

# RULES CERTIFICATE

## Department of Commerce

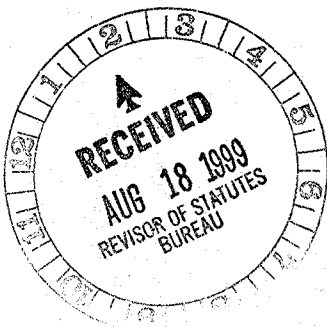
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Brenda J. Blanchard, Secretary of the Department of Commerce,

and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to electrical construction and inspection  
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 West Washington Avenue in the city of Madison, this 17th day of August A.D. 1999

Brenda J. Blanchard  
Secretary

# ORDER OF ADOPTION

## Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) 101.02 (1), 101.63 (1),

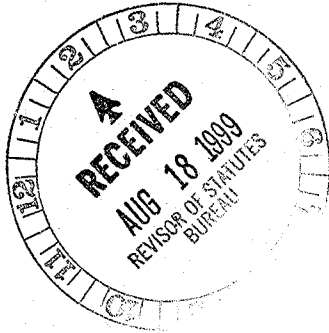
101.73 (1) and 101.82 (1) Stats., the Department of Commerce  creates;  amends;

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

<u>Comm 16</u>	<u>Electrical, Volume 2</u>
<u>Comm 17</u>	<u>Electrical Inspection</u>
(number)	(Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin

Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 8/17/99

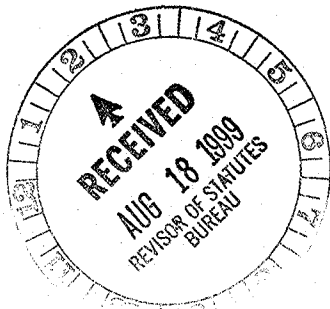
DEPARTMENT OF COMMERCE

*[Signature]*  
Secretary



State of Wisconsin \ Department of Commerce

# RULES in FINAL DRAFT FORM



**Rule No.:** Chapters Comm 16 and 17

**Relating to:** Electrical Construction and Inspection

**Clearinghouse Rule No.:** 99-050

The Department of Commerce proposes an order to repeal Comm 16.04(3), Comm 16.25(3), Comm 16.25(7)(a), Comm 16.28(2) and (3), Comm 16.325, Comm 16.37 and 16.40, Comm 16.42(3), Comm 16.45(1) and (2)(c), Comm 16.47, and ch. Comm 17; to renumber and amend Comm 16.26 and Comm 16.27; to amend ch. Comm 16(title), Comm 16.01(2)Note, Comm 16.04(2), Comm 16.06, Comm 16.10, Comm 16.25(1)(b) and (c), Comm 16.25(4)(intro.) and (a), Comm 16.25(7)(intro.), Comm 16.355, Comm 16.42(title), (1) and (2), and Comm 16.44; to repeal and recreate Comm 16.05, Comm 16.12, and Comm 16.30; to create Comm 16.02(1)(f), Comm 16.06 Note 3, Comm 16.065, Comm 16.17(1)(c), Comm 16.20, Comm 16.21, Comm 16.225, Comm 16.24(3) and (4), Comm 16.28(1)(d) Note 2, Comm 16.435 and 16.437, Table 16.46 item 12m, and Comm 16 subch. IV, relating to electrical construction and inspection.

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### Analysis of Proposed Rules

Statutory Authority: Sections 101.02(1), 101.63(1), 101.73(1) and 101.82(1), Stats.

Statutes Interpreted: Sections 101.63(1), 101.73(1), 101.82(1) and 101.865, Stats.

Chapter Comm 16, Electrical Code, establishes safety and health requirements for the installation of electrical wiring, communication systems and electrical equipment in places of employment, public buildings, dwellings and other premises such as carnivals, parking lots, mines, trenches, mobile homes and recreational vehicles. The chapter incorporates by reference the National Fire Protection Association (NFPA) standard NFPA 70 – National Electrical Code (NEC). In addition, the chapter includes amendments that clarify or supplement the electrical standards contained in the NEC.

Chapter Comm 17, Electrical Inspection, establishes rules for the electrical inspection of farms, public buildings and places of employment. Those rules are related to the enforcement of chapter Comm 16.

The proposed rules consist of an update of chapter Comm 16, including the incorporation by reference of the 1999 edition of the NEC. The rule proposal also includes moving the electrical inspection requirements from chapter Comm 17 into a subchapter of chapter Comm 16, with no changes in those requirements. The following is a summary of the major changes in the proposed rules.

1. Deleting several amendments to the NEC which are covered as a result of changes in the 1999 edition of the NEC. For example, because of changes in the 1999 NEC relating to isolation of transfer switch equipment, sections Comm 16.45 (1) and 16.47 are being deleted.
2. Adding a requirement for installation of GFCI protection in commercial garages, repair areas and storage areas where electrical diagnostic equipment, electrical hand tools or portable lighting equipment are to be used. [Comm 16.20]
3. Deleting the NEC section that requires arc-fault circuit-interrupter protection after January 1, 2002. [Comm 16.21]
4. Adopting the NEC requirements for installing non-metallic sheathed cable in exposed work. [Comm 16.325]

5. Adding kitchens as areas needing a listed ceiling fan support box for a ceiling lighting fixture where a ceiling fan could be installed. [Comm 16.355]
6. Adopting the NEC exception that allows rigid non-metallic conduit to be used underground at gasoline service stations. [Comm 16.40]
7. Adding requirements relating to wiring of hoistway pumps for elevators and disconnecting means for wheelchair lifts. [Comm 16.435 and 16.437]
8. Adding a rule requiring standby emergency power in day care centers serving 20 or more children during night-time hours. [Comm 16.46]

The proposed rules have been developed with the assistance of the Electrical Code Advisory Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
Ron Jahnke	NECA, Wisconsin Chapter
Ron Janikowski	International Association of Electrical Inspectors
Charles Johansen	Wisconsin Builders Association
James D. Looock	Wisconsin Public Service Commission
Dave McHale	Wisconsin Utilities Association
Ronald E. Maassen	NECA, Milwaukee Chapter
Bill Neitzel	International Association of Electrical Inspectors
Ken Peterson	Wisconsin Electric Cooperative Association
Randall Roth	Associated Builders and Contractors of Wisconsin
Steven Sauer	Department of Agriculture, Trade and Consumer Protection
Paul Welnak	Wisconsin State AFL-CIO

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SECTION 1. Chapter Comm 16 (title) is amended to read:

CHAPTER Comm 16  
ELECTRICAL, ~~VOLUME 2~~

SECTION 2. Comm 16.01 (2) Note is amended to read:

**Comm 16.01 (2) Note:** The Wisconsin state electrical code is issued and administered by the department and by the public service commission as part in 2 chapters of the Wisconsin administrative code. The department has the responsibility for issuance and administration of ~~Volume 2 as contained in this chapter~~, and the public service commission has the responsibility for issuance and administration of ~~Volume 1 as contained in ch. PSC 114~~.

SECTION 3. Comm 16.02 (1)(f) is created to read:

Comm 16.02 (1)(f) Inspections of electrical construction of farms, public buildings and places of employment.

SECTION 4. Comm 16.04 (2) is amended to read:

**Comm 16.04 (2) MUNICIPAL AUTHORITY.** Municipalities may exercise jurisdiction over inspection of electrical construction covered by the scope of this chapter. For public buildings and places of employment, s. ~~ILHR 17.13 (2)~~ Comm 16.64 (2) specifies the conditions required for municipalities to exercise this jurisdiction.

SECTION 5. Comm 16.04 (3) is repealed.

SECTION 5M. Comm 16.05 is repealed and recreated to read:

**Comm 16.05 Petition for variance.** The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

**Note:** Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

**Note:** Form SBD-9890 is available at no charge from the department at the Safety and Buildings Division, P.O. Box 2509, Madison WI 53701, telephone 608/266-1818.

SECTION 6. Comm 16.06 is amended to read:

**Comm 16.06 Penalties.** Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (12) and (13), or s. 101.88 (3), Stats.

SECTION 7. Comm 16.06 Note 3 is created to read:

**Comm 16.06 Note 3:** Section 101.88 (3), Stats., states that except as provided under s. 101.865 (2), Stats., whoever violates subchapter IV of chapter 101, Stats., or any rule promulgated under that subchapter shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day that the violation continues shall constitute a separate offense. Section 101.865 (2), Stats., states that any person who violates the provisions of s. 101.865, Stats., shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than 30 days nor more than 6 months.

SECTION 8. Comm 16.065 is created to read:

**Comm 16.065 Fees.** Fees for petitions for variance and electrical inspections issued under this chapter shall be submitted as specified in ch. Comm 2.

SECTION 9. Comm 16.10 is amended to read:

**Comm 16.10 Electrical inspection of public buildings and places of employment.**

Inspection of electrical construction relating to public buildings and places of employment shall comply with the requirements of ~~ch. II HR 17~~, subch. II IV.

SECTION 10. Comm 16.12 is repealed and recreated to read:

**Comm 16.12 Adoption of standards by reference. (1) CONSENT.** Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the National Electrical Code specified in sub. (2).

**(2) INCORPORATION.** The National Electrical Code, NEC-1999, subject to the changes, additions or omissions specified in subch. III, is hereby incorporated by reference into this chapter.

**Note:** Copies of the National Electrical Code are on file in the offices of the department, the secretary of state and the revisor of statutes.

**Note:** Copies of the National Electrical Code can be obtained from the National Fire Protection Association, Fulfillment Center, 11 Tracy Drive, Avon, MA 02322-9908, telephone 1-800-344-3555.

SECTION 11. Comm 16.17 (1)(c) is created to read:

Comm 16.17 (1)(c) "Private sewage system" has the meaning specified under s. 145.01 (12), Stats.

**Note:** Under s. 145.01 (12), Stats., "private sewage 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 sewage system may be owned by the property owner or a special purpose district.

SECTION 12. Comm 16.20 is created to read:

**Comm 16.20 Ground-fault circuit-interrupter protection for personnel.** [NEC 210-8] This is a department rule in addition to the requirements of NEC 210-8(b)(1) and (2).

Commercial garages, repair areas and storage areas where electrical diagnostic equipment, electrical hand tools, or portable lighting equipment are to be used.

SECTION 12M. Comm 16.21 is created to read:

**Comm 16.21 Arc-fault circuit-interrupter protection.** [NEC 210-12] Section NEC 210-12 does not apply in Wisconsin.

SECTION 12R. Comm 16.225 is created to read:

**Comm 16.225 Lighting outlets required.** [NEC 210-70] Substitute the following wording for NEC 210-70(a)(1):

At least one wall switch-controlled lighting outlet shall be installed in every habitable room, kitchen and bathroom.

SECTION 13. Comm 16.24 (3) and (4) are created to read:

**Comm 16.24 (3) NUMBER OF SUPPLIES.** [NEC 225-30] This is a department rule in addition to NEC 225-30(a):

Multi-occupancy buildings or structures shall be permitted to have one set of branch circuit conductors installed from a dwelling unit to the second building or structure's respective occupied space.

**(4) LOCATION.** [NEC 225-32] This is a department rule in addition to the requirements of NEC 225-32:

The building disconnect required by NEC 225-31 shall be located in accordance with s. Comm 16.25 (4).

SECTION 14. Comm 16.25 (1)(b) and (c) are amended to read:

Comm 16.25 (1)(b) Substitute the following wording for ~~NEC 230-2(a), Exception No. 5~~ NEC 230-2(b)(2):

~~Exception No. 5.~~ Two or more service drops or laterals ~~may be installed~~ for the same class of service if located more than 150 feet apart, measured in a straight line, and provided that all electrical wiring supplied by each service has no common raceway or connection with any other service.

(c) This is a department exception rule in addition to the ~~exceptions requirements~~ of ~~NEC 230-2(a)~~ NEC 230-2(b):



~~Exception No. 8.~~ For rowhouse construction as defined in ch. ~~ILHR Comm~~ 66, a separate service drop or lateral shall be permitted for each 2 attached units.

SECTION 15. Comm 16.25 (3) is repealed.

SECTION 16. Comm 16.25 (4)(intro.) and (a) are amended to read:

**Comm 16.25 (4) LOCATION.** [NEC 230-70(a)] ~~Substitution the following wording for the first paragraph~~ This is a department rule in addition to the requirements of NEC 230-70(a):

(a) ~~The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure, or inside nearest the point of entrance of the service conductors.~~ Except as provided in par. (b), raceways containing service conductors or cables, or service entrance cable not contained within a raceway, shall not extend longer than 8 feet into a building to the service disconnect or the first service disconnect of a group of disconnects as permitted by NEC 230-71. The raceways or conductors shall be considered to have entered the building at the point where they pass through the outer surface of the building exterior, except as permitted by NEC 230-6.

SECTION 17. Comm 16.25 (7)(intro.) is amended to read:

**Comm 16.25 (7) RATING OF DISCONNECT.** [NEC 230-79] ~~Substitute the following wording for~~ This is a department rule in addition to the requirements of NEC 230-79(c):

SECTION 18. Comm 16.25 (7)(a) is repealed.

SECTION 19. Comm 16.26 is renumbered Comm 16.27 and amended to read:

**Comm 16.27 ~~Service equipment.~~ [NEC 250-71] Services.** [NEC 250-92] This is a department rule in addition to the requirements of ~~NEC 250-71(b)~~ NEC 250-92(b):

Bonding to other systems shall not be done on or within a metering enclosure unless a means of bonding, intended for intersystem bonding, is furnished as part of a listed joint-use metering enclosure.

SECTION 20. Comm 16.27 is renumbered Comm 16.26 and Comm 16.26 (title), (intro.) and (2) are amended to read:

**Comm 16.26 Grounding electrode system.** [~~NEC 250-81~~ NEC 250-50] These are department rules in addition to the requirements of ~~NEC 250-81(a)~~ NEC 250-50(a):

(2) **TWO SUPPLEMENTAL ELECTRODES.** For one- and two-family dwellings, where the supplemental electrode required by ~~NEC 250-81(a)~~ NEC 250-50(a) consists of made electrodes specified in ~~NEC 250-83~~ NEC 250-52, not less than 2 supplemental made electrodes shall be installed.

SECTION 21. Comm 16.28 (1)(d) Note 2 is created to read:

**Comm 16.28 (1)(d) Note 2:** See NEC 430-102 for location of disconnects.

SECTION 22. Comm 16.28 (2) and (3) are repealed.

SECTION 23. Comm 16.30 is repealed and recreated to read:

**Comm 16.30 Ampacities for conductors rated 0-2000 volts. [NEC 310-15] (1) ADJUSTMENT FACTORS. [NEC 310-15(b)(2)]** This is a department exception in addition to the exceptions specified in NEC 310-15(b)(2)(a):

Exception No. 5: The derating factors shown above do not apply to branch circuits supplying an individual dwelling unit.

**(2) 120/240-VOLT, 3-WIRE, SINGLE-PHASE DWELLING SERVICES AND FEEDERS. [NEC 310-15(b)(6)]** This is a department rule in addition to the requirements of NEC 310-15(b)(6):

When using Table 310-15(b)(6) and the conductors are installed in a raceway, the raceway trade size shall be a minimum of one inch in diameter.

SECTION 24. Comm 16.325 is repealed.

SECTION 25. Comm 16.355 is amended to read:

**Comm 16.355 Outlet boxes. [NEC 370-27]** This is a department rule in addition to the requirements of NEC 370-27(a):

In a dwelling unit, a ceiling outlet box installed for use as a lighting fixture outlet in a habitable room or kitchen and located where a ceiling fan could be installed shall be a type listed for ceiling fan support.

SECTION 26. Comm 16.37 and 16.40 are repealed.

SECTION 27. Comm 16.42 (title), (1) and (2) are amended to read:

**Comm 16.42 ~~Grounding, bonding and equipotential plane [NEC 547-8] Agricultural buildings. [NEC 547] (1) GROUNDING AND BONDING. [NEC 547-8(a)] SERVICE EQUIPMENT, SEPARATELY DERIVED SYSTEMS, FEEDERS, DISCONNECTING MEANS, AND GROUNDING. [NEC 547-8] (a)~~** This is a department informational note to be used under NEC 547-8(a) ~~Exception No. 1c and (c):~~

**Note:** A pole-top disconnect is recognized as the service disconnecting means required by this section.

~~(b) NEC 547-8(a) Exception No. 2 does not apply in Wisconsin.~~

**(2) ~~CONCRETE EMBEDDED ELEMENTS. [NEC 547-8(b)] BONDING AND EQUIPOTENTIAL PLANE. [NEC 547-9]~~** Substitute the following wording for ~~the first paragraph of NEC 547-8(b) NEC 547-9(b)~~:

Wire mesh or other conductive elements, if installed in the concrete floor of livestock confinement areas, shall be bonded to the building grounding electrode system to provide an equipotential plane that ~~has a~~ may have voltage gradient ramps at entrances and exits that are traversed daily by the same livestock. The bonding conductor shall be copper, insulated, covered or bare, and not smaller than No. 8. The means of bonding to wire mesh or conductive elements shall be by pressure connectors or clamps of brass, copper, copper alloy, or an equally substantial approved means.

SECTION 28. Comm 16.42 (3) is repealed.

SECTION 29. Vacant.

SECTION 30. Comm 16.435 and 16.437 are created to read:

**ARTICLE 620 –  
ELEVATORS, DUMBWAITERS, ESCALATORS, MOVING WALKS,  
WHEELCHAIR LIFTS, AND STAIRWAY CHAIR LIFTS**

**Comm 16.435 Wiring methods. [NEC 620-21]** This is a department exception in addition to the requirements of NEC 620-21(a)(1):

Exception: The hoistway storm water sump pump motor and the hoist oil recovery pump motor shall be permitted to be cord connected. The cord shall be a hard usage oil resistant type and shall be routed where not subject to physical damage.

**Comm 16.437 Disconnecting means. [NEC 620-51]** This is a department exception in addition to the requirements of NEC 620-51(a):

Exception: Where a wheelchair lift is supplied by an individual branch circuit the disconnecting means required by NEC 620-51(c)(4) shall be permitted to comply with NEC 430-109 Exception No. 3. This disconnecting means shall be listed and shall be capable of being locked in the open position.

SECTION 31. Comm 16.44 is amended to read:

**Comm 16.44 Overhead conductor clearances. [NEC 680-8]** ~~Substitute the following wording for~~ This is a department rule in addition to the requirements of NEC 680-8 ~~Exception No. 1:~~

~~Exception No. 1.~~ Structures listed in NEC 680-8 shall be permitted under utility-owned-operated-maintained supply lines or service drops where such installations provide the clearances specified in ch. PSC 114.

SECTION 32. Comm 16.45 (1) and (2)(c) are repealed.

SECTION 33. Comm 16.46 Table 16.46 item 12m. is created to read:

**TABLE 16.46  
OCCUPANCIES REQUIRING STANDBY  
EMERGENCY POWER  
(Partial table)**

Column A Occupancy	Column B Calculated Capacity or Area
12m. Day care centers . . . . .	20 or more children receiving night-time care between the hours of 6 p.m. and 6 a.m.

SECTION 34. Comm 16.47 is repealed.

SECTION 35. Chapter Comm 16 Subchapter IV is created to read:

SUBCHAPTER IV – ELECTRICAL INSPECTION

**Comm 16.60 Purpose.** Pursuant to s. 101.82, Stats., the purpose of this subchapter is to establish rules for the inspection of electrical construction of farms, public buildings and places of employment.

**Comm 16.61 Scope.** This subchapter specifies the electrical construction to be inspected, the inspection procedures to be followed and the procedures for connection of electric service.

**Comm 16.62 Application.** This subchapter applies to persons, independent inspection agencies, municipalities and state governmental agencies engaged in the inspection of electrical construction for the purposes of administering and enforcing this chapter on farms and in public buildings and places of employment, and to companies or utilities providing connection of electric service.

**Comm 16.63 Definitions.** In this subchapter:

- (1) “Certified inspector” means a certified commercial electrical inspector.
- (2) “Commercial electrical inspector” means a person who conducts inspections of electrical construction of farms, public buildings and places of employment.
- (3) “Department” means the department of commerce.
- (4) “Electrical construction” means the installation of electrical wiring.
- (5) “Electrical contractor” means any person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining electrical wiring.

(6) "Electrical wiring" means all equipment, wiring, material, fittings, devices, appliances, fixtures and apparatus used for the production, modification, regulation, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purposes as covered by the scope of this chapter.

(7) "Farm" means a place where farming is conducted.

(8) "Farming" has the meaning specified under s. 102.04 (3), Stats.

**Note:** Under s. 102.04 (3), Stats., "farming" means the operation of farm premises owned or rented by the operator. "Farm premises" means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants.

**Note:** Section 102.04 (3), Stats., states that the operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities.

(9) "Independent inspection agency" means any corporation, partnership or sole proprietor, other than a municipal corporation, that performs inspections of buildings.

(10) "Municipality" means a city, village, town or county in this state.

(11) "Person" includes all partnerships, associations, and bodies politic or corporate.

(12) "Place of employment" has the meaning specified under s. 101.01 (11), Stats.

**Note:** Under s. 101.01 (11), Stats., "place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(13) "Public building" has the meaning specified under s. 101.01 (12), Stats.

**Note:** Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

**Comm 16.64 Authority. (1) DEPARTMENTAL AUTHORITY.** Pursuant to ss. 101.82 and 101.84, Stats., the department is granted the authority and jurisdiction over the inspection of electrical construction of farms, public buildings and places of employment.

**(2) MUNICIPAL AUTHORITY. (a) Jurisdiction conditions.** Pursuant to s. 101.86 (1), Stats., municipalities may exercise jurisdiction over inspection of electrical construction in public buildings and places of employment by passage of ordinances, providing all of the following conditions are complied with:

1. The municipality's ordinances meet the minimum requirements of this subchapter.
2. The municipality notifies the department at least 30 days prior to the date upon which the municipality intends to assume the jurisdiction.
3. The municipality provides the department with a copy of its electrical ordinances and subsequent revisions to the ordinances.
4. The municipality's ordinances adopt this chapter in its entirety.
5. The municipality employs or contracts with certified inspectors or independent inspection agencies to perform electrical inspection functions.
6. The municipality provides the department with the names of its certified inspectors or independent inspection agencies employed or contracted by the municipality.
7. The municipality provides the department with any information requested by the department relative to the electrical inspection of public buildings and places of employment.

**Note:** Section 13.48 (13), Stats., exempts state buildings from local ordinances or regulations relating to building construction, permits and similar restrictions.

**(b) Joint jurisdiction.** Municipalities may jointly exercise the jurisdiction granted in par. (a).

**(c) Municipal contracts.** A municipality may contract with a certified inspector, independent inspection agency or the department for those inspection services which the municipality does not perform under par. (a) or (b).

**(d) County.** 1. Ordinances enacted by a county under this subsection establishing electrical inspection functions shall apply to all municipalities within that county which have not assumed jurisdiction.

2. Ordinances enacted by a county under this subsection establishing county electrical inspection functions may not prevent or prohibit a municipality within that county from assuming those functions at any time.

**(e) Relinquishing of jurisdiction.** The municipality shall notify the department, in writing, at least 30 days prior to the date upon which the municipality intends to relinquish jurisdiction responsibilities.

**Comm 16.65 Inspections. (1) PERSONS AUTHORIZED TO PERFORM INSPECTIONS.**

(a) *General*. Inspections performed for a municipality, independent inspection agency or the department for the purpose of administering and enforcing this chapter shall be performed by a certified inspector.

(b) *Right of entry*. A certified inspector performing inspections under par. (a) may, during reasonable hours, enter any building or premises in the discharge of his or her official duties for the purpose of making inspections, re-inspections or testing of electrical construction.

**Note:** Section Comm 5.63 contains requirements pertaining to the certification of commercial electrical inspectors.

**(2) MUNICIPAL INSPECTIONS.** (a) *Electrical wiring requiring inspection*. Municipalities exercising jurisdiction under s. Comm 16.64 (2) shall provide for inspection of all electrical wiring in all of the following:

1. New construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. Comm 50.03 and 50.12 for the classes of occupancies specified under sub. (4) (a).

2. Such other installations as required by the municipality.

(b) *Inspection types*. Inspections required to be performed shall be of all of the following types for the purpose of determining if the electrical construction complies with this chapter:

1. An inspection before the construction is concealed.

2. Re-inspections, as necessary, to confirm compliance and satisfactory completion of all electrical construction.

3. A final inspection.

(c) *Permit required*. 1. Except as provided in subd. 2., no electrical wiring specified in par. (a) may be installed unless an application for a permit and the required fees have been submitted to the municipality exercising jurisdiction under s. Comm 16.64 (2).

2. Under emergency conditions, the necessary electrical construction may be commenced without submitting an application for a permit; however, the person performing the emergency construction shall report the construction to the municipality no later than the next business day. The emergency installation shall conform to this chapter.

(d) *Inspection*. 1. Upon completion of the electrical wiring required to be inspected under par. (a) or before any electrical wiring is to be hidden from view, the person, firm or corporation installing the electrical wiring shall notify the municipality that the installation is ready for inspection.

2. The certified inspector responsible for the inspection shall perform the requested inspection within 2 business days after receiving notification.

3. If upon inspection, it is found that the installation is fully in compliance with this chapter and the municipal ordinances, the certified inspector shall approve the installation and authorize

concealment of the electrical wiring or connection of electric service. For connection of electric service, the certified inspector shall issue the certificate required in s. Comm 16.66 (1).

4. If the installation is incomplete or not in compliance with this chapter or the municipal ordinances, orders to correct shall be issued in accordance with the municipal ordinances.

(3) INDEPENDENT AGENCY INSPECTIONS. (a) *Municipalities*. Independent inspection agencies performing inspections for municipalities exercising jurisdiction under s. Comm 16.64 (2) shall provide inspections in accordance with the requirements of sub. (2) for municipalities.

(b) *Department*. Independent inspection agencies performing inspections for the department shall provide inspections as specified in the contract with the department.

(4) DEPARTMENT INSPECTION PROGRAM. (a) *Specific inspections*. The department may inspect all electrical wiring in new construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. Comm 50.03 and 50.12 in all of the following occupancies that are not within the boundaries of municipalities exercising jurisdiction:

1. Nursing homes and health care facilities.
2. Hotels, motels, and other buildings that provide overnight accommodations.
3. Day care centers and schools.
4. Community-based residential facilities.
5. Restaurants having a capacity of 100 or more occupants.
6. All indoor theaters.

(b) *Random inspections*. The department may perform random inspections of electrical wiring in any new construction, additions, alterations and change of use of public buildings and places of employment, that are not within the boundaries of municipalities exercising jurisdiction.

(c) *Requested or complaint inspections*. The department may perform inspection of electrical construction in public buildings or places of employment in any municipality upon written request or complaint.

(d) *Farm inspections*. The department may inspect electrical construction on farms.

**Comm 16.66 Connection of electric service.** Pursuant to s. 101.865, Stats., the company or utility furnishing electric current shall obtain proof that electrical wiring complies with this chapter before furnishing the service, as follows:

(1) CERTIFICATE REQUIRED. The electrical wiring required to be inspected under s. Comm 16.65 (2) (a) may not be connected for use until a certificate is filed with the company or utility furnishing electric current. The certified inspector authorized to perform the inspection shall complete and file the certificate with the company or utility.



(2) STATEMENT REQUIRED. Electrical wiring not requiring a certificate under sub. (1) may not be connected for use until a written statement is filed with the company or utility furnishing electric current indicating that the electrical wiring complies with this chapter. The electrical contractor or other person doing the wiring shall complete and file the written statement with the company or utility.

**Comm 16.67 Technical assistance.** The department shall provide technical assistance to the extent possible with the available resources to any person, upon written request, regarding interpretation and application of this chapter. The technical assistance may consist of telephone, written, in-office or on-site review of specific problems.

SECTION 36. Chapter Comm 17 is repealed.

(END)

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**EFFECTIVE DATE**

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

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August 17, 1999

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

**TRANSMITTAL OF RULE ADOPTION**

CLEARINGHOUSE RULE NO.: 99-050

RULE NO.: Chapters Comm 16 and 17

RELATING TO: Electrical Construction and Inspection

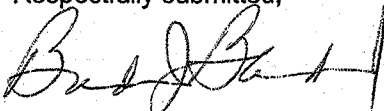
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Brenda J. Blanchard  
Secretary

