

Chapter ILHR 20

ADMINISTRATION AND ENFORCEMENT

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Subchapter I — Purpose and Scope

ILHR 20.01 Purpose. The purpose of this code is to establish uniform statewide construction standards and inspection procedures for one- and 2-family dwellings and manufactured buildings for dwellings in accordance with the requirements of ss. 101.60 and 101.70, Stats.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80.

ILHR 20.02 Scope. The provisions of chs. ILHR 20 to 25 shall apply to the construction and inspection procedures used for all new one- and 2-family dwellings, manufactured buildings for dwellings and newly constructed community-based residential facilities providing care, treatment and services for 3 to 8 unrelated adults.

(1) MUNICIPAL ORDINANCES. (a) No municipality shall adopt an ordinance on any subject falling within the scope of this code including, but not limited to, establishing restrictions on the occupancy of dwellings for any reason other than noncompliance with the provisions of this code as set forth in s. ILHR 20.10 (3). This code does not apply to occupancy requirements occurring after the first occupancy for residential purposes following the final inspection referred to in s. ILHR 20.10 (1) (b) 3.

(b) This code shall not be construed to affect local requirements relating to land use, zoning, fire districts, side, front and rear setback requirements, property line requirements or other similar requirements. This code shall not affect the right of municipalities to establish safety regulations for the protection of the public from hazards at the job site.

(c) Any municipality may, by ordinance, require permits and fees for any construction, additions, alterations or repairs not within the scope of this code.

(d) Any municipality may, by ordinance, adopt the provisions of chs. ILHR 20 to 25 to apply to any additions or alterations to existing dwellings.

(2) **LEGAL RESPONSIBILITY.** The department or the municipality having jurisdiction shall not assume legal responsibility for the design or construction of dwellings.

(3) **RETROACTIVITY.** The provisions of this code are not retroactive, except as specified in s. ILHR 21.09.

(4) **INNOVATIVE DWELLINGS.** No part of this code is intended to prohibit or discourage the construction of innovative dwellings such as a dwelling built below ground, a geodesic dome, a concrete house, a fiberglass house or any other nonconventional structure.

(5) **LANDSCAPING.** The scope of this code does not extend to driveways, sidewalks, landscaping and other similar features not having an impact on the dwelling structure.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. (1) (intro.), cr. (1) (d), r. and recr. (6), Register, February, 1985, No. 350, eff. 3-1-85; r. (6), Register, January, 1989, No. 397, eff. 2-1-89; am. (3), Register, April, 1990, No. 412, eff. 5-1-90.

ILHR 20.03 Effective date. The effective date of ch. ILHR 22 is December 1, 1978. The effective date of chs. ILHR 20, 21, 23, 24 and 25 is June 1, 1980.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, January, 1989, No. 397, eff. 2-1-89; correction made under s. 13.93 (2m) (b) 4, Stats., Register, January, 1989, No. 397.

ILHR 20.04 Applications. (1) **NEW DWELLINGS.** The provisions of this code shall apply to all dwellings and dwelling units, the initial construction of which was commenced on or after the effective date of this code. Additions and alterations to dwellings covered by this code shall comply with the provisions of this code at the time the permit for the addition or alteration is issued.

(2) **RECREATIONAL DWELLINGS.** Recreational dwellings, the initial construction of which was commenced on or after the effective date of this code, shall comply with all structural requirements of this code. The installation of any permanent heating, air conditioning, electrical or plumbing systems shall not be required; however, if such systems are installed, those systems shall comply with the provisions of this code. Any addition or alteration to such recreational dwelling or system therein shall comply with the provisions of the code at the time the permit for the addition or alteration is issued.

(3) **HISTORIC BUILDINGS.** The owner of a historic building which is subject to the provisions of this chapter, may elect to be subject to either ch. ILHR 70, Historic Building Code or to chs. ILHR 20 to 25, Uniform Dwelling Code. The elected code shall be used in its entirety.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; cr. (3), Register, January, 1989, No. 397, eff. 2-1-89.

Register, April, 1990, No. 412

ILHR 20.05 Exemptions. (1) **EXISTING DWELLINGS.** The provisions of this code shall not apply to dwellings and dwelling units, the construc-

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(4) **DRAFTSTOPPING MATERIALS.** Except as provided in sub. (3) (c), draftstopping materials shall be not less than ½-inch gypsumboard, ⅝-inch plywood, mineral-based insulation or other approved noncombustible materials.

(5) **FIRE SEPARATION.** Garage space and accessory buildings shall be separated from the dwelling unit in accordance with Table 21.08 and the following requirements:

TABLE 21.08

Perpendicular Distance from Dwelling Wall to the Closest Garage Wall or Accessory Building Wall	Fire-rated Construction
0 to 5 feet	¾-hour
5 to 10 feet with windows in either wall	¾-hour
5 to 10 feet without windows in either wall	No requirements
10 feet or more	No requirements

(a) The garage shall be separated from habitable and nonhabitable areas of the dwelling unit, as well as attics. The vertical separation shall extend from the top of the concrete or masonry foundation to the underside of the roof sheathing or ceiling. The fire-rated construction shall conform with Table 21.08.

1. Exception. Gypsum drywall on the garage side may be untaped provided at least ⅝-inch firecode drywall is used on the garage side and all edges are tightly fitted.

2. Exception. Gypsum drywall on the garage side may be untaped provided at least ½-inch drywall is used on both sides of the wall separating the garage and the dwelling and all edges are tightly fitted.

3. Exception. Two layers of ½-inch drywall on the garage side may be untaped where no drywall is installed on the interior provided all edges are tightly fitted.

(b) The door and frame assembly between the garage and the dwelling unit shall have a minimum fire rating of 20 minutes. A 1-¾-inch solid core wood or insulated metal door may be installed with a pair of 1-½-inch steel hinges in a 1-7/32-inch minimum thick solid wood frame with a ½-inch thick door stop.

(c) Garage floors shall be constructed of noncombustible materials. Concrete garage floors shall be at least 4 inches thick placed over at least 4 inches of granular fill. The garage floor shall slope toward the exterior garage opening or shall slope to an interior drain.

Note: See s. ILHR 82.34 (4) (b), Uniform Plumbing Code, for floor drain requirements.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; cr. (1m), am. (2), (5) (c) and Table, Register, January, 1989, No. 397, eff. 2-1-89.

ILHR 21.09 Smoke detectors. Listed and labeled smoke detectors shall be installed and maintained in accordance with ss. 101.645 (3) and 101.745 (4), Stats., and the specifications of the manufacturers of the detectors in each dwelling unit the initial construction of which was commenced on or after the effective date of this code, June 1, 1980.

Note 1: Section 50.035 (2), Stats., created by 1983 Wis. Act 363 requires the installation of a complete low voltage, interconnected or radio-transmitting smoke detection system in all community-based residential facilities including those having 8 or fewer beds.

Note 2: Section 101.645 (3), Stats., requires the owner of a dwelling to 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 any state, county, city, village or town officer, agent or employe charged under statute or 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 3: Section 101.745 (4), Stats., requires the manufacturer of a manufactured building to 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.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; r. and recr. Register, April, 1990, No. 412, eff. 5-1-90.

ILHR 21.10 Protection against decay and termites. (1) **GENERAL.** Except as provided in sub. (2), wood used in the following locations shall be pressure treated with preservative, shall be a naturally durable, decay resistant species of lumber and shall be protected against termites:

- (a) Wood floor joists closer than 18 inches or wood girders closer than 12 inches to earth;
- (b) Sills which rest on concrete or masonry walls or floors which are less than 8 inches from exposed earth;
- (c) Ends of wood girders entering masonry or concrete walls and having clearances of less than ½ inch on the tops, sides and ends;
- (d) Wood siding having a clearance of less than 6 inches from the earth;
- (e) Wood embedded in earth; and
- (f) Bottom plates of load bearing walls in basements.

(2) **EXCEPTION.** Wood used in basements as furring or finish material or in nonbearing walls need not comply with this section.

(3) **IDENTIFICATION.** All pressure-treated wood and plywood shall be identified by a quality mark or certificate of inspection of an approved inspection agency which maintains continued supervision, testing and inspection over the quality of the product in accordance with the adopted standards of the American Wood Preservers Bureau or of the American Wood Preservers Association.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; am. (1) (b) and (3), Register, January, 1989, No. 397, eff. 2-1-89.

ILHR 21.11 Foam plastic insulation. Foam plastic insulation shall have a flame-spread rating of not more than 75 and a smoke-developed rating of not more than 450.

Note: The department will accept foam plastic insulation tested in accordance with ASTM E-84.

(1) **PROTECTION.** Foam plastic insulation shall be protected in accordance with the following:

Register, April, 1990, No. 412

(a) **Walls.** Foam plastic insulation may be used within the cavity of a masonry wall, in cores of masonry units, within the stud space of a wood frame wall, or on the inside of a building surface of a wall or ceiling if the foam plastic insulation is fully protected by a thermal barrier having a finish rating of at least 15 minutes.

(b) **Roofs.** Roof coverings may be applied over foam plastic insulation where the interior of the dwelling is separated from the foam plastic insulation by plywood sheathing, oriented strand board, particle board or waferboard at least 15/32-inch in thickness or other approved materials having a minimum 15-minute finish rating.

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