

## Chapter SPS 328

### SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS

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**Note:** Chapter ILHR 28 was renumbered to be ch. Comm 28, under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1999, No. 518. Chapter Comm 28 was renumbered chapter SPS 328 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

**SPS 328.01 Purpose. (1)** The purpose of this chapter is to implement the mandates specified in ss. 101.145 and 101.645, Stats., concerning the installation and maintenance of smoke detectors in existing dwellings in relation to the application and effective date of chs. SPS 320 to 325, Uniform Dwelling Code.

**(2)** The purpose of this chapter is to implement the mandates specified in ss. 101.149 and 101.647, Stats., concerning the installation and maintenance of carbon monoxide detectors in existing dwellings in relation to the application and effective date of chs. SPS 320 to 325, Uniform Dwelling Code.

**History:** Cr. Register, April, 1990, No. 412, eff. 5-1-90; CR 10-089: renum. to (1) and am., cr. (2) Register January 2011 No. 661, eff. 2-1-11; corrections made under s. 13.92 (4) (b) 4., Stats., Register January 2011 No. 661; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 328.02 Scope. (1)** Except as provided in sub. (2), the provisions of this chapter apply to a dwelling, for which initial construction commenced before June 1, 1980, where the dwelling consists as any of the following:

(a) A one- and 2-family dwelling.

**Note:** This includes a site-built dwelling, a manufactured building used as a dwelling, a modular home and a dwelling that may be designated as a cabin, seasonal home, temporary residence, etc.

(b) An adult family home providing care, treatment and services for 3 or 4 unrelated adults.

(c) A community-based residential facility providing care, treatment and services for 5 to 8 unrelated adults.

**(2) (a)** Carbon monoxide detectors shall be installed and maintained in accordance with s. 101.149 (2) and (3), Stats., in a dwelling serving as a tourist rooming house, for which initial construction commenced before June 1, 1980.

**Note:** Tourist rooming house has the meaning as given under s. ATCP 72.03 (20) which reads: "Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleep accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. ATCP 73.

**Note:** Section 101.149 (2) (b), Stats., reads: If a unit is not part of a multiunit building, the owner of the residential building need not install more than one carbon monoxide detector in the unit.

(b) A carbon monoxide detector is not required to be provided under the requirements of this chapter in a dwelling that meets the exemption under s. 101.647 (3) (a), Stats.

**Note:** Section 101.647 (3) (a), Stats., reads: The owner of a dwelling shall install a functional carbon monoxide detector in the basement of the dwelling and on each floor level except the attic, garage, or storage area of each dwelling unit. A carbon monoxide detector wired to the dwelling's electrical wiring system shall have a backup battery power supply. Except as provided under par. (b), the occupant of the

dwelling unit shall maintain any carbon monoxide detector in that unit. This paragraph does not apply to the owner of a dwelling that has no attached garage, no fireplace, and no fuel-burning appliance.

**History:** CR 10-089: cr. Register January 2011 No. 661, eff. 2-1-11.

**SPS 328.03 Smoke detectors.** Smoke detectors shall be installed and maintained in accordance with s. 101.645 (3), Stats., in a dwelling, for which initial construction commenced before June 1, 1980.

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

**Note:** The Uniform Dwelling Code under s. SPS 321.09 specifies installation and maintenance requirements for smoke detectors in one- and 2-family dwellings constructed on or after June 1, 1980. The uniform dwelling code also reflects the installation and maintenance requirements specified in s. 101.645 (3), Stats.

**History:** Cr. Register, April, 1990, No. 412, eff. 5-1-90; CR 10-089: renum. from Comm 28.02 and am. Register January 2011 No. 661, eff. 2-1-11.

**SPS 328.04 Carbon monoxide detectors.** Carbon monoxide detectors shall be installed and maintained in accordance with s. 101.647 (2), (3) (a) and (b) and (6), Stats., in a dwelling, for which initial construction commenced before June 1, 1980.

**Note:** Section 101.647 (2), (3) (a) and (b) and (6), Stats., reads:

(2) **INSTALLATION AND SAFETY CERTIFICATION.** The owner of a dwelling shall install any carbon monoxide detector required under this section according to the directions and specifications of the manufacturer of the carbon monoxide detector. A carbon monoxide detector required under this section shall bear an Underwriters Laboratories, Inc., listing mark and may be a device that is combined with a smoke detector.

(3) **REQUIREMENTS.** (a) The owner of a dwelling shall install a functional carbon monoxide detector in the basement of the dwelling and on each floor level except the attic, garage, or storage area of each dwelling unit. A carbon monoxide detector wired to the dwelling's electrical wiring system shall have a backup battery power supply. Except as provided under par. (b), the occupant of the dwelling unit shall maintain any carbon monoxide detector in that unit. This paragraph does not apply to the owner of a dwelling that has no attached garage, no fireplace, and no fuel-burning appliance.

(b) If any occupant who is not the owner of a dwelling, or any person authorized by state law or by city, village, town, or county ordinance or resolution to exercise powers or duties involving inspection of real or personal property, gives written notice to the owner that the carbon monoxide detector is not functional, the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that carbon monoxide detector functional.

(6) **TAMPERING PROHIBITED.** No person may tamper with, remove, destroy, disconnect, or remove batteries from an installed carbon monoxide detector, except in the course of inspection, maintenance, or replacement of the detector.

**Note:** The Uniform Dwelling Code under s. SPS 321.097 specifies installation and maintenance requirements for carbon monoxide detectors in one- and 2-family dwellings constructed on or after June 1, 1980. The uniform dwelling code also reflects the installation and maintenance requirements specified in s. 101.647 (2), (3) (a) and (b) and (6), Stats.

**History:** CR 10-089: cr. Register January 2011 No. 661, eff. 2-1-11.