

Clearinghouse Rule 96-100
RULES CERTIFICATE
Department of Commerce

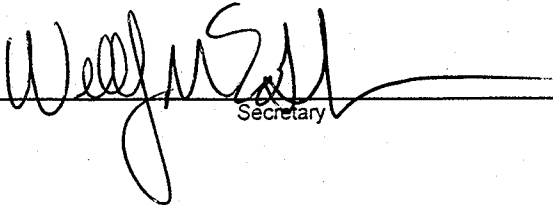
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

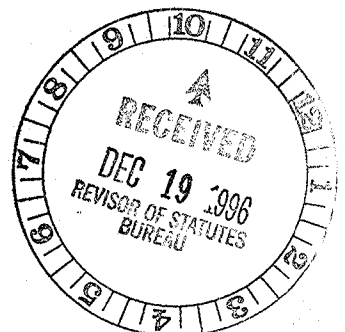
I, William J. McCoshen, Secretary of the Department of Commerce,
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to
Soil Erosion Requirements in the Uniform Dwelling Code
(Subject)

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 4:00 P.M.
in the city of Madison, this 16 th
day of December A.D. 19 96


Secretary



3-1-97

ORDER OF ADOPTION

Department of Commerce

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

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

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

ILHR 20 and 21

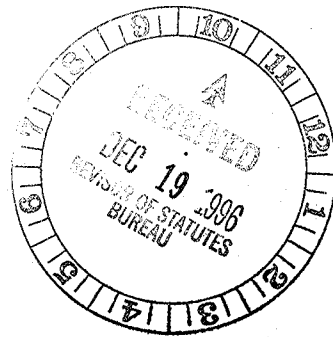
(number)

Uniform Dwelling Code

(Title)

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

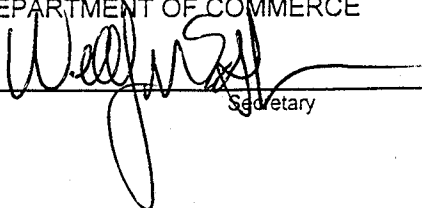
Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

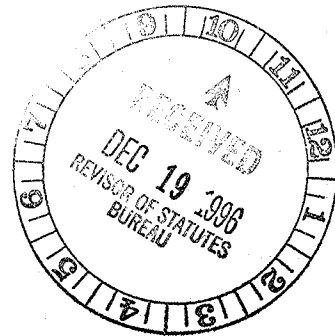
date: 12/10/96

DEPARTMENT OF COMMERCE


Secretary



RULES in FINAL DRAFT FORM



Rule No.: Chapters ILHR 20 and 21

Relating to: Soil Erosion at One- and Two-Family Dwelling Construction Sites

Clearinghouse Rule No: 96-100

The Department of Commerce (formerly Industry, Labor and Human Relations) proposes an order

to repeal ILHR 20.09 (4) (a) 1. c. to d., and ILHR 21.04 (2) (a) (intro.);

to renumber ILHR 21.04 (2) (a) to (b);

to renumber and amend ILHR 21.04 (2) (intro.), and ILHR 21.125 (1) (b) to (e);

to amend ILHR 20.09 (4) (a) 1. a., ILHR 21.04 (1) (c) 1., ILHR 21.04 (1) (d), and ILHR 21.125 (1) (a);

to repeal and recreate ILHR 20.09 (4) (a) 1. b., and ILHR 20.10 (1) (c); and

to create ILHR 21.125 (1) (b).

ANALYSIS OF PROPOSED RULES

Statutory authority: ss. 101.02 (1); 101.63 (1); 101.64 (3); 101.653 (2), (2m) and (7); and 101.73 (1) to (3), Stats.

Statutes interpreted: ss. 101.63 (1) and (5); 101.64 (3); 101.653 (2), (2m) and (7); and 101.73 (1) to (3), Stats.

The proposed rules modify the existing rules contained in the Uniform Dwelling Code related to soil erosion control. They establish new criteria for soil erosion plans on sites with different slopes and require that a tackifier be used on slopes of 12 percent or more when seeding and mulching is used as a stabilization measure. The proposed rules will allow inspectors to notify the applicant of soil erosion code violations via telephone or fax. The proposal clarifies that perimeter erosion control measures must be installed within 24 hours after beginning excavation. Finally, the rules clarify the requirement on tracking soil from the construction site.

There is also a short section intended to clarify the application of handrail and guardrail requirements on stairs, as well as clarification on riser requirements for winder stairs contained in s. ILHR 21.04.

SECTION 1. ILHR 20.09 (4) (a) 1. a. is amended to read:

ILHR 20.09 (4) (a) 1. a. The plot plan shall show the location of the dwelling and any other buildings, wells, surface waters and disposal systems on the site with respect to property lines. The location of the non-tracking access roadway, as required under s. ILHR 21.125 (1) (c), shall be shown. For sites greater than 5 acres, the plot plan shall indicate the area of land disturbing activity within the site.

SECTION 2. ILHR 20.09 (4) (a) 1. b. is repealed and recreated to read:

ILHR 20.09 (4) (a) 1. b. The plot plan shall show the direction of all slopes on the site. Sectors within the area of land disturbing activity shall be designated and labeled on the plot plan in the appropriate slope category: less than 12% slope; 12% to 20% slope; and greater than 20% slope. The plot plan shall indicate initial erosion control measures as specified in s. ILHR 21.125 based on slopes existing immediately prior to building construction.

Note 1: A 12% slope equals 6.8 degrees from the horizontal and has a rise to run ratio of 3 to 25.

Note 2: A 20% slope equals 11.3 degrees from the horizontal and has a rise to run ratio of 1 to 5.

Note 3: See appendix for examples of plot plans indicating erosion control measures.

SECTION 3. ILHR 20.09 (4) (a) 1. c. and d. are repealed.

SECTION 4. ILHR 20.10 (1) (c) is repealed and recreated to read:

ILHR 20.10 (1) (c) Notice of compliance and noncompliance. 1. 'General'. Notice of compliance or noncompliance with this code shall be written on the building permit and posted at the job site. Upon finding of noncompliance, the department or municipality enforcing this code shall also notify the applicant of record and the owner, in writing, of the violations to be corrected. Except as specified in subd. 2., the department or municipality shall order all cited violations corrected within 30 days after written notification, unless an extension of time is granted under s. ILHR 20.21.

2. 'Soil erosion control requirements'. a. The department or municipality shall order all cited violations of erosion control requirements under s. ILHR 21.125 (1) (a) to (c) and (e) to (f) corrected within 72 hours after notification and may issue a special order directing an immediate cessation of work for failure to comply with the corrective order. Work may continue when the conditions of the cessation order have been met.

Note: The sediment cleanup requirements of s. ILHR 21.125 (1) (d) have different time limits and are unaffected by the 72-hour notice provision.

b. If written notification is delivered in person, the 72-hour compliance period shall begin at the time of delivery. If faxed or sent through the mail, the compliance period shall begin at the time the notification was received by the applicant of record.

c. If verbal notification, in person or by telephone, is given prior to delivery of written notification, the 72-hour notification shall begin at the time of verbal notification. The written notification shall then be delivered, in person or via mail or fax, to the applicant of record at their business address and shall include the date and time of verbal notification.

SECTION 5. ILHR 21.04 (1) (c) 1. is amended to read:

ILHR 21.04 (1) (c) Treads and risers. 1. Except as provided in pars. (d) and (e) for spiral stairs and winders, risers may not exceed 8 inches in height measured vertically from tread to tread. Treads shall be at least 9 inches wide measured horizontally from nosing to nosing.

SECTION 6. ILHR 21.04 (1) (d) is amended to read:

ILHR 21.04 (1) (d) Winders. Winder steps may be used provided the length of the tread is at least 36 inches and the width of the tread is at least 7 inches measured at a point 12 inches from the narrow end. The riser height shall be uniform and may not exceed 8 inches measured vertically from tread to tread.

SECTION 7. ILHR 21.04 (2) (intro.) is renumbered 21.04 (2) (a) and amended to read:

ILHR 21.04 (2) HANDRAILS AND GUARDRAILS. (a) General. Stairs with more than 3 risers shall be provided with at least one handrail for the full length of the stairs. Handrails or guardrails shall be provided on all open sides of stairs consisting of more than 3 risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade. Handrails and guardrails shall be constructed to prevent the through-passage of a sphere with a diameter of 6 inches or larger. Handrails and guardrails shall be designed and constructed to withstand a 200 pound load applied in any direction. Exterior handrails and guardrails shall be constructed of metal, decay resistant or pressure-treated wood, or shall be protected from the weather.

SECTION 8. ILHR 21.04 (2) (a) and (b) are renumbered (b) and (c).

SECTION 9. ILHR 21.04 (2) (b) (intro.), as renumbered, is repealed.

SECTION 10. ILHR 21.125 (1) (a) is amended to read:

ILHR 21.125 (1) (a) General. Perimeter erosion control measures shall be placed within 24 hours after beginning the excavating. Erosion control ~~procedures~~ measures shall be placed along downslope areas and along sideslope areas as required to prevent or reduce erosion where erosion during construction will result in a loss of soil to waters of the state, public sewer inlets

or off-site. The best management practices as defined in s. ILHR 20.07 (8m) or alternative measures that provide equivalent protection to these ~~standards practices~~ may be utilized to satisfy the requirements of this section. When the disturbed area is stabilized, the erosion control ~~procedures~~ measures may be removed. ~~Sites within subdivisions with approved subdivision erosion control plans are exempt from erosion control procedures specified in this section when the subdivision erosion control plan includes adequate best management practices specified in sub. (2) for erosion control on individual construction sites.~~

SECTION 11. ILHR 21.125 (1) (b) to (e) are renumbered (c) to (f) and ILHR 21.125 (1) (c) and Note, as renumbered, are amended to read:

ILHR 21.125 (1) (c) Tracking. Sediment tracked by construction equipment from a site onto a public or private paved ~~roadway~~ road or sidewalk shall be minimized by providing a ~~gravel or other~~ non-tracking access roadway. ~~This~~ The access roadway shall be installed as approved on the plot plan, no later than the time the foundation is backfilled prior to framing above the first floor decking. The sediment cleanup provisions of par. (e) ~~(d)~~ are unaffected by the presence or absence of an access roadway.

Note: It is not the intent of par. (b) ~~(c)~~ to require a gravel access roadway where natural conditions, such as sandy soils or solidly frozen soil, already provide non-tracking access.

SECTION 12. ILHR 21.125 (1) (b) is created to read:

ILHR 21.125 (1) (b) Stabilization by seeding and mulching. Slopes greater than or equal to 12%, with a downslope length of 10 feet or more, are not considered stabilized with seeding and mulching unless used in conjunction with a tackifier, netting, or matting. Asphalt emulsion may not be used as a tackifier.

(END)

EFFECTIVE DATE

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

December 16, 1996

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.: 96-100

RULE NO.: Chapters ILHR 20 and 21 of the Uniform Dwelling Code

RELATING TO: Soil Erosion

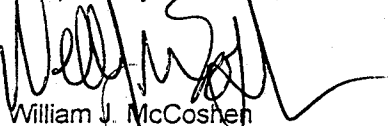
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

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 included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,


William J. McCoshen
Secretary

