:

101.71 (2) "Dwelling" means any building ~~the initial construction of which was commenced on or after December 1, 1978,~~ which that contains one or more 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.

**SECTION 12.** 101.715 of the statutes is created to read:

**101.715 Application.** This subchapter applies to a dwelling the initial construction of which was commenced on or after December 1, 1978, except that s. 101.745 applies to a manufactured building the initial manufacture of which was commenced on or after May 23, 1978.

**SECTION 13.** 101.745 (4) of the statutes, as affected by 1987 Wisconsin Act 376, is amended to read:

101.745 (4) REQUIREMENT. The manufacturer of a manufactured building ~~manufactured on or after May 23, 1978,~~ shall install a functional smoke detector on each floor level except the attic or storage area of each dwelling unit.

**SECTION 14. Effective date.** This act takes effect on November 1, 1989, or the day after publication, whichever is later.