

State of Wisconsin



2017 Assembly Bill 904

Date of enactment: **April 16, 2018**
Date of publication*: **April 17, 2018**

2017 WISCONSIN ACT 330

AN ACT *to repeal* 97.625 (1) (am), 101.149 (2) (a), 101.149 (2) (b), 101.149 (2) (c), 101.149 (5) (a), 101.149 (6) (b), 457.09 (3) (b) and 457.16 (3); *to renumber* 101.149 (6) (a); *to renumber and amend* 101.64; *to amend* 97.625 (1g), 101.02 (7e) (a), 101.02 (7e) (b), 101.02 (7m), 101.02 (7r) (a), 101.02 (7r) (b) (intro.), 101.02 (7r) (b) 2., 101.02 (7r) (c) (intro.), 101.02 (7r) (c) 3., 101.02 (7r) (c) 4., 101.02 (7r) (e), 101.149 (1) (am), 101.149 (5) (intro.), 101.149 (7), 101.645 (4), 101.647 (4), 101.651 (3) (a) and 457.09 (3) (a); *to repeal and recreate* 101.149 (5); and *to create* 101.02 (7r) (g), 101.12 (3c), 101.149 (1) (as), 101.149 (2) (ac), 101.149 (2) (ag) to (ax), 101.149 (2) (d) (title), 101.149 (2) (e) (title), 101.149 (3) (am), 101.64 (2m) and 101.651 (3) (am) of the statutes; **relating to:** commercial building code administration; county authority regarding certain buildings and safety requirements; the authority of the Department of Safety and Professional Services to inspect public buildings, places of employment, and one-family and two-family dwellings; carbon monoxide detection in commercial residential buildings; examination requirements for marriage and family therapy, professional counseling, and social work credentials; social worker training certificate term; and granting rule-making authority.

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

SECTION 1. 97.625 (1) (am) of the statutes is repealed.

SECTION 2. 97.625 (1g) of the statutes is amended to read:

97.625 (1g) The department ~~shall~~ may inspect hotels, tourist rooming houses, and bed and breakfast establishments to ensure compliance with s. 101.149 (2) and (3).

SECTION 3. 101.02 (7e) (a) of the statutes is amended to read:

101.02 (7e) (a) Notwithstanding sub. (7) (a), no county, city, village, or town may enact or enforce an ordinance related to fire safety that prohibits the seasonal placement of a Christmas tree in the rotunda of the state capitol building or in a church.

SECTION 4. 101.02 (7e) (b) of the statutes is amended to read:

101.02 (7e) (b) If a county, city, village, or town has in effect on April 1, 2016, an ordinance that prohibits the seasonal placement of a Christmas tree in the rotunda of the state capitol building or in a church, the ordinance does not apply and may not be enforced.

SECTION 5. 101.02 (7m) of the statutes is amended to read:

101.02 (7m) Notwithstanding sub. (7) (a), no county, city, village, or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter. Any provision of a contract between a county, city, village, or town and a property

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

owner of a multifamily dwelling that requires the property owner to comply with an ordinance that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter may be waived by the property owner and if waived is void and unenforceable.

SECTION 6. 101.02 (7r) (a) of the statutes is amended to read:

101.02 (7r) (a) Notwithstanding sub. (7) (a), no county, city, village, or town may enact or enforce an ordinance that establishes minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment unless that ordinance strictly conforms to the applicable rules under sub. (15) (j), except as provided in pars. (b) to (d) and sub. (7m).

SECTION 7. 101.02 (7r) (b) (intro.) of the statutes is amended to read:

101.02 (7r) (b) (intro.) Notwithstanding par. (a), a county, city, village, or town, village, or city may enforce an ordinance establishing minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment that does not strictly conform to the applicable rules under sub. (15) (j) if all of the following apply:

SECTION 8. 101.02 (7r) (b) 2. of the statutes is amended to read:

101.02 (7r) (b) 2. The ordinance was published by the county, city, village, or town, village, or city in the manner required under s. 59.14, 60.80, 61.50, or 62.11 (4).

SECTION 9. 101.02 (7r) (c) (intro.) of the statutes is amended to read:

101.02 (7r) (c) (intro.) A county, city, village, or town, village, or city may amend an ordinance that is enforceable under par. (b) if all of the following apply:

SECTION 10. 101.02 (7r) (c) 3. of the statutes is amended to read:

101.02 (7r) (c) 3. The county, city, village, or town, village, or city submits a copy of the enacted amendment to the department at least 120 days before the effective date of the amendment.

SECTION 11. 101.02 (7r) (c) 4. of the statutes is amended to read:

101.02 (7r) (c) 4. The county, city, village, or town, village, or city publishes the enacted amendment in the manner required under s. 59.14, 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date of the amendment.

SECTION 12. 101.02 (7r) (e) of the statutes is amended to read:

101.02 (7r) (e) Notwithstanding par. (a), a county, city, village, or town, village, or city may enact and enforce an ordinance establishing a property maintenance code that is stricter than rules promulgated by the department under sub. (15) (j).

SECTION 13. 101.02 (7r) (g) of the statutes is created to read:

101.02 (7r) (g) 1. The department shall promulgate rules that establish procedures for the administration of the rules promulgated by the department under this subchapter. For purposes of this paragraph, “administration” includes the process an owner must follow when applying for a permit for constructing, altering, or adding to a public building or a building that is a place of employment.

2. Notwithstanding sub. (7) (a), no county, city, village, or town may enact or enforce an ordinance that establishes minimum standards for the administration of the rules promulgated by the department under this subchapter unless that ordinance strictly conforms to the rules promulgated by the department under subd. 1.

SECTION 13m. 101.12 (3c) of the statutes is created to read:

101.12 (3c) If the department has delegated authority to perform building inspection services under this section to a city, village, town, or county and the city, village, town, or county has assumed that responsibility, the department may not perform building inspection services within the scope of that delegation in the city, village, town, or county.

SECTION 14. 101.149 (1) (am) of the statutes is amended to read:

101.149 (1) (am) “Carbon monoxide detector” means an electronic or battery-operated device or system that sounds an alarm when an unsafe level of carbon monoxide is in the air.

SECTION 15. 101.149 (1) (as) of the statutes is created to read:

101.149 (1) (as) “Fuel-burning appliance” means a device that burns fossil fuel or carbon-based fuel and that produces carbon monoxide as a combustion by-product.

SECTION 16. 101.149 (2) (a) of the statutes is repealed.

SECTION 17. 101.149 (2) (ac) of the statutes is created to read:

101.149 (2) (ac) *Carbon monoxide detectors required.* Except as provided in sub. (5), the owner of a residential building shall provide carbon monoxide detectors at the locations specified in par. (ax) as required under pars. (ag) to (at).

SECTION 18. 101.149 (2) (ag) to (ax) of the statutes are created to read:

101.149 (2) (ag) *Fuel-burning appliances.* Carbon monoxide detectors shall be provided in units that contain a fuel-burning appliance.

(aL) *Forced-air furnaces.* Carbon monoxide detectors shall be provided in units served by a fuel-burning, forced-air furnace, except that carbon monoxide detectors are not required in a unit if a carbon monoxide detector is provided in the first room or area served by each

main duct leaving the furnace and one of the following is satisfied:

1. The carbon monoxide alarm signals are automatically transmitted to all units served by the furnace and to a designated location at a facility staffed by trained personnel on a continuous basis where alarm and supervisory signals are monitored and facilities are provided for notification of the fire department.

2. In addition to the first room or area served by each main duct leaving the furnace, a carbon monoxide detector is installed in every 4th unit on the same floor as that first room or area.

(ap) *Fuel-burning appliances outside of units.* Carbon monoxide detectors shall be provided in units located in residential buildings that contain fuel-burning appliances, except as follows:

1. Carbon monoxide detectors are not required in units where there are no openings between the fuel-burning appliance and the unit through which carbon monoxide can get into the unit.

2. Carbon monoxide detectors are not required in units where a carbon monoxide detector is provided in one of the following locations:

- a. Between the fuel-burning appliance and the unit.
- b. On the ceiling of the room containing the fuel-burning appliance.

(at) *Private garages.* Carbon monoxide detectors shall be provided in units in buildings with attached private garages, except as follows:

1. Carbon monoxide detectors are not required where there are no openings between the private garage and the unit through which carbon monoxide can get into the unit.

2. Carbon monoxide detectors are not required in units located more than one story above or below the private garage.

3. Carbon monoxide detectors are not required where the private garage connects to the building through an open-ended corridor.

4. Where carbon monoxide detectors are provided between openings to the private garage and units, carbon monoxide detectors are not required in the units.

5. Carbon monoxide detectors are not required where the private garage has openings designed to provide natural ventilation, or is mechanically ventilated, in accordance with rules for natural and mechanical ventilation in public parking garages promulgated by the department.

(ax) *Locations.* If required under pars. (ag) to (at), carbon monoxide detectors shall be installed in the following locations:

1. 'Units.' In units, outside of each separate sleeping area in the immediate vicinity of the sleeping rooms.

2. 'Sleeping rooms.' In sleeping rooms, if a fuel-burning appliance is located within the sleeping room or its attached bathroom.

SECTION 19. 101.149 (2) (b) of the statutes is repealed.

SECTION 20. 101.149 (2) (c) of the statutes is repealed.

SECTION 21. 101.149 (2) (d) (title) of the statutes is created to read:

101.149 (2) (d) (title) *Certification.*

SECTION 22. 101.149 (2) (e) (title) of the statutes is created to read:

101.149 (2) (e) (title) *Manufacturer directions and specifications.*

SECTION 23. 101.149 (3) (am) of the statutes is created to read:

101.149 (3) (am) If any person certified under s. 101.12 (4) or 101.14 (4r) gives written notice to an owner of a residential building that a carbon monoxide detector in the residential building is not functional, the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that carbon monoxide detector functional.

SECTION 24. 101.149 (5) (intro.) of the statutes is amended to read:

101.149 (5) EXCEPTIONS. (intro.) Subsections (2) and (3) do not apply to the owner of a residential building if the residential building ~~does not have an attached garage and~~ satisfies any of the following applies:

SECTION 25. 101.149 (5) of the statutes, as affected by 2017 Wisconsin Act ... (this act), is repealed and recreated to read:

101.149 (5) EXCEPTION. Subsections (2) and (3) do not apply to the owner of a residential building if all of the fuel-burning appliances in the residential building have sealed combustion units that are covered by the manufacturer's warranty against defects.

SECTION 26. 101.149 (5) (a) of the statutes is repealed.

SECTION 27. 101.149 (6) (a) of the statutes is renumbered 101.149 (6).

SECTION 28. 101.149 (6) (b) of the statutes is repealed.

SECTION 29. 101.149 (7) of the statutes is amended to read:

101.149 (7) INSPECTION. To ensure compliance with subs. (2) and (3), the department, or a ~~building inspector certified by the department,~~ shall person certified under s. 101.12 (4) or 101.14 (4r) may inspect the common area of residential buildings ~~other than hotels, tourist rooming houses, and bed and breakfast establishments~~ and may inspect a unit within such buildings at the request of the owner or occupant of the unit to be inspected.

SECTION 29c. 101.64 of the statutes is renumbered 101.64 (1), and 101.64 (1) (b), as renumbered, is amended to read:

101.64 (1) (b) ~~At Except as provided under sub. (2m),~~ at the request of the owner or renter, enter, inspect, and

examine dwellings a dwelling, dwelling units unit, or premises necessary to ascertain compliance with the rules and special orders under this subchapter.

SECTION 29g. 101.64 (2m) of the statutes is created to read:

101.64 (2m) The department may not inspect a dwelling, dwelling unit, or premises located in a city, village, town, or county that exercises jurisdiction under s. 101.65 (1) (a) or (b) or 101.651 (2m) (a), unless the city, village, town, or county has entered into a contract with the department under s. 101.65 (2) that authorizes the department to conduct the inspection.

SECTION 29L. 101.645 (4) of the statutes is amended to read:

101.645 (4) INSPECTION. ~~The Except as provided under s. 101.64 (2m), the~~ department or a municipal authority may inspect a new dwellings dwelling, may inspect the common areas of dwellings a dwelling, and, 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 29p. 101.647 (4) of the statutes is amended to read:

101.647 (4) INSPECTION. ~~The Except as provided under s. 101.64 (2m), the~~ department or person authorized by state law or by city, village, town, or county ordinance or resolution to exercise powers or duties involving inspection of real or personal property may inspect a new dwellings dwelling and, 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 29t. 101.651 (3) (a) of the statutes is amended to read:

101.651 (3) (a) ~~Except as provided in par. (b), the department or a~~ A county may not enforce this sub-

chapter or provide inspection services in a municipality unless requested to do so by a person with respect to a particular dwelling or by the municipality. A request by a person or a municipality with respect to a particular dwelling does not give the ~~department or a~~ county authority with respect to any other dwelling. ~~Costs For any services provided under this paragraph, the county shall be collected collect costs~~ under s. 101.65 (1) (c) ~~or ss. 101.63 (9) and 101.65 (2) from a~~ the person or municipality ~~making a request under this subsection that requests the service.~~

SECTION 29x. 101.651 (3) (am) of the statutes is created to read:

101.651 (3) (am) Except as provided in s. 101.64 (2m), if a municipality exercises jurisdiction under sub. (2m) or adopts a resolution under sub. (2m) (a), the department may not enforce this subchapter in the municipality unless requested to do so by the municipality. For any services provided under this paragraph, the department shall collect costs under s. 101.63 (9) from the municipality.

SECTION 30. 457.09 (3) (a) of the statutes is amended to read:

457.09 (3) (a) ~~Except as provided in par. (b), a~~ A social worker training certificate is valid for 24 months.

SECTION 31. 457.09 (3) (b) of the statutes is repealed.

SECTION 32. 457.16 (3) of the statutes is repealed.

SECTION 33. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal of sections 97.625 (1) (am) and 101.149 (6) (b) of the statutes, the renumbering of section 101.149 (6) (a) of the statutes, and the repeal and recreation of section 101.149 (5) of the statutes take effect on the first day of the 19th month beginning after publication.