

CHAPTER 145

PLUMBING AND FIRE PROTECTION SYSTEMS

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145.01 Definitions. (1) PLUMBING. In this chapter, "plumbing" means and includes:

(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of, or beneath an area subject to easement for highway purposes and its connections.

(d) The water pressure system other than municipal systems as provided in chapter 144.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(2) **MASTER PLUMBER.** A master plumber is any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

(3) **JOURNEYMAN PLUMBER.** A journeyman plumber is any person other than a master plumber, who is engaged in the practical installation of plumbing.

(4) **APPRENTICE.** A plumber's apprentice is any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

(5) **DEPARTMENT.** "Department" means the department of health and social services.

(6) **RESTRICTED PLUMBER LICENSEE.** A restricted plumber licensee is any person licensed as a master plumber (restricted) or a journeyman plumber (restricted) under s. 145.14.

(7) **REGISTERED LEARNER.** A registered learner is a person, other than a restricted plumber licensee, who is learning a limited type of plumbing and is engaged in assisting a restricted plumber licensee.

(8) **AUTOMATIC FIRE SPRINKLER SYSTEM.** An automatic fire sprinkler system, for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the building side of an approved check valve or approved backflow preventing device located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above

ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(9) AUTOMATIC FIRE SPRINKLER CONTRACTOR. An automatic fire sprinkler contractor is any individual, firm or corporation who has paid the annual license fee and obtained a license to conduct a business in the design, installation, maintenance or repair of automatic fire sprinkler systems.

(10) JOURNEYMAN AUTOMATIC FIRE SPRINKLER FITTER. A journeyman automatic fire sprinkler fitter is any person other than an automatic fire sprinkler contractor who is engaged in the practical installation of automatic fire sprinkler systems.

(11) AUTOMATIC FIRE SPRINKLER SYSTEM APPRENTICE. An automatic fire sprinkler system apprentice is any person other than an automatic fire sprinkler system contractor or a journeyman automatic fire sprinkler system fitter who is engaged in learning and assisting in the installation of automatic fire sprinkler systems and who is indentured under ch. 106.

(12) UTILITY CONTRACTOR. "Utility contractor" means a person licensed under s. 145.07 (10).

(13) PIPE LAYER. "Pipe layer" means a person registered under s. 145.07 (11).

History: 1971 c. 255; 1977 c. 314

145.02 Powers of department. (1) The construction, installation and maintenance of plumbing in connection with all buildings in this state, including buildings owned by the state or any political subdivision thereof, shall be safe, sanitary and such as to safeguard the public health.

(2) The department shall have general supervision of all such plumbing and shall after public hearing prescribe and publish and enforce reasonable standards therefor which shall be uniform and of state-wide concern so far as practicable. Any employe designated by the department may act for the department in holding such public hearing.

(3) The department may exercise such powers as are reasonably necessary to carry out the provisions of this chapter. It may, among other things:

(a) Employ competent supervisors who shall be licensed plumbers, and other assistants, prescribe their qualifications and assign their duties.

(b) Conduct investigations and experiments for the advancement of technical knowledge relating to plumbing and may hold public meetings and attend or be represented at such meetings within or without the state.

(c) Enter and inspect at reasonable hours plumbing installations on private or public property and may disseminate information relative to the provisions of this chapter.

(d) Prepare and cause to be printed such codes, bulletins or other documents as may be necessary and furnish copies thereof to those engaged in the plumbing business and to the public upon request.

(e) Furnish upon request of the owner of the building or of the plumber making the plumbing installation, recommendations or a certificate of inspection.

(f) Issue special orders directing and requiring compliance with the rules and standards of the department promulgated under this chapter whenever, in the judgment of the department, such rules or standards are threatened with violation, are being violated or have been violated. The circuit court of any county where violation of such an order has occurred shall have jurisdiction to enforce the order by injunctive and other appropriate relief. The district attorney of the county wherein violation of such order has occurred shall bring action for its enforcement.

(g) By rule, fix fees for the examination and approval of plans of plumbing systems and collect the same.

(4) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners.

(5) The department shall enforce the prohibition against the retail sale and installation of any plumbing fixtures which are not water-conserving fixtures as provided under s. 145.25.

History: 1971 c. 194; 1973 c. 90; 1975 c. 39; 1977 c. 275, 314

Counties must secure approval of state division of health before engaging in private experimental sanitation systems. Citizen committees appointed by the county board may not engage in plumbing. 60 Atty. Gen. 209.

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 and for the certification of persons performing plumbing inspections of manufactured buildings for dwellings.

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

History: 1975 c. 404; 1977 c. 203.

145.03 Apprenticeship. The department may determine and prescribe the conditions under which any person may serve a plumbing apprenticeship, as to preliminary and vocational, technical and adult education school attendance requirements, and the credit for such school attendance in serving such an apprenticeship. Every person, regardless of age, commencing a plumbing apprenticeship after July 1, 1943, shall be indentured under ch. 106. The term of a plumbing apprentice shall be 5 years, but the department of industry, labor and human relations or the department may upon application of the apprentice or his employer or both extend such term for not to exceed one additional year. After the expiration of an apprenticeship term, no apprentice shall engage in the business of plumbing either as an apprentice or as a journeyman plumber unless after the expiration of the apprenticeship term he secures a journeyman plumber's license. In case of failure to pass the examination for such license, he may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license as prescribed by the rules and regulations of the department. In order that the apprentice may qualify at the end of his apprenticeship as a skilled mechanic in the art of installing plumbing work, the department may prescribe the character of plumbing work that the apprentice may do during the 4th and 5th year under the direction or supervision of a master or journeyman plumber without either such master or journeyman being physically present, provided that the master plumber in charge shall be responsible for all such work.

History: 1971 c. 40; 1971 c. 154 s. 79 (2).

145.035 Temporary permits. The department may issue temporary revocable permits to master and journeyman plumbers pending examination, and for such purpose may appoint agents without compensation or may authorize one of its examiners or plumbing supervisors to

hold a special permit examination, the result of which to be reported to the department in writing. The department may make rules and prescribe procedure governing the issuance of such permits.

History: 1971 c. 40.

145.04 Waterworks and sewerage. (1) ORDINANCE RULES. A city of the 1st, 2nd or 3rd class having a system of waterworks or sewerage shall, and a village or city of the 4th class or any township or county or metropolitan sewerage commission may, by ordinance, prescribe rules relating to local permits for the installation, alteration and inspection of plumbing to safeguard the public health.

(2) **NO LOCAL LICENSES.** No city, village, town, town sanitary district, county, metropolitan sewerage district commission or other agency may require the licensing of any person licensed or registered under this chapter or prohibit such person from engaging in or working at business within the scope of his license or permit.

(3) **REPORTS TO DEPARTMENT.** The authorities of any such city or metropolitan sewerage district shall report to the department each failure on the part of a state licensed plumber to qualify as a journeyman or master plumber and each wilful violation of any plumbing regulation.

History: 1971 c. 194.

145.045 Certification of soil testers. (1) POWERS AND DUTIES. The department shall by rule establish an examining program for the certification of soil testers, setting such standards as the department finds necessary to accomplish the purposes of this chapter. Such standards shall include formal written examinations for all applicants. The department shall charge applicants for the cost of examination and certification. After July 1, 1974, no person may construct soil bore holes, conduct soil percolation tests or other similar tests specified by the department, relating to the disposal of liquid domestic wastes into the soil unless he holds a valid certificate issued under this section.

(2) **REVOCAION OF CERTIFICATE.** The department may revoke or suspend the certification of any soil tester but only after a formal hearing for the practice of any fraud or deceit in obtaining the certificate or any gross negligence, incompetence or misconduct in the practice of soil testing.

(3) **PLUMBERS AND SEPTIC TANK INSTALLERS.** A plumber or septic tank installer may also be a soil tester and install any system after

approval of the site or project by the department or local county appointed administrator.

History: 1973 c. 287; 1975 c. 41

Soil absorption tests conducted by persons certified under this section must be accepted by county governments 63 Atty. Gen 586.

145.05 Plumbing supervisors, supervision. (1) The council of a city of the first, second or third class, having a system of waterworks or sewerage, or the officer or board in charge, shall appoint one or more plumbing supervisors, who shall be licensed plumbers, and unless under civil service shall serve for a term of 4 years or more subject to removal for just cause except as otherwise provided by ordinance when first appointed, but need not renew their licenses while they continue in office. The council of a city of the fourth class and the board of a village, township, county or the commissioner in charge of any metropolitan sewerage district may appoint one or more plumbing supervisors who shall be practical plumbers, skilled sanitarians, or competent persons familiar with plumbing and unless under civil service shall serve for a term of 4 years or more subject to removal for just cause except as otherwise provided by ordinance. They shall supervise all plumbing, new or alterations or repairs, and report to the appointing body violations of regulations, and perform such other appropriate duties as may be required. Their compensation shall be fixed by the council, board or commission.

(2) Where a system of waterworks or sewerage has been or shall be established in any city, village, town or metropolitan sewerage district which has not provided for a board or officer to supervise plumbing, drainage and sewerage, the department shall take immediate and entire control of plumbing, drainage and sewerage intended to be connected with public sewer or waterworks, and exercise all the powers conferred by this section until such municipalities or district provides for such supervision.

145.06 License required; exemptions.

(1) (a) No person may engage in or work at plumbing in the state unless licensed to do so by the department. A master plumber may work as a journeyman. No person may act as a plumber's apprentice or pipe layer unless registered with the department.

(b) No public utility shall engage in or perform plumbing unless exempted by sub. (4).

(2) No person shall install plumbing unless at all times a licensed master plumber is in charge, who shall be responsible for proper installation. Licenses shall be issued only to individuals and no license shall be issued to or in the name of any firm or corporation. No such

license shall be transferable. It is unlawful for any licensed master plumber to allow the use of his license, directly or indirectly, for the purpose of obtaining local permits for others or to allow the use of his license by others to install plumbing work.

(3) Each member or employe of a copartnership or each officer or employe of a corporation engaging in the business of superintending plumbing installations shall be required to apply for and obtain a master plumber's license before engaging in the work of superintending plumbing installations.

(4) This section shall not apply to:

(a) Plumbing work done by a property owner in a one-family building owned and occupied by him as his home or farm building, except where such license is required by local ordinance.

(b) Plumbing from the private water supply pump to and including the initial pressure tank and connection to an existing water distribution system, when installed by persons licensed under ch. 162.

(c) Installation of sewer and water service piping from the main to the property lot line, when installed by authorized municipal utility employes or sewer and water utility installers under a contract with a municipality.

(d) Making minor repairs to faucets, valves, pipes or appliances, repair or replacement of electrical or gas energy or other automatic valves or control devices or removing of stoppages in waste or drainage pipes.

(e) Installation of sewer and water mains, as defined in ch. 144, when installed by sewer and water utility contractors and their employes.

(f) Installation, repair or replacement of water service piping, from the property line to the meter, including meter installation, to service any building or structure or proposed building or structure when such installation, repair or replacement is accomplished by employes of a public municipal water utility, providing such utility regularly has engaged in such installation, repair or replacement for at least 5 years prior to January 1, 1964.

History: 1977 c. 314.

145.07 Licenses; grandfather clause, examinations. (1)

Any person heretofore not required to be licensed under this chapter, who was actively engaged on or before January 1, 1964, in the practical installation of plumbing in this state, may be licensed without examination as a master or journeyman plumber, whichever is appropriate to the particular applicant, upon presenting to the department, on forms prescribed by the department, evidence of the foregoing satisfactory to the department. Such application shall be presented not later than

January 31, 1965, and shall be accompanied by the appropriate license fee.

(2) Application for a master or journeyman plumber's examination, temporary permit or license shall be made to the department with fees. Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness. No such license or permit shall be transferable.

(3) An applicant for examination for licensure as a master plumber shall submit evidence satisfactory to the department as follows:

(a) A specific record of not less than 1,000 hours per year experience for 3 or more consecutive years as a licensed journeyman plumber in this state; or

(b) Graduation in engineering from a school or college approved by the department and a specific record of 3 or more consecutive years as an owner or co-owner of a firm or corporation in this state engaged in the installation of plumbing. Related experience of not less than 1,000 hours per year shall have been acquired under the supervision of a master plumber licensed in this state. Persons meeting the qualifications of this paragraph who submit an application to the department prior to July 31, 1966, may be licensed without examination.

(4) An applicant for examination for licensure as a journeyman plumber shall submit evidence satisfactory to the department as follows:

(a) Completion of a 5-year apprenticeship consisting of not less than 1,900 hours per year and completion of all requirements as to shop training and related instruction as the department by rule prescribes.

(b) A certificate of graduation as a registered apprentice from an accredited trade school approved by the department and completion in this state of 2 years of shop training and related instruction as the department by rule requires.

(5) Any resident who has been actively engaged in this state in a limited type of plumbing installation work for a period of not less than 1,000 hours per year for 2 or more consecutive years as a licensed journeyman plumber (restricted) may be examined for licensure as a master plumber (restricted).

(6) Applicants for examination for licensure as a journeyman plumber (restricted) shall have completed one continuous year of work experience consisting of not less than 1,000 hours per year and give evidence of completion of shop training and related instruction as the department by rule requires.

(7) (a) A person shall be registered as a registered learner with the department without

examination or training prequalifications and shall not be required to be indentured under ch. 106.

(8) If any person licensed without examination under sub. (1) or who submits an application to the department prior to July 31, 1966, acquired his experience in the practical installation of a limited type of plumbing such as septic tank installations, water softener installations or other limited types of installation, the department shall, in renewing or issuing a license to such person, issue to him, without examination, a master plumber's license (restricted) or a journeyman plumber's license (restricted), whichever is appropriate, and such license, on its face, shall restrict the holder thereof to the specific types of plumbing installation in which such licensee, prior to January 1, 1964, acquired his experience in the practical installation of plumbing.

(9) Master plumbers, journeyman plumbers and apprentices are not subject to the restrictions under s. 145.14.

(10) An application for a utility contractor's license shall be made to the department with fees required by the department under s. 145.08 (1) (o). The department shall issue a utility contractor's license to any person who is skilled in the planning, superintending and practical installation, within public or private premises, of piping which conveys sewage, rain water or other liquid wastes to a legal point of disposal and who is skilled in the design, planning, superintending and practical installation of water service piping from the street main to the immediate inside building perimeter.

(11) An application for registration as a pipe layer shall be made to the department with the fees required by the department under s. 145.08 (1) (q). The department shall approve the registration of any person as a pipe layer if the person is employed by a utility contractor and if the person is engaged in the practical installation, within public or private premises, of piping which conveys sewage, rain water or other liquid wastes to a legal point of disposal or engages in the practical installation of water service piping from the street main to the immediate inside building perimeter.

History: 1975 c. 39; 1977 c. 314.

145.08 Fees; expiration of license; registration. (1) Fees fixed by rule by the department not exceeding the amounts stated in this section and not returnable shall be paid as follows:

(a) For master plumber's examination, \$50. For each subsequent examination, \$30.

(b) For master plumber's license, \$125 and \$125 for each renewal of license if application is

made prior to January 1, annually; after that date an additional fee of \$20.

(c) For journeyman plumber's examination, \$30. For each subsequent examination, \$20.

(d) For journeyman plumber's license \$45 and \$45 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$10.

(e) For temporary permit pending examination and issuance of license for master plumber, \$200; for journeyman \$75 and which shall also cover the examination fee prescribed and the license fee for the year in which issued.

(f) For master plumber's (restricted) examination, \$50. For each subsequent examination, \$30.

(g) For master plumber's license (restricted), \$125 and \$125 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$20.

(h) For journeyman plumber's (restricted) examination, \$30. For each subsequent examination, \$20.

(i) For journeyman plumber's license (restricted), \$45 and \$45 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$10.

(j) The initial license fee under this subsection shall be paid immediately upon notice from the department that the applicant has passed an examination. Upon failure to pay the license fee within 30 days after receiving such notice, no license shall be issued and the applicant shall again appear for examination and pay the examination fee.

(k) For an automatic fire sprinkler contractor's examination, \$100.

(l) For an automatic fire sprinkler contractor's license, \$500 and \$500 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$25.

(m) For a journeyman automatic fire sprinkler fitter's examination, \$20 and \$20 for each subsequent examination.

(n) For a journeyman automatic fire sprinkler fitter's license, \$45 for and \$45 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$10.

(o) For utility contractor's license, \$125, and \$125 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$10.

(p) Plumbing supervisors employed by the department in accord with s. 145.02 (3) (a) shall annually be issued the appropriate license they have previously qualified for at no cost.

(q) For a pipe layer's registration, \$45 at the time of registration and \$45 for each subsequent calendar year of registration.

(2) No license shall be issued for longer than one year and all licenses shall expire on December 31 in each year and such license may be renewed upon application made prior to date of expiration. The department may renew licenses upon application made after January 1 if it is satisfied that the applicant has good cause for not making application within the month of December and upon payment of the renewal and additional fees prescribed.

(3) To establish a record of beginning an apprenticeship, as a plumber, as an automatic fire sprinkler system apprentice, or as a plumber learner (restricted), every plumbing and automatic fire sprinkler system apprentice and every plumbing learner (restricted) shall within 30 days after beginning an apprenticeship or learnership register with the department. A fee of \$15 shall be paid at the time of registration and for each subsequent calendar year during which the apprentice is engaged in the apprenticeship or learnership prior to January 1.

History: 1971 c. 255; 1975 c. 39, 199; 1977 c. 314.

145.09 State comity. (1) Persons holding a current license under the laws of any other state having license provisions governing plumbers which in the department's opinion are equivalent to the requirements of this chapter may be accepted in their license classification for examination for a like license in this state without submitting evidence required under s. 145.07.

(2) Any person whose experience in another state meets the requirements of this chapter in the opinion of the department may be accepted for examination as a restricted plumber licensee in such classifications as the department deems appropriate.

145.10 Investigations, hearings; suspension, revocation.

(1) The department may make investigations and conduct hearings and may, on its own or upon complaint in writing duly signed and verified by the complainant, and not less than 10 days' notice to the licensee, suspend any plumber's license, utility contractor's license or temporary permit if it has reason to believe, and may revoke such license or permit in the manner provided under this section, if it finds that the holder of such license or permit has:

(a) Made a material misstatement in the application for license or renewal thereof or for temporary permit; or

(b) Failed to correct an installation for which he is responsible, at his own expense, within 30

days following notification by the department of a violation of any rule adopted pursuant to this chapter.

(2) A copy of the complaint with notice of the suspension of license or permit shall be served on the person complained against, and the person's answer to the complaint shall be filed with the department and the complainant within 10 days after service. The department shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing the complaint. Either party may appear at the hearing in person or by attorney or agent.

(3) No order revoking a license or permit shall be made until after a public hearing to be held before the department in the county where the licensee or permittee has his or her place of business. If the licensee or permittee is a nonresident, the hearing shall be at such place as the department designates. At least 10 days prior to the hearing the department shall send written notice of the time and place of the hearing to the licensee or permittee and to the person's attorney or agent of record by mailing the notice to the last-known address of such persons. The testimony presented and proceedings had at the hearing shall be recorded and preserved as the records of the department. The department shall as soon thereafter as possible make its findings and determination and send a copy to each interested party. One year after the date of revocation, application may be made for a new license.

History: 1977 c. 314, 418.

145.11 Plumber's sign. (2) No person other than a licensed master plumber shall use or display the title "Master Plumber" or append his name to or in connection with such title or any other title or words which represent or may tend to represent him as a licensed master plumber. Every holder of such license shall promptly notify the department of any change of his business address.

145.12 Prohibitions and penalties. (1)

Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself or itself out as or acts temporarily or otherwise as a master plumber or as an automatic fire sprinkler contractor without first having secured the required license or permit, or who otherwise violates any provisions of this chapter, shall be fined not less than \$10 nor more than \$100 or imprisoned for 30 days or both. Each day such violation continues shall be a separate offense.

(2) Any person violating this chapter or failing to obey a lawful order of the department,

or a judgment or decree of a court in connection with this chapter, may be imprisoned for not more than 3 months or fined not more than \$100.

(3) Any master plumber who shall employ an apprentice on plumbing representing him to be a journeyman, or who shall charge for an apprentice a journeyman's wage, shall be punished by a fine of not more than twenty-five dollars, or by imprisonment in the county jail for not more than thirty days. Each day of violation shall be a separate offense.

History: 1971 c. 255.

145.13 Promulgation of plumbers' code.

The state plumbing code and amendments thereto as adopted by the department have the effect of law in the form of standards state-wide in application and shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision thereof. All plumbing installations shall so far as practicable be made to conform with such code.

History: 1971 c. 194.

145.135 Sanitary permits. (1) VALIDITY.

In this section, "sanitary permit" means a permit issued by the department or any county, city, village or town for the installation of a private domestic sewage treatment and disposal system. No person may install a private domestic sewage treatment and disposal system unless the owner of the property on which the private domestic sewage treatment and disposal system is to be installed holds a valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter. A county, city, village or town may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall remain valid to the end of the established period, notwithstanding any change in the state plumbing code or in any county, city, village or town sanitary ordinance during that period. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent. The results of any percolation test or other test relating to the disposal of liquid domestic wastes into the soil shall be retained by the county, city, village or town where the property is located. The county, city, village or town shall make the test results available to an applicant for a sanitary permit and shall accept the test results as the basis for a sanitary permit application unless the soil at the test site is altered to the extent that a new soil test is necessary.

(2) NOTICE. A sanitary permit shall include a notice displayed conspicuously and separately on the permit form, to inform the permit holder that:

(a) The purpose of the sanitary permit is to allow installation of the private domestic sewage treatment and disposal system described in the permit.

(b) The approval of the sanitary permit is based on regulations in force on the date of approval.

(c) The sanitary permit is valid and may be renewed for a specified period.

(d) Changed regulations will not impair the validity of a sanitary permit.

(e) Renewal of the sanitary permit will be based on regulations in force at the time renewal is sought, and that changed regulations may impede renewal.

(f) The sanitary permit is transferable.

History: 1977 c. 168.

145.14 Plumbers license (restricted).

(1) LIMITATIONS. (a) Persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be classified by the department under sub. (2) and shall be restricted to the type of work for which they have been classified and to the requirements indicated in this section.

(b) Persons licensed as journeyman plumbers (restricted) or registered learners shall work under the supervision of a master plumber or a master plumber (restricted). A master plumber (restricted) may also work as a journeyman plumber (restricted). No journeyman plumber (restricted) or registered learner shall contract for work, advertise or do anything which would lead others to believe him to be qualified as a master plumber (restricted) in his classification.

(c) All persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be subject to all laws and rules governing plumbers. If qualified, persons may be licensed under any number of classifications under sub. (2). Separate licenses shall be issued under sub. (2) (a) and (b), but licenses issued under sub. (2) (b) may extend to any number of items under that paragraph.

(2) CLASSIFICATIONS. The classifications which the department shall use are a sewer services classification and an "appliances, equipment and devices" classification. Persons so classified may engage in the following types of work:

(a) *Sewer services.* Persons classified under this paragraph may install septic tanks for private sewage disposal systems, drain fields designed to serve such septic tanks, and the

sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building.

(b) *Appliances, equipment or devices.* Under this paragraph persons installing water softeners, water heaters or other items in connection with the water supply or water distribution systems which do not require a direct connection to the waste or drain piping systems are limited to making connection to existing installations. There shall be no drilling, tapping or direct connection made to any waste or drain pipe to serve items installed under this section. The maximum length of water piping permitted to be installed under this section shall be the minimum required to connect the item to the system.

145.15 Licenses. (1) No city, village, town or county may require the licensing of any person licensed or registered under ss. 145.15 to 145.18 for any activity regulated under ss. 145.15 to 145.18 or rules adopted thereunder.

(2) All licenses issued under ss. 145.15 to 145.18 shall be issued by the department. The department shall not restrict the work done by any licensed journeyman sprinkler system fitter of any automatic fire sprinkler contractor or apprentice to any geographical territory.

(3) Any person not licensed under this chapter prior to April 26, 1972 who was regularly engaged in the occupation of installing automatic fire sprinkler systems on or before March 1, 1967, shall be licensed under ss. 145.15 to 145.18 without being required to pass any written, oral or practical examination qualifying him for a license under ss. 145.15 to 145.18. Any such person shall apply for the appropriate license and pay the appropriate license fee.

History: 1971 c. 255.

145.16 Fire sprinkler system apprentices, registration. Automatic fire sprinkler system apprentices shall not be required to apply for any license but shall register with the department as an apprentice. Such apprentices shall be enrolled in a qualified apprenticeship sprinkler fitters program recognized by the department of industry, labor and human relations.

History: 1971 c. 255.

145.17 Inspectors and rule-making. (1)

The department may employ competent supervisors, who shall be licensed automatic fire sprinkler contractors or journeymen automatic fire sprinkler system fitters, and may employ other persons. The department may accept as certification of inspection, inspection by the insurance services organization of Wisconsin,

the FIA, the factory mutual engineering corporation or other fire insurance rating organization.

(2) The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices.

History: 1971 c 255

145.18 Temporary permits. The department shall issue temporary permits to journeymen automatic fire sprinkler system fitters or to automatic fire sprinkler system contractors pending examination of applicants for licenses. Examination fees shall be paid at the time the permit is issued.

History: 1971 c 255

145.25 Use of plumbing fixtures prohibited. (1) PROHIBITIONS. Except as provided in sub. (3), commencing January 1, 1979:

(a) No person may sell at retail, install in any building or cause to be installed in any building:

1. A water closet which uses more than 4 gallons of water per flush or which does not conform to department rules for water usage per flush promulgated under sub. (2) (a) 1.

2. A showerhead which uses more than 3 gallons of water per minute.

(b) No person may install in any public restroom or cause to be installed in any public restroom:

1. Any urinal intended for use by male persons which uses more than 1.5 gallons of water per flush.

2. Any faucet which allows more than one gallon of water to flow through the faucet after the handle is released.

(c) No person may install or cause to be installed any faucet connected to a washbasin in any private dwelling which allows more than 3 gallons of water per minute to flow through the faucet.

(2) DEPARTMENT RULES. (a) The department shall, by rule:

1. Formulate standards for water usage for water closets, showerheads, faucets and urinals which will reduce water consumption and meet the requirements of public health, safety and sanitation. The standards shall also conform to standards adopted by the American national standards institute.

2. Formulate a list of all fixtures and devices available commercially which comply with the requirements of this section or rules promulgated under this section.

(b) The department shall not promulgate any rules which either directly or indirectly

prohibit the use of manual flushing devices for urinals.

(3) EXEMPTIONS. (a) The department may, by rule, exempt specified fixtures and devices from compliance with the requirements of this section or rules promulgated under this section if it determines that there is an inadequate supply of fixtures or devices offered by at least 2 manufacturers which comply with this section or with rules promulgated under this section or if public health, safety and sanitation require fixtures which do not comply with this section or with rules promulgated under this section.

(b) The department may, upon request, waive compliance with flushing requirements of this section or rules promulgated under this section relating to flushing requirements:

1. For any building in existence on or before January 1, 1979, if its drainage system configuration requires a greater quantity of water for adequate flushing than complying with water usage requirements under this section or rules promulgated under this section would permit.

2. If any building is served by a public sewer system which requires the use of a greater quantity of water for adequate flushing than complying with water usage requirements under this section or rules promulgated under this section would permit.

(c) Notwithstanding sub. (1), plumbing fixtures which do not meet the requirements of this section which are ordered for sale by a retailer prior to May 2, 1978 may be sold at retail within 2 years after May 2, 1978, if the retailer informs the buyer, prior to any sale after January 1, 1979, that the fixture does not meet the requirements of this section. Installation of any plumbing fixtures sold at retail under this paragraph shall be completed within 2 years after May 2, 1978.

(4) APPROVAL OF RULES. This subsection does not apply to emergency rules adopted under s. 227.027.

(a) *Role of legislative council.* Prior to any public hearing on a proposed rule under this section, or if no public hearing is required, prior to notification of the standing committees, the department shall submit the proposed rule to the legislative council for review. The legislative council shall act as a clearing house for rule drafting and cooperate with the department and the revisor to:

1. Review the statutory authority under which the department intends to adopt the rule. The legislative council shall notify the department, the joint committee for the review of administrative rules and the appropriate standing committee when the statutory authority is eliminated or significantly changed by repeal,

amendment, court decision or for any other reason.

2. Ensure that the procedures for the promulgation of a rule required by this chapter are followed.

3. Review proposed rules for form, style and placement in the administrative code.

4. Review proposed rules to avoid conflict with or duplication of existing rules.

5. Review proposed rules to provide adequate references to relevant statutes, related rules and forms.

6. Streamline and simplify the rule-making process.

7. Review proposed rules for clarity, grammar and punctuation and to ensure plain language.

8. Review proposed rules to determine potential conflicts and to make comparisons with federal regulations.

(b) *Legislative council to assist standing committees.* The legislative council shall work with and assist the appropriate standing committees throughout the rule-making process. The legislative council may issue recommendations concerning any proposed rule which the department submits under this section.

(c) *Notification of standing committees.* The department shall notify appropriate standing committees when proposed rules under this section are in final draft form by submitting a notice to the presiding officer in each house. Each presiding officer shall refer the notice to one standing committee. The department may withdraw a proposed rule by notifying the presiding officer in each house of the legislature of its intention not to promulgate the rule.

(d) *Form of notice.* The notice shall include the proposed rule in a form complying with s. 227.024 (1).

(e) *Standing committee review.* 1. A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed rule. A committee may meet separately or jointly with the other committee to which the notice is referred, direct the department to attend the meeting and hold public hearings to review the proposed rule.

2. The standing committee review period lasts for 30 days after the notice is submitted and if within the 30-day period a standing committee directs the department to meet with it to review the proposed rule, the standing committee review period is extended for 30 days from the date of that request.

3. The department may not promulgate a proposed rule during the standing committee review period unless both committees approve the rule prior to the expiration of that period.

4. Either standing committee may disapprove the proposed rule or part of a proposed rule by taking action in executive session to disapprove the rule within the standing committee review period. If both committees fail to take this action, the proposed rule is not disapproved and the department may promulgate the rule.

(f) *Joint committee for the review of administrative rules.* 1. If either standing committee disapproves a proposed rule or part of a proposed rule, the proposed rule or its part shall be referred to the joint committee for the review of administrative rules.

2. The joint committee review period lasts for 30 days after the proposed rule is referred and the joint committee shall meet and take action in executive session during that period.

3. The department may not promulgate a proposed rule or its part which is disapproved by a standing committee unless the proposed rule is approved by the joint committee for the review of administrative rules or until the bill in subd. 5 fails of enactment. The department may promulgate portions of the rule which were not suspended, if the committee disapproved only parts of the rules.

4. The joint committee for the review of administrative rules may reverse the standing committee disapproval by taking action to approve the rule within the joint committee review period. The joint committee may uphold the standing committee disapproval by taking action to disapprove the rule within the joint committee review period. The joint committee may remand the proposed rule to the department for further consideration or public hearings or both. If the joint committee disapproves a proposed rule, the department may not promulgate the proposed rule until the bill in subd. 5 fails of enactment.

5. When the joint committee for the review of administrative rules disapproves a proposed rule or portion of the proposed rule, the committee shall as soon as possible place before the legislature, a bill to support the disapproval. If such bill is defeated, or fails of enactment in any other manner, the proposed rule or portion of the proposed rule may be promulgated. If the bill becomes law, the proposed rule or portion of the proposed rule, may not be promulgated unless a properly enacted law specifically authorizes the adoption of that rule.

(5) PENALTY. Whoever violates subs. (1) to (3) shall forfeit to the state not more than \$50 for each violation.

History: 1977 c. 275.