CHAPTER 145

PLUMBING AND FIRE PROTECTION SYSTEMS AND SWIMMING POOL PLAN REVIEW

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Cross−reference: See also chs. SPS 305, 381, 382, 383, 384, 385, 386, 387, and 391, Wis. adm. code.

145.01 Definitions.

In this chapter:

(1) AUTOMATIC FIRE SPRINKLER CONTRACTOR. "Automatic fire sprinkler contractor" means 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.

(2) AUTOMATIC FIRE SPRINKLER SYSTEM. "Automatic fire sprinkler system", for fire protection purposes, means 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 supply side of an approved gate valve 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.

(3) AUTOMATIC FIRE SPRINKLER SYSTEM APPRENTICE. "Automatic fire sprinkler system apprentice" means 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 employed under an apprentice contract under s. 106.01.

(3m) CROSS−CONNECTION CONTROL DEVICE. "Cross−connection control device" means any mechanical device that automatically prevents backflow from a contaminated source in or into a water supply system.

(3s) CROSS−CONNECTION CONTROL TESTER. "Cross−connection control tester" means a person who conducts a performance test of an installed cross−connection control device.

(4) DEPARTMENT. "Department" means the department of safety and professional services.

(4m) FAILING PRIVATE ON−SITE WASTEWATER TREATMENT SYSTEM. "Failing private on−site wastewater treatment system" has the meaning specified under s. 145.245 (4).

NOTE: Sub. (4m) is affected eff. June 2025 by 2023 Wis. Act 19 to read:

(4m) FAILING PRIVATE ON−SITE WASTEWATER TREATMENT SYSTEM. "Failing private on−site wastewater treatment system" means a private on−site wastewater treatment system that meets the criteria established by the department for determining if a private on−site wastewater treatment system is failing. A failing private on−site wastewater treatment system is one that causes or results in any of the following conditions:

(a) The discharge of sewage into surface water or groundwater.

(b) The introduction of sewage into zones of saturation that adversely affects the operation of a private on−site wastewater treatment system.

(c) The discharge of sewage to a drain tile or into zones of bedrock.

(d) The discharge of sewage to the surface of the ground.

(e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on−site wastewater treatment system.

(5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON−SITE WASTEWATER TREATMENT SYSTEMS. "Governmental unit responsible for the regulation of private on−site wastewater treatment systems" or "governmental unit", unless otherwise qualified, means the county except that in a county with a population of 750,000 or more these terms mean the city, village or town where the private on−site wastewater treatment system is located.

(6) JOURNEYMAN AUTOMATIC FIRE SPRINKLER FITTER. "Journeyman automatic fire sprinkler fitter" means any person other than an automatic fire sprinkler contractor who is engaged in the practical installation of automatic fire sprinkler systems.

(7) JOURNEYMAN PLUMBER. "Journeyman plumber" means any person other than a master plumber, who is engaged in the practical installation of plumbing.

(8) MASTER PLUMBER. "Master plumber" means any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

(9) PIPELAYER. "Pipelayer" means a person registered under s. 145.07 (11).

(10) PLUMBING. (a) "Plumbing" means:

1. All piping, fixtures, appliances, equipment, devices, and appurtenances in connection with water supply systems, water distribution systems, wastewater drainage systems, reclaimed water systems, and stormwater use systems, including hot water storage tanks, water treatment devices, and water heaters connected with these systems and also includes the installation thereof.

2. The construction, connection, installation, service, or repair of any drain or wastewater piping system that connects to the mains or other terminal within the bounds of, or beneath an area subject to easement for highway purposes, including private on−site wastewater treatment systems and stormwater treatment and dispersal systems, and the alteration of any such systems, drains or wastewater piping.

3. The construction, connection, installation, service, or repair of water service piping that connects to the main or other water utility service terminal within the bounds of, or beneath an area subject to easement for highway purposes and its connections.

4. The water pressure system other than municipal systems as provided in ch. 281.

5. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circula-

tion 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 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.

(br) "Plumbing" does not include any of the following:

1. A rainwater gutter or downspout down to the point that it discharges into a plumbing system, a subsoil drain, or a foundation drain.

2g. A process water reuse system if the process water reuse system is not connected to any plumbing fixture or appliance.

2m. A stormwater culvert under a roadway or walkway that is placed there only to equalize the water level from one end of the culvert to the other end.

3. The practical installation of process piping within a sewage disposal plant.

(11) PLUMBING APPRENTICE. "Plumbing apprentice" means any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

(12) PRIVATE ON–SITE WASTEWATER TREATMENT SYSTEM. "Private on–site wastewater treatment system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private on–site wastewater treatment system may be owned by the property owner or by a special purpose district.

(13) REGISTERED LEARNER. "Registered learner" means 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.

(14) RESTRICTED PLUMBER LICENSEE. "Restricted plumber licensee" means any person licensed as a master plumber (restricted) or a journeyman plumber (restricted) under s. 145.14.

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

(17) WATERS OF THE STATE. "Waters of the state" has the meaning specified under s. 281.01 (18).

History: 1971 c. 255; 1977 c. 314; 1979 c. 34, 221; 1981 c. 20; 1983 a. 189, 410, 538; 1991 a. 39; 1993 a. 213, 322; 1995 a. 27 ss. 4355 and 9116 (5); 1995 a. 227; 2009 a. 200, 291; 2011 a. 32, 146; 2013 a. 124; 2013 a. 173 s. 33; 2017 a. 59; 2021 a. 67 s. 2; 2023 a. 19 s. 472g.

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 and the waters of the state.

(2) (a) The department shall have general supervision of all plumbing described under sub. (1). The department shall promulgate rules that shall uniformly apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision. The rules promulgated by the department shall constitute the state plumbing code. The state plumbing code shall comply with ch. 160. To the extent that the historic building code applies to the subject matter of these standards, the standards do not apply to a qualified historic building if the owner elects to be subject to s. 101.121. The standards do not apply to a primitive rural hunting cabin, as defined in s. 101.61 (3).

(b) The department shall promulgate rules that establish separate plumbing standards applicable only to camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. The standards established in the rules shall also take into account the uses, including seasonal use, that are unique to recreational and educational camps, as defined in s. 101.053 (1). If the department has appointed one or more committees under s. 227.13 to advise the department on rule making with respect to private on–site wastewater treatment systems or other plumbing systems, the department shall promulgate the rules required under this paragraph in consultation with those committees.

(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, the rules or standards are threatened with violation, are being violated or have been violated, except that the department shall issue orders related to occupational licenses, as defined in s. 101.02 (1) (a) 2., as provided in s. 101.022. The circuit court for any county where violation of such an order occurs has jurisdiction to enforce and shall enforce any order brought before it by injunctive and other appropriate relief. The attorney general or the district attorney of the county where the violation of the order occurs shall bring action for its enforcement. The department may issue an order under this paragraph to abate a violation of s. 254.59.

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

(h) Promulgate rules concerning the testing of cross–connection control devices, including rules identifying the types of cross–connection control devices that may be tested only by a registered cross–connection control tester and the circumstances under which cross–connection control devices shall be tested.

(4) (a) 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. The plumbers council, created under s. 15.407 (16), shall advise the department in formulating the rules.

(b) The department may promulgate rules for the qualification and registration of cross–connection control testers.

(5) (a) The department may appoint a city, village, town, or county as an agent of the department that is authorized to review and approve plumbing plans and specifications for plumbing installations specified by the department for public buildings, as defined in s. 101.01 (12), and places of employment, as defined in s. 101.01 (11).

(b) 1. In this paragraph, "agent appointment" means an appointment under par. (a) or s. SPS 382.20 (2), Wis. Adm. Code.

2. The department shall establish requirements for cities, villages, towns, and counties to electronically renew agent appoint-

ments every 5 years. The process shall allow cities, villages, towns, and counties with agent appointments made 5 years or more before April 5, 2018, to renew those agent appointments within deadlines specified by the department.

History: 1971 c. 194; 1973 c. 90; 1975 c. 39; 1977 c. 275, 314; 1979 c. 34, 221; 1981 c. 341; 1983 a. 410; 1993 a. 27, 213, 322; 1995 a. 27; 2011 a. 32; 2015 a. 49; 2017 a. 59, 198, 331, 365; 2019 a. 130; 2021 a. 238 s. 45.

Cross−reference: See also chs. SPS 327, 381, 382, 383, 384, 385, 386, 387, and 391, Wis. adm. code.

Sub. (2) did not invalidate a town ordinance prohibiting residential sewage holding tanks. Konkel v. Town of Raymond, 101 Wis. 2d 704, 305 N.W.2d 190 (Ct. App. 1981).

Counties must obtain state approval before permitting private experimental sanitation systems. Citizen committees appointed by the county board may not engage in setting plumbing standards. 60 Atty. Gen. 209.

145.04 Water and sewerage systems. (1) ORDINANCE RULES. A 1st, 2nd or 3rd class city with a water system or sewerage system shall, and a village, 4th class city, town, 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 the person from engaging in or working at business within the scope of the person's 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 willful violation of any plumbing regulation.

History: 1971 c. 194; 1989 a. 56; 1993 a. 482; 1995 a. 378.

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 or conduct soil percolation tests or other similar tests specified by the department that relate to private on−site wastewater treatment systems unless the person holds a valid certificate issued under this section.

(3) PLUMBERS MAY BE SOIL TESTERS. A plumber may also be a soil tester and install any system after approval of the site or project by the department or the governmental unit responsible for the regulation of private on−site wastewater treatment systems.

History: 1973 c. 287; 1975 c. 41; 1979 c. 34, 221; 1993 a. 482; 2007 a. 147; 2011 a. 146; 2017 a. 331.

Cross−reference: See also s. SPS 305.33, Wis. adm. code.

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 common council of a 1st, 2nd or 3rd class city with a water system or sewerage system, 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 common council of a 4th class city, the board of a village, town or 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) If a water system or sewerage system is 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 the water system or sewerage system, and exercise all the powers conferred by this section until such municipalities or district provides for such supervision.

History: 1989 a. 56; 1995 a. 378.

145.06 License or registration 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 plumbing 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 or her license, directly or indirectly, for the purpose of obtaining local permits for others or to allow the use of his or her license by others to install plumbing work.

(3) Each member or employee of a partnership or limited liability company or each officer or employee 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.

(3m) No person may test the performance of cross−connection control devices when the test is required by the department unless he or she is registered with the department as a cross−connection control tester.

(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 or her as his or her 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. 280.

(c) Installation of sewer and water service piping from the main to the property lot line, when installed by authorized municipal utility employees 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, when installed by sewer and water utility contractors and their employees.

(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 employees 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; 1983 a. 189; 1993 a. 112, 322, 482, 490; 1995 a. 227.

Cross−reference: See also ss. SPS 305.90, 305.91, 305.92, 305.93, 305.94, 305.95, 305.96, 305.97, 305.98, and 305.99, Wis. adm. code.

145.07 Licenses and registration; examinations. (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 satisfac-

tory 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 years as a licensed journeyman plumber in this state; or

(b) Graduation in engineering from a school or college approved by the department.

(4) An applicant for examination for licensure as a journeyman plumber shall submit evidence satisfactory to the department that he or she has completed a plumbing apprenticeship under s. 106.025.

(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 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 person shall be registered as a registered learner with the department without examination or training prequalifications and shall not be required to be employed under an apprentice contract under s. 106.01.

(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 pipelayer 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 pipelayer 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.

(12) An applicant for registration as a cross–connection control tester shall submit an application and registration fee to the department as prescribed by the rules promulgated under s. 145.02 (4) (b).

History: 1975 c. 39; 1977 c. 314; 1981 c. 60, 314; 1993 a. 213, 322; 1995 a. 286; 2009 a. 291; 2011 a. 146, 257.

145.08 Fees; expiration of license; registration. (1) The department shall establish fees by rule for the examinations, licenses, and registrations specified in this section. The fees established by the department shall as closely as possible equal the cost of providing the following services:

(a) Administering a master plumber's examination.

(b) Issuing a master plumber's license.

(c) Administering a journeyman plumber's examination.

(d) Issuing a journeyman plumber's license.

(e) Issuing a temporary permit pending examination and issuance of a license for master plumber or journeyman plumber.

(f) Administering a master plumber's (restricted) examination.

(g) Issuing a master plumber's license (restricted).

(h) Administering a journeyman plumber's (restricted) examination.

(i) Issuing a journeyman plumber's license (restricted).

(k) Administering an automatic fire sprinkler contractor's examination.

(L) Issuing an automatic fire sprinkler contractor's license.

(Lm) Issuing an automatic fire sprinkler — maintenance only registration.

(m) Administering a journeyman automatic fire sprinkler fitter's examination.

(n) Issuing a journeyman automatic fire sprinkler fitter's license.

(nm) Issuing an automatic fire sprinkler fitter — maintenance only registration certificate.

(o) Issuing a utility contractor's license.

(q) Issuing a pipelayer's registration.

(1g) The department may not charge a plumbing supervisor employed by the department in accord with s. 145.02 (3) (a) a fee for the appropriate 4–year license for which the plumbing supervisor has previously qualified.

(2) No license or registration may be issued for longer than 4 years. Any license or registration may be renewed upon application made prior to the date of expiration. The department may renew licenses or registrations upon application made after the date of expiration if it is satisfied that the applicant has good cause for not applying for renewal prior to the date of expiration 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 established by the department by rule shall be paid at the time of registration and before January 1 of each subsequent calendar year during which the apprentice is engaged in the apprenticeship or learnership.

History: 1971 c. 255; 1975 c. 39, 199; 1977 c. 314; 1981 c. 20; 1981 c. 60 ss. 6, 11; 1981 c. 314; 1993 a. 16, 322; 1995 a. 417; 2005 a. 25; 2009 a. 28; 2011 a. 146.

145.09 State comity. (1m) Any person may be accepted for examination for the appropriate classification of license without submitting evidence required under s. 145.07, if:

(a) The person holds a current license under the laws of any other state, or under the ordinances of any city, town or village, having license provisions governing plumbers that the department determines are equivalent to the requirements of this chapter; or

(b) The person has practical experience in plumbing in another state that the department determines is equivalent to the experience required under this chapter.

(2m) The department shall accept for a journeyman plumber's examination a person to whom all of the following apply:

(a) The person completed a plumbing apprenticeship under s. 106.025 or under the laws of any other state.

(b) The person passed a journeyman plumber's examination in any other state.

(c) The person has practiced for at least 5 years under a journeyman plumber's license or equivalent license issued by another state having licensure provisions governing plumbers that the department determines are substantially similar to the requirements under this chapter and the rules promulgated under this chapter, and the person has not been the subject of any disciplinary actions related to that license or any other equivalent license.

History: 1981 c. 60; 2017 a. 59.

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 after providing not

less than 10 days' notice to the licensee, suspend any master or journeyman plumber's license, cross–connection control tester's registration, utility contractor's license or temporary permit if it has reason to believe, and may revoke such license, registration or permit in the manner provided under this section if it finds, that the holder of such license, registration or permit has:

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

(am) Committed gross negligence or misconduct or is incompetent in the practice covered by the person's license, registration or permit;

(b) Failed to correct an installation for which he or she is responsible, at his or her own expense, within 30 days following notification by the department of a violation of any rule adopted under this chapter; or

(c) Falsified information on an inspection form under s. 145.20 (5).

(2) A copy of the complaint with notice of the suspension of license, registration 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. The department shall make its findings and determination within 90 days after the date that the hearing is concluded and send a copy to each interested party.

(3) No order revoking a license, registration or permit shall be made until after a public hearing to be held before the department 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 or registration.

History: 1977 c. 314, 418; 1979 c. 34; 1981 c. 1 s. 47; 1981 c. 60; 1983 a. 27, 70; 1991 a. 39; 1993 a. 322; 2005 a. 347.

145.11 Advertising restrictions. (1) No person offering plumbing services may do any of the following, unless the person is a licensed master plumber or employs a licensed master plumber:

(a) Advertise as a plumbing contractor, master plumber or plumber.

(b) Append his or her name to, or in connection with, the title "plumbing contractor", "master plumber" or "plumber".

(c) Append his or her name to any other title or words that may tend to represent the person as a plumbing contractor, master plumber or plumber.

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

(3) Any person who advertises as a master plumber through the use of printed material designed for public distribution shall include in the advertisement the number of his or her license as a master plumber. Any person who advertises as a plumbing contractor through the use of printed material designed for public distribution shall include in the advertisement the license number of the master plumber employed by the plumbing contractor.

(4) Subsection (1) does not apply to any person who advertises as providing services for which no license is required under s. 145.06, unless the person holds himself or herself out as providing services for which a license is required.

History: 1983 a. 125; 1993 a. 482.

145.12 Prohibitions and penalties. (1) Any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as a master plumber, as an automatic fire sprinkler contractor or as a business establishment holding an automatic fire sprinkler–maintenance only registration certificate without first having secured the required license or certificate, or who otherwise violates any provisions of this chapter, shall be fined not less than $100 nor more than $500 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 $500.

(3) Any master plumber who shall employ an apprentice on plumbing representing the apprentice 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 $25, or by imprisonment in the county jail for not more than 30 days. Each day of violation shall be a separate offense.

(4) Any person who violates any order under s. 145.02 (3) (f) or 145.20 (2) (f) or any rule or standard adopted under s. 145.02 shall forfeit not less than $10 nor more than $1,000 for each violation. Each violation of an order under s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. 145.02 constitutes a separate offense, and each day of continued violation is a separate offense.

(5) (a) In lieu of any other penalty under this section, the department may directly assess a forfeiture by issuing an order against any person who violates s. 145.06 or 145.20 (6). The department may not assess a forfeiture exceeding $2,000 for each violation.

(b) The department shall promulgate rules specifying the procedures governing the assessment of forfeitures under this subsection including the following:

1. The procedure for issuing an order for an alleged violation.

2. The amount of a forfeiture that the department may assess for an alleged violation, subject to the limit under par. (a).

3. The procedure for contesting an order issued for an alleged violation.

4. The procedure for contesting the assessment of a forfeiture for an alleged violation.

(c) The department shall remit all forfeitures paid under this subsection to the secretary of administration for deposit in the school fund.

(d) All forfeitures that are not paid as required under this subsection shall accrue interest at the rate of 12 percent per year.

(e) The attorney general may bring an action in the name of the state to collect any forfeiture imposed, or interest accrued, under this subsection if the forfeiture or interest has not been paid after the exhaustion of all administrative and judicial reviews.

History: 1971 c. 255; 1981 c. 20, 60; 1983 a. 410; 1993 a. 482; 1995 a. 225; 2005 a. 182; 2007 a. 197; 2017 a. 331.

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 oth-

ers 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) *Systems or services.* Persons classified under this paragraph may install septic tanks for private on–site wastewater treatment systems, may install drain fields designed to serve such septic tanks, and may install sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building. Such persons may also install water services, stormwater use systems, and reclaimed water systems if the services or systems are to be located outside the foundation wall of the building.

(b) *Appliances, equipment or devices.* Under this paragraph persons installing a water treatment device, a water heater, or any other item in connection with a water distribution system, including a stormwater use or reclaimed water system, which does not require a direct connection to a drain system are limited to making connections 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.

History: 2007 a. 147; 2009 a. 200; 2011 a. 146.

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 the person 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.

(4) No person may install automatic fire sprinkler systems unless licensed or registered to do so by the department. Licenses and registrations pertaining to automatic fire sprinkler systems are not transferable.

History: 1971 c. 255; 1981 c. 20; 1993 a. 482.
Cross–reference: See also ss. SPS 305.50, 305.51, and 305.52, Wis. adm. code.

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

History: 1971 c. 255; 1979 c. 221.
Cross–reference: See also s. SPS 305.53, Wis. adm. code.

145.165 Automatic fire sprinkler fitter–maintenance only registration. (1) An automatic fire sprinkler fitter–maintenance only registration certificate is required for any person who is employed to maintain automatic fire sprinkler systems by a business establishment registered under s. 145.175. The department shall, by rule, specify the requirements for issuing an automatic fire sprinkler fitter–maintenance only registration certificate and specify the activities in which a person holding a certificate under this section may engage.

(2) This section does not apply to any person registered under s. 145.16 or licensed under s. 145.17 (2).

History: 1981 c. 20.
Cross–reference: See also ss. SPS 305.54 and 305.55, Wis. adm. code.

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.

(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. The automatic fire sprinkler system contractors and journeymen council, created under s. 15.407 (17), shall advise the department in formulating the rules.

History: 1971 c. 255; 1979 c. 102, 221; 1995 a. 27; 2011 a. 32, 146.

145.175 Automatic fire sprinkler–maintenance only registration. An automatic fire sprinkler–maintenance only registration certificate is required before any business establishment may maintain or repair existing automatic fire sprinkler systems in its physical facilities. The department shall, by rule, specify the qualifications for issuing an automatic fire sprinkler–maintenance only registration certificate. The department shall, by rule, specify the activities in which a person holding a registration certificate under this section may engage.

History: 1981 c. 20.
Cross–reference: See also ss. SPS 305.53, and 305.54, Wis. adm. code.

145.18 Temporary permits. The department may issue temporary permits to journeymen automatic fire sprinkler system fitters or to automatic fire sprinkler contractors pending examination of applicants for licenses. The department may also issue temporary permits to applicants for automatic fire sprinkler–maintenance only registration certificates. The department shall, by rule, prescribe the procedure for issuing these permits. Examination fees shall be paid at the time the permit is issued.

History: 1971 c. 255; 1981 c. 20.

145.19 Sanitary permits. (1b) DEFINITION. In this section, "sanitary permit" means a permit authorizing the installation of a private on–site wastewater treatment system that is issued by the department or any governmental unit responsible for the regulation of private on–site wastewater treatment systems.

(1g) PERMIT REQUIRED. No person may purchase or install a private on–site wastewater treatment system unless the owner of the property on which the private on–site wastewater treatment system is to be installed holds a valid sanitary permit issued under this section. No person may sell at retail, as defined under s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser holds a valid sanitary permit issued under this section.

(1m) APPLICATION PROCESS. The department shall prescribe the information to be included in an application for a sanitary permit. The applicant shall submit the completed application for a sanitary permit to the governmental unit. The governmental unit shall approve or disapprove the sanitary permit according to the rules promulgated by the department under this chapter.

(1r) TEST RESULTS. 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 governmental unit where the property is located. The governmental unit 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) FEE. No fee for a sanitary permit may be less than the amount determined under department rule. The governing body

for the governmental unit responsible for the regulation of private on−site wastewater treatment systems may establish a fee for a sanitary permit which is more than the amount determined under department rule. A governmental unit may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12−month period.

(3) FEES AND RECORDS OF PERMITS FORWARDED TO THE DEPARTMENT. The governmental unit responsible for the regulation of private on−site wastewater treatment systems shall forward to the department within 90 days after each valid permit is issued a portion of the fee, as determined under department rule. The governmental unit shall also compile a periodic summary of the permits that it has issued. The summary shall contain the information required by the department by rule, and shall be submitted by the governmental unit to the department at intervals to be determined by the department by rule.

(3m) NOTICE IN PERMIT. 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 on−site wastewater treatment 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.

(4) USE OF FEE. The portion of this fee retained by the governmental unit responsible for the regulation of private on−site wastewater treatment systems shall be used for the administration of private on−site wastewater treatment system programs.

(6) GROUNDWATER FEE. In addition to the fee under sub. (2), the governmental unit responsible for the regulation of private on−site wastewater treatment systems shall collect a groundwater fee of $25 for each sanitary permit. The governmental unit shall forward this fee to the department together with the fee under sub. (3). The moneys collected under this subsection shall be credited to the environmental fund for environmental management.

(7) PERIOD OF VALIDITY. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter. A sanitary permit shall remain valid to the end of the established period, notwithstanding any change in the state plumbing code or in any private on−site wastewater treatment system ordinance during that period.

(8) TRANSFER OF PERMIT. 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.

History: 1979 c. 34, 221; 1983 a. 27; 1983 a. 189 s. 329 (20); 1983 a. 410; 1987 a. 27; 1989 a. 31; 1997 a. 27; 2011 a. 146 ss. 63 to 65, 68 to 74.

Cross−reference: See also s. SPS 302.67, Wis. adm. code.

145.195 Building on unsewered property. (1) No county, city, town or village may issue a building permit for construction of any structure requiring connection to a private on−site wastewater treatment system unless a private on−site wastewater treatment system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install a private on−site wastewater treatment system have been obtained.

(2) Before issuing a building permit for construction of any structure on property not served by a municipal sewage treatment plant, the county, city, town or village shall determine that the proposed construction does not interfere with a functioning private on−site wastewater treatment system. The county, city, town or village may require building permit applicants to submit a detailed plan of the owner's existing private on−site wastewater treatment system.

History: 1977 c. 258; 1999 a. 150 s. 87; Stats. 1999 s. 145.195; 2007 a. 147; 2011 a. 146; 2015 a. 197 s. 51.

NOTE: **Chapter 258, laws of 1977, which created this section, contains a prefatory note.**

Cross−reference: See also ch. SPS 383, Wis. adm. code.

An onsite inspection of an existing private sewage system must be made before a building permit may be issued for any type of construction requiring a connection to that system. 75 Atty. Gen. 38.

145.20 Private on−site wastewater treatment systems. (1) ORGANIZATION AND PERSONNEL. (a) The governing body of the governmental unit responsible for the regulation of private on−site wastewater treatment systems may assign the duties of administering the private on−site wastewater treatment system program to any office, department, committee, board, commission, position or employee of that governmental unit.

(am) The governing body of the governmental unit responsible for the regulation of private on−site wastewater treatment systems may delegate the duties of administering the private on−site wastewater treatment system program to a town sanitary district or public inland lake protection and rehabilitation district with the powers of a town sanitary district within the town sanitary district or public inland lake protection and rehabilitation district if the town sanitary district or public inland lake protection and rehabilitation district agrees to assume those duties.

(b) The governmental unit responsible for the regulation of private on−site wastewater treatment systems shall obtain the services of a certified soil tester, either as an employee or under contract, to review and verify certified soil tester reports under sub. (2).

(2) GOVERNMENTAL UNIT RESPONSIBILITIES. The governmental unit responsible for the regulation of private on−site wastewater treatment systems shall:

(a) Review certified soil tester reports for proposed private on−site wastewater treatment systems and verify the report at the proposed site, if necessary.

(b) Approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.

(c) Issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall state the specific reasons for disapproval and amendments to the application, if any, which render the application approvable. Each notice shall also give notice of the applicant's right to appeal and the procedures for conducting an appeal under ch. 68.

(d) Inspect all private on−site wastewater treatment systems after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

(e) File reports and conduct surveys and inspections as required by the governmental unit responsible for the regulation of private on−site wastewater treatment systems or the department.

(f) Investigate violations of the private on−site wastewater treatment system ordinance and s. 254.59 (2), issue orders to abate the violations and submit orders to the district attorney, corporation counsel or attorney general for enforcement.

(g) Perform other duties regarding private on−site wastewater treatment systems as considered appropriate by the governmental unit responsible for the regulation of private on−site wastewater treatment systems or as required by the rules of the department.

(h) Inspect existing private on−site wastewater treatment systems to determine compliance with s. 145.195 if a building or structure is being constructed which requires connection to an existing private on−site wastewater treatment system. The county is not required to conduct an on−site inspection if a building or structure is being constructed which does not require connection to an existing private on−site wastewater treatment system.

(i) Adopt and enforce the maintenance program under sub. (5).

(3) DEPARTMENT RESPONSIBILITIES. (a) 1. The department may specify categories of private on–site wastewater treatment systems for which approval by the department is required prior to issuance of sanitary permits by the governmental unit responsible for the regulation of private on–site wastewater treatment systems.

2. The department may exempt a governmental unit from any category of private on–site wastewater treatment systems for which departmental approval is required prior to sanitary permit issuance under subd. 1., upon a determination, in accordance with rules promulgated by the department, that past performance of the governmental unit on reviews and audits under par. (b) has been satisfactory and that the governmental unit has the capacity to give the same level of application and plan review as that provided by the department. The department may revoke an exemption upon a finding that performance of the governmental unit on a review or audit conducted subsequent to the granting of the exemption is unsatisfactory or that the governmental unit is not giving the same level of application and plan review as that provided by the department. Findings in a revocation action may be made only after a public hearing upon 30 days' advance notice to the clerk of the governmental unit. The department shall submit a report under s. 13.172 (2) to the chief clerk of each house of the legislature, at the beginning of each legislative session, describing the exemptions under this subdivision.

(b) The department shall review the private on–site wastewater treatment system program in each governmental unit responsible for the regulation of private on–site wastewater treatment systems to ascertain compliance with sub. (2) and with regulations issued by the department. This review shall include a random audit of sanitary permits, including verification by on–site inspection.

(c) If the governing body for a governmental unit responsible for the regulation of private on–site wastewater treatment systems does not adopt a private on–site wastewater treatment system ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does not appoint personnel meeting the requirements of sub. (1) or if the governmental unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department may conduct hearings in the county seat upon 30 days' notice to the county clerk. As soon as practicable after the public hearing, the department shall issue a written decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the department determines that there is a violation of these provisions, the governmental unit may not issue a sanitary permit for the installation of a private on–site wastewater treatment system until the violation is corrected.

(d) The department shall conduct training and informational programs for officials of the governmental unit responsible for the regulation of private on–site wastewater treatment systems and employees and persons licensed under this chapter and s. 281.48 and certified as operators of septage servicing vehicles under s. 281.17 (3) to improve the delivery of service under the private on–site wastewater treatment system program. The department shall obtain the assistance of the Wisconsin counties association in planning and conducting the training and informational programs.

(4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A governmental unit may assess the owner of a private on–site wastewater treatment system for costs related to the pumping of a septic or holding tank. The governmental unit shall make any assessment in the same manner that a city, village or town makes an assessment under s. 66.0703.

(5) MAINTENANCE. (a) The department shall establish a maintenance program to be administered by governmental units responsible for the regulation of private on–site wastewater treatment systems. The department shall determine the private on–site wastewater treatment systems to which the maintenance program applies. At a minimum the maintenance program is applicable to all new or replacement private on–site wastewater treatment systems constructed in a governmental unit after the date on which the governmental unit adopts this program. The department may apply the maintenance program by rule to private on–site wastewater treatment systems constructed in a governmental unit responsible for the regulation of private on–site wastewater treatment systems on or before the date on which the governmental unit adopts the program. The department shall determine the private on–site wastewater treatment systems to which the maintenance program applies in governmental units that do not meet the conditions for eligibility under s. 145.245 (9).

NOTE: Par. (a) is amended eff. June 2025 by 2023 Wis. Act 19 to read:

(a) The department shall establish a maintenance program to be administered by governmental units responsible for the regulation of private on–site wastewater treatment systems. The department shall determine the private on–site wastewater treatment systems to which the maintenance program applies. At a minimum the maintenance program is applicable to all new or replacement private on–site wastewater treatment systems constructed in a governmental unit after the date on which the governmental unit adopts this program. The department may apply the maintenance program by rule to private on–site wastewater treatment systems constructed in a governmental unit responsible for the regulation of private on–site wastewater treatment systems on or before the date on which the governmental unit adopts the program.

(am) Each governmental unit responsible for the regulation of private on–site wastewater treatment systems shall adopt and begin the administration of the program established under par. (a) before October 1, 2019. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private on–site wastewater treatment systems located in the governmental unit and shall complete the initial inventory before October 1, 2017. In order to be eligible for grant funding under s. 145.245, a governmental unit must comply with these deadlines.

NOTE: Par. (am) is amended eff. June 2025 by 2023 Wis. Act 19 to read:

(am) Each governmental unit responsible for the regulation of private on–site wastewater treatment systems shall adopt and begin the administration of the program established under par. (a) before October 1, 2019. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private on–site wastewater treatment systems located in the governmental unit and shall complete the initial inventory before October 1, 2017.

(b) The maintenance program shall include a requirement of inspection or pumping of the private on–site wastewater treatment system at least once every 3 years if the private on–site wastewater treatment system does not have a maintenance plan as prescribed by rule by the department. Inspections may be conducted by a master plumber, journeyman plumber or restricted plumber licensed under this chapter, a person licensed under s. 281.48 or by an employee of the state or governmental unit designated by the department, and the department may determine by rule other persons who are qualified to undertake required inspection, maintenance, or repairs. The department shall specify the methods to establish the required frequency of inspection, maintenance, and pumping for each type of private on–site wastewater treatment system that does not have a maintenance plan and shall periodically update the methods.

(c) The department of natural resources may suspend or revoke a license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a septage servicing vehicle if the department of natural resources finds that the licensee or operator falsified information on inspection forms. The department of safety and professional services may suspend or revoke the license of a plumber licensed under this chapter if the department finds that the plumber falsified information on inspection forms.

(6) RESTRICTIONS ON REVIEWERS AND INSPECTORS. (a) Except as provided in par. (b), a governmental unit employee who has responsibilities related to any of the activities under sub. (2) (a) to (i) may not do any of the following in the county in which the employee is employed or in an adjacent county:

1. Conduct any activities for which certification is required under s. 145.045 (1), except that the employee may review and verify soil tester reports as provided in sub. (2) (a).

2. Install, design, maintain, repair, or sell a private on–site wastewater treatment system, component of a private on–site wastewater treatment system, drain field designed to serve a private on–site wastewater treatment system, or pipe from a private on–site wastewater treatment system to the immediate inside of

the existing or proposed foundation wall of the building served by the private on−site wastewater treatment system.

(b) Paragraph (a) does not apply to activities performed by an employee on property owned by the employee that is outside of the governmental unit for which the employee works.

History: 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410; 1987 a. 27, 160; 1989 a. 31; 1993 a. 16, 27; 1995 a. 201, 227; 1999 a. 150 s. 672; 2005 a. 347 ss. 12, 14; 2007 a. 197; 2009 a. 392; 2011 a. 32, 134, 146; 2013 a. 165; 2017 a. 59; 2021 a. 67 s. 2; 2023 a. 19 s. 472g.

Cross−reference: See also ch. SPS 383, Wis. adm. code.

NOTE: 2005 Wis. Act 347, which affected this section, contains extensive explanatory notes.

145.23 Rules. The department may make and enforce rules relating to lot size and lot elevation necessary for proper sanitary conditions in the development and maintenance of subdivisions not served by a public sewer, where provision for such service has not been made.

History: 1979 c. 221 ss. 607, 649.

145.24 Variances. (1) If an existing private on−site wastewater treatment system either is not located in soil meeting the siting standards or is not constructed in accordance with design standards promulgated under s. 145.02, the owner of the private on−site wastewater treatment system may petition the department for a variance to the siting or design standards.

(2) The department shall establish procedures for the review and evaluation of existing private on−site wastewater treatment systems which do not comply with siting or design standards.

(3) Upon receipt of a petition for a variance, the department shall require the owner of the private on−site wastewater treatment system to submit information necessary to evaluate the request for a variance. If the department determines that the existing private on−site wastewater treatment system is not a failing private on−site wastewater treatment system, and continued use of the existing private on−site wastewater treatment system will not pose a threat of contamination of waters of the state, then the department may issue a variance to allow continued use of the existing private on−site wastewater treatment system. The department shall rescind the variance if the existing private on−site wastewater treatment system becomes a failing private on−site wastewater treatment system or contaminates waters of the state.

History: 1983 a. 410; 2011 a. 146; 2017 a. 331.

145.245 Private on−site wastewater treatment system replacement or rehabilitation. (1) DEFINITIONS. In this section:

(a) "Determination of failure" means any of the following:

1. A determination that a private on−site wastewater treatment system is failing, according to the criteria under sub. (4), based on an inspection of the private on−site wastewater treatment system by an employee of the state or a governmental unit who is certified to inspect private on−site wastewater treatment systems by the department.

2. A written enforcement order issued under s. 145.02 (3) (f), 145.20 (2) (f) or 281.19 (2).

3. A written enforcement order issued under s. 254.59 (1) by a governmental unit.

(ae) "Governmental unit" means a governmental unit responsible for the regulation of private on−site wastewater treatment systems. "Governmental unit" also includes a federally recognized American Indian tribe or band.

(am) "Indian lands" means lands owned by the United States and held for the use or benefit of Indian tribes or bands or individual Indians and lands within the boundaries of a federally recognized reservation that are owned by Indian tribes or bands or individual Indians.

(b) "Participating governmental unit" means a governmental unit which applies to the department for financial assistance under sub. (8) and which meets the conditions specified under sub. (9).

(c) "Principal residence" means a residence which is occupied at least 51 percent of the year by the owner.

(dm) "Sewage" means the water−carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in s. 101.01 (12), with such surface water or groundwater as may be present.

(e) "Small commercial establishment" means a commercial establishment or business place with a maximum daily waste water flow rate of less than 5,000 gallons per day.

(4) FAILING PRIVATE ON−SITE WASTEWATER TREATMENT SYSTEMS. The department shall establish criteria for determining if a private on−site wastewater treatment system is a failing private on−site wastewater treatment system. A failing private on−site wastewater treatment system is one which causes or results in any of the following conditions:

(a) The discharge of sewage into surface water or groundwater.

(b) The introduction of sewage into zones of saturation which adversely affects the operation of a private on−site wastewater treatment system.

(c) The discharge of sewage to a drain tile or into zones of bedrock.

(d) The discharge of sewage to the surface of the ground.

(e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on−site wastewater treatment system.

(4m) CATEGORIES OF FAILING PRIVATE ON−SITE WASTEWATER TREATMENT SYSTEMS. For the purposes of this section, the department shall establish the category of each failing private on−site wastewater treatment system for which a grant application is submitted, as follows:

(a) Category 1: failing private on−site wastewater treatment systems described in sub. (4) (a) to (c).

(b) Category 2: failing private on−site wastewater treatment systems described in sub. (4) (d).

(c) Category 3: failing private on−site wastewater treatment systems described in sub. (4) (e).

(5) ELIGIBILITY. (a) 1. A person is eligible for grant funds under this section if he or she owns a principal residence which is served by a category 1 or 2 failing private on−site wastewater treatment system, if the private on−site wastewater treatment system was installed before July 1, 1978, if the family income of the person does not exceed the income limitations under par. (c), if the amount of the grant determined under sub. (7) is at least $100, if the residence is not located in an area served by a sewer and if determination of failure is made prior to the rehabilitation or replacement of the failing private on−site wastewater treatment system.

2. A business is eligible for grant funds under this section if it owns a small commercial establishment which is served by a category 1 or 2 failing private on−site wastewater treatment system, if the private on−site wastewater treatment system was installed before July 1, 1978, if the gross revenue of the business does not exceed the limitation under par. (d), if the small commercial establishment is not located in an area served by a sewer and if a determination of failure is made prior to the rehabilitation or replacement of the private on−site wastewater treatment system.

3. A person who owns a principal residence or small commercial establishment which is served by a category 1 or 2 failing private on−site wastewater treatment system may submit an application for grant funds during the 3−year period after the determination of failure is made. Grant funds may be awarded after work is completed if rehabilitation or replacement of the system meets all requirements of this section and rules promulgated under this section.

(b) Each principal residence or small commercial establishment may receive only one grant under this section.

(c) 1. In order to be eligible for grant funds under this section, the annual family income of the person who owns the principal residence may not exceed $45,000.

2. Except as provided under subd. 4., annual family income shall be based upon the federal adjusted gross income of the owner and the owner's spouse, if any, as computed for the taxable year prior to the year in which the determination of failure is made.

3. In order to be eligible for grant funds under this section, a person shall submit a copy of the federal income tax returns upon which the determination of federal adjusted gross income under subd. 2. was made together with any application required by the governmental unit.

4. A governmental unit may disregard the federal income tax return that is submitted under subd. 3. and may determine annual family income based upon satisfactory evidence of federal adjusted gross income or projected federal adjusted gross income of the owner and the owner's spouse in the current year. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of federal adjusted gross income or projected federal adjusted gross income in a current year.

(d) 1. In order to be eligible for grant funds under this section, the annual gross revenue of the business that owns the small commercial establishment may not exceed $362,500.

2. Except as provided in subd. 4., annual gross revenue shall be based upon the gross revenue of the business for the taxable year prior to the year in which the determination of failure is made. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of gross revenue in a prior taxable year.

3. In order to be eligible for grant funds under this section, a business shall submit documentation required by the department under subd. 2. together with any application required by the governmental unit.

4. A governmental unit may disregard the documentation of gross revenue for the taxable year prior to the year in which the determination of failure is made and may determine annual gross revenue based upon satisfactory evidence of gross revenue of the business in the current year. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of gross revenue in a current year.

(e) The department of revenue shall, upon request by the department, verify the income information submitted by an applicant or grant recipient.

(5m) DENIAL OF APPLICATION. (a) The department or a governmental unit shall deny a grant application under this section if the applicant or a person who would be directly benefited by the grant intentionally caused the conditions which resulted in a category 1 or 2 failing private on–site wastewater treatment system. The department or governmental unit shall notify the applicant in writing of a denial, including the reason for the denial.

(b) The department shall notify a governmental unit if an individual's name appears on the statewide support lien docket under s. 49.854 (2) (b). The department or a governmental unit shall deny an application under this section if the name of the applicant or an individual who would be directly benefited by the grant appears on the statewide support lien docket under s. 49.854 (2) (b), unless the applicant or individual who would be benefited by the grant provides to the department or governmental unit a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(6) USE OF FUNDS. (a) Except for grants under par. (b), funds available under a grant under this section shall be applied to the rehabilitation or replacement of the private on–site wastewater treatment system. An existing private on–site wastewater treatment system may be replaced by an alternative private on–site wastewater treatment system or by a system serving more than one principal residence.

(b) Funds available under a grant under this section for experimental private on–site wastewater treatment systems shall be applied to the installation and monitoring of the experimental private on–site wastewater treatment systems.

(7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private on–site wastewater treatment system that would be necessary to allow the rehabilitated system or new system to meet the minimum requirements of the state plumbing code promulgated under s. 145.02.

(b) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private on–site wastewater treatment system by the least costly methods, except that a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a private on–site wastewater treatment system other than a holding tank.

(c) Except as provided in pars. (d) and (e), the state grant share under this section is limited to $7,000 for each principal residence or small commercial establishment to be served by the private on–site wastewater treatment system or to the amount determined by the department based upon private on–site wastewater treatment system grant funding tables, whichever is less. The department shall prepare and publish private on–site wastewater treatment system grant funding tables which specify the maximum state share limitation for various components and costs involved in the rehabilitation or replacement of a private on–site wastewater treatment system based upon minimum size and other requirements specified in the state plumbing code promulgated under s. 145.02. The maximum state share limitations shall be designed to pay approximately 60 percent of the average allowable cost of private on–site wastewater treatment system rehabilitation or replacement based upon estimated or actual costs of that rehabilitation or replacement. The department shall revise the grant funding tables when it determines that 60 percent of current costs of private on–site wastewater treatment system rehabilitation or replacement exceed the amounts in the grant funding tables by more than 10 percent, except that the department may not revise the grant funding tables more often than once every 2 years.

(d) Except as provided in par. (e), if the income of a person who owns a principal residence that is served by a category 1 or 2 failing private on–site wastewater treatment system is greater than $32,000, the amount of the grant under this section is limited to the amount determined under par. (c) less 30 percent of the amount by which the person's income exceeds $32,000.

(e) Costs allowable for experimental private on–site wastewater treatment systems shall include the costs of installing and monitoring experimental private on–site wastewater treatment systems installed under s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify how the department will select, monitor and allocate the state share for experimental private on–site wastewater treatment systems that the department funds under this section.

(8) APPLICATION. (a) In order to be eligible for a grant under this section, a governmental unit shall make an application for replacement or rehabilitation of private on–site wastewater treatment systems of principal residences or small commercial establishments and shall submit an application for participation to the department. The application shall be in the form and include the information the department prescribes. In order to be eligible for funds available in a fiscal year, an application is required to be received by the department prior to February 1 of the previous fiscal year.

(b) An American Indian tribe or band may submit an application for participation for any Indian lands under its jurisdiction.

(9) CONDITIONS; GOVERNMENTAL UNITS. As a condition for obtaining grant funding under this section, a governmental unit shall:

(a) Adopt and administer the maintenance program established under s. 145.20 (5);

(b) Certify that grants will be used for private on−site wastewater treatment system replacement or rehabilitation for a principal residence or small commercial establishment owned by a person who meets the eligibility requirements under sub. (5), that the funds will be used as provided under sub. (6) and that allowable costs will not exceed the amount permitted under sub. (7);

(c) Certify that grants will be used for private on−site wastewater treatment systems which will be properly installed and maintained;

(d) Certify that grants provided to the governmental unit will be disbursed to eligible owners;

(e) Establish a process for regulation and inspection of private on−site wastewater treatment systems;

(f) Establish a system of user charges and cost recovery if the governmental unit considers this system to be appropriate. User charges and cost recovery may include the cost of the grant application fee and the cost of supervising installation and maintenance; and

(g) Establish a system which provides for the distribution of grant funds received among eligible applicants based on the amount requested in the application as approved by the department. If the amount received by a county is insufficient to fully fund all grants, the county shall prorate grant funds on the same basis as sub. (11m).

(10) ASSISTANCE. The department shall make its staff available to provide technical assistance to each governmental unit. The department shall prepare and distribute to each participating governmental unit a manual of procedures for the grant program under this section.

(10m) DISTRIBUTION OF LITERATURE. The department shall prepare literature that describes the eligibility for receiving a grant under this section for a principal residence. The department shall supply the literature to counties, and counties shall distribute the literature to recipients of public benefits.

(11) ALLOCATION OF FUNDS. (b) *Determination of eligible applications.* At the beginning of each fiscal year the department shall determine the state grant share for applications from eligible owners received by participating governmental units. The department may revise this determination if a governmental unit does not meet the conditions specified under sub. (9) or if it determines that individuals do not meet eligibility requirements under sub. (5).

(c) *Allocation.* The department shall allocate available funds for grants to each participating governmental unit according to the total amount of the state grant share for all eligible applications received by that governmental unit.

(d) *Limitation; commercial establishments.* The department may not allocate more than 10 percent of the funds available under this subsection each fiscal year for grants for small commercial establishments.

(e) *Limitation; experimental private on−site wastewater treatment systems.* The department may not allocate more than 10 percent of the funds available under this subsection each fiscal year for grants for the installation and monitoring of experimental private on−site wastewater treatment systems.

(11m) PRORATING. (a) Except as provided in par. (d), the department shall prorate available funds under this subsection if funds are not sufficient to fully fund all applications. A prorated payment shall be deemed full payment of the grant.

(b) Except as provided in par. (d), if funds are sufficient to fully fund all category 1 but not all category 2 failing private on−site wastewater treatment systems, the department shall fully fund all category 1 systems and prorate the funds for category 2 systems on a proportional basis.

(c) Except as provided in par. (d), if funds are not sufficient to fully fund all category 1 failing private on−site wastewater treatment systems, the department shall fund the category 1 systems on a proportional basis and deny the grant applications for all category 2 systems.

(d) The department is not required to prorate available funds for grants for the installation and monitoring of experimental private on−site wastewater treatment systems.

(12) DETERMINATION OF ELIGIBILITY; DISBURSEMENT OF GRANTS. (a) The department shall review applications for participation in the state program submitted under sub. (8). The department shall determine if a governmental unit submitting an application meets the conditions specified under sub. (9).

(b) The department shall promulgate rules which shall define payment mechanisms to be used to disburse grants to a governmental unit.

(13) INSPECTION. Agents of the department or the governmental unit may enter premises where private on−site wastewater treatment systems are located pursuant to a special inspection warrant as required under s. 66.0119, to collect samples, records and information and to ascertain compliance with the rules and orders of the department or the governmental unit.

(14) ENFORCEMENT. (a) If the department has reason to believe that a violation of this section or any rule promulgated under this section has occurred, it may:

1. Cause written notice to be served upon the alleged violator. The notice shall specify the alleged violation, and contain the findings of fact on which the charge of violation is based, and may include an order that necessary corrective action be taken within a reasonable time. This order shall become effective unless, no later than 30 days after the date the notice and order are served, the person named in the notice and order requests in writing a hearing before the department. Upon this request and after due notice, the department shall hold a hearing. Instead of an order, the department may require that the alleged violator appear before the department for a hearing at a time and place specified in the notice and answer the charges complained of; or

2. Initiate action under sub. (15).

(b) If after the hearing the department finds that a violation has occurred, it shall affirm or modify its order previously issued, or issue an appropriate order for the prevention, abatement or control of the violation or for other corrective action. If the department finds that no violation has occurred, it shall rescind its order. Any order issued as part of a notice or after hearing may prescribe one or more dates by which necessary action shall be taken in preventing, abating or controlling the violation.

(d) Additional grants under this section to a governmental unit previously awarded a grant under this section may be suspended or terminated if the department finds that a private on−site wastewater treatment system previously funded in the governmental unit is not being or has not been properly rehabilitated, constructed, installed or maintained.

(15) PENALTIES. Any person who violates this section or a rule or order promulgated under this section shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of continued violation is a separate offense. While an order is suspended, stayed or enjoined, this penalty does not accrue.

NOTE: This section is repealed eff. June 2025 by 2023 Wis. Act 19.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404; 1999 a. 9; 1999 a. 150 s. 672; 2003 a. 169, 326; 2005 a. 347; 2009 a. 392; 2011 a. 32, 146; 2013 a. 168 s. 21; 2017 a. 59, 331; 2021 a. 67 ss. 1, 2; 2023 a. 19 s. 472g.

Cross−reference: See also ch. SPS 387, Wis. adm. code.

NOTE: 2005 Wis. Act 347, which affected this section, contains extensive explanatory notes.

145.26 Public swimming pool plan review. (1) In this section, "public swimming pool" means a fixed or mobile structure, basin, chamber, or tank and appurtenant buildings and equipment that serve or are installed for use by the state, a political subdivision of the state, a motel, a hotel, a resort, a camp, a club, an association, a housing development, a school, a religious, charitable, or youth organization, an educative or rehabilitative facility,

or another entity. "Public swimming pool" does not mean an inflated mobile structure, basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath; or a fixed or mobile structure, basin, chamber, or tank that serves fewer than 3 individual residences.

(2) The department shall, in advance of construction, alteration or reconstruction, review and approve plans and specifications for the construction, alteration or reconstruction of public swimming pools or water recreation attractions or the alteration of public swimming pool equipment in this state.

(3) The department shall require payment of fees that are established by rule for the review of plans and specifications for the construction, alteration or reconstruction of public swimming pools or water recreation attractions or the alteration of public swimming pool equipment.

(4) No one may maintain, manage or operate a public swimming pool or water recreation attraction for which construction, alteration or reconstruction is made after January 1, 1990, unless all of the following have taken place:

(a) The department has reviewed and approved the construction, alteration or reconstruction under sub. (2).

(b) The applicable fee under sub. (3) has been paid.

(c) The construction, alteration or reconstruction of the public swimming pool or water recreation attraction conforms to the plans and specifications approved by the department under sub. (2).

(5) The department shall promulgate rules establishing all of the following:

(a) The definition of "water attraction".

(b) The amounts of fees to perform review of plans and specifications as specified in sub. (2).

(6) Whoever violates this section or the rules promulgated under this section may be fined not less than $100 nor more than $5,000. Each day of continued violation constitutes a separate offense.

History: 1989 a. 31; 1993 a. 16 ss. 2402, 2561, 2562; Stats. 1993 s. 145.26; 2017 a. 331.

Cross–reference: See also ch. SPS 390, Wis. adm. code.