



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**ORDINANCE COMMITTEE MEETING
IN PERSON
TUESDAY, JULY 21, 2026 – 6:00 PM
CITY HALL – SECOND FLOOR**

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

1. Call meeting to order

2. Roll call

3. New Business

- a. Review and possible recommendation to the City Council regarding an amendment to Section 6-33 of the City of Fort Atkinson Municipal Code relating to provisional operator licenses (Ebbert, Clerk/Treasurer/Finance Director)
- b. Review and possible recommendation to the City Council relating to the prohibition of Off-Highway Motorcycles (OHM) in the City of Fort Atkinson (Lindsey, Police Captain)
- c. Review and possible recommendation to the City Council relating to Ebike Ordinance updates and additions (Bump, Police Chief)
- d. Review and possible recommendation to the City Council relating to an amendment to Section 58-148 of the City of Fort Atkinson Municipal Code regarding the sale of tobacco and electronic cigarettes (Bump, Police Chief)
- e. Review and possible recommendation to the City Council relating to amendments to multiple sections of Chapter 62 of the City of Fort Atkinson Municipal Code (Parks and Recreation) (Dayton, Director of Parks and Recreation)
- f. Review and possible recommendation to the City Council relating to an Ordinance to Amend Section 18-256 of the City of Fort Atkinson Code of General Ordinances relating to Camping Units (Draeger, Director of Neighborhood and Building Services)
- g. Review of Article V. of Chapter 98 of the City of Fort Atkinson Municipal Code relating to the Stormwater Utility

4. Adjournment

Date Posted: July 17, 2026

CC: Ordinance Committee Members; City Council; City Staff; City Attorney; News Media

Notice is hereby given that a majority of the Fort Atkinson City Council will be present at this meeting at the location and time indicated above to gather information about any subject matters on this agenda over which they have decision-making responsibility. This may constitute a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553, 494 N.W.2d 408 (1993), and must be noticed as such although the City Council will not take any formal action at this meeting.

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MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible recommendation to the City Council regarding an amendment to Section 6-33 of the City of Fort Atkinson Municipal Code relating to provisional operator licenses (Ebbert, Clerk/Treasurer/Finance Director)

BACKGROUND

An Operator's License, often referred to as a 'Bartender License' is issued to an individual to serve or sell alcoholic beverages at a retail/licensed premises according to State Statute 125.17. Licensed premises include businesses that hold a Class A or Class B alcohol license. Operator licenses may only be used in the municipality where issued. However, they may be used at any licensed location within the municipality. Operator licenses issued in the City of Fort Atkinson are valid for two years.

Applicants for an operator's license must be 18 years of age, not be convicted of a felony, or be habitual law offenders. They must also provide proof of successfully taking a responsible beverage server's course.

DISCUSSION

A provisional operator license is a license that can be issued up to 60 days to an Operator License applicant during the interm of applying for such license and receiving the license. A provisional license will allow an individual to work at a licensed establishment while their operator license is being processed. In order for an applicant to receive a provisional license, an applicant must provide proof of a license issued by another municipality, proof of completion of a responsible beverage server course or confirmation of enrollment in a responsible beverage server course.

Over the past few years, the responsible beverage server course has been made available online for 24/7 accessibility. Prior to the online availability, the server class was offered in person only a few times per month at Technical Colleges or other educational locations. Operator License applicants could be issued a Provisional with proof of their server course registration according to State Statutes,

(b) A municipal governing body or designated municipal official shall issue a provisional

operator's license to a person who is enrolled in a training course under par. (a) and who meets the standards established by the municipality by ordinance, if any.

Current City of Fort Atkinson Ordinance reflects the following:

Sec. 6-33. Licenses

(f)Provisional operator's license. The city clerk may issue a provisional license to a person who, at the time of applying for an operator's license and paying the fee, files a certified copy of a valid operator's license issued by another municipality.

Current ordinances does not acknowledge that an Operator License can be issued a Provisional License upon proof of completion of a responsible beverage server course or proof of enrollment in a responsible beverage server course.

Staff recommends language be amended to state the following:

(f)Provisional operator's license. The city clerk may issue a provisional license to a person who, at the time of applying for an operator's license and paying the fee, files a certified copy of a valid operator's license issued by another municipality and provides completion of a training course or confirms enrollment in a training course.

FINANCIAL ANALYSIS

Staff does not anticipate a financial impact as a result of this ordinance change.

RECOMMENDATION

Staff recommends the Ordinance Committee direct the City Manager to draft Ordinance Amending Section 6-33 Licenses (f) Provisional Operators License as outlined above and add it to an upcoming City Council agenda for review.

ATTACHMENTS

1. Sec._6_33.____Licenses Redline 7.21.26

Sec. 6-33. Licenses.

- (a) No alcohol beverage license shall be granted to any application for premises on which the applicant is responsible for any delinquent and unpaid person property taxes, assessments, utility bills or other financial claims of the city.
- (b) No license shall be granted for any premises unless the applicant for the license shall provide to the city evidence of ownership or leasehold interest in the premises for the term of the licenses.
- (c) Any license duly granted not used for 90 consecutive days shall be subject to review and possible suspension or revocation by the council. These licenses may not be regranted during the 90-day period.
- (d) *Operator license required.* No premises operated under a class A, class B, or class C license may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any alcohol beverages to customers. For the purposes of this subsection, any member of a licensee's immediate family 18 years of age or older shall be considered the holder of an operator's license.
- (e) *Regular operator's license.*
 - (1) Operator licenses may be issued only upon written application.
 - (2) Submitted applications shall be referred by the city clerk to the police department for review and recommendation. The police department shall review each submitted application and recommend issuance or denial of the license.
 - (3) The city clerk shall issue a regular operator license to an applicant if the police department recommends issuance and the applicant is in compliance with all other requirements. The city clerk shall deny issuance of a regular operator license to an applicant when the police department recommends denial.
 - (4) If an application is denied, the city clerk denial shall be in writing and shall set forth the reason for the denial. An applicant may appeal a denial to the city council. The appeal must be in writing, setting forth the reason for the appeal, signed and dated by the applicant, and filed with the city clerk within 30 days of the date of the denial. Written appeals that conform to the requirements set forth in this subsection shall be copied and forwarded to the city council by the city clerk. The city clerk shall provide written notice to the appellant of the date, time and place of the city council meeting at which the appeal shall be considered. The applicant may appear, be represented, and present evidence and witnesses. The city council shall decide by majority of those voting whether to overrule the administrative denial. Abstaining is not a vote. The city council may attach conditions and limitations to a granted operator license. Appeals that do not conform to these requirements shall not be considered by the city council.
 - (5) A submitted application that is incomplete or which contains false or misleading information must be denied and the applicant must wait six months before submitting another application.
- (f) *Provisional operator's license.* The city clerk may issue a provisional license to a person who, at the time of applying for an operator's license and paying the fee, files a certified copy of a valid operator's license issued by another municipality and provides completion of a training course or confirms enrollment in a training course.
 - (1) A provisional operator's license shall not be issued to any person whose regular or provisional operator's license has ever previously been denied or revoked by the city. Misuse of a provisional

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- operator's license by an applicant shall constitute operation without a license and a violation of this chapter.
- (2) A provisional operator's license is valid for a period not to exceed 60 days from the date of issuance by the city clerk or until a regular operator's license is issued to the applicant by the city clerk, whichever occurs first.
 - (3) The city clerk may revoke any provisional license in the event that the city clerk finds that the holder of such license made any false, misleading or incomplete statement on his or her application, or that the applicant has previously had his or her regular or provisional license denied or revoked by the city.
- (g) *Regular and provisional operator license fee.* The fee for an original or renewed operator's license and a provisional operator's license shall be in an amount as established by the city council from time to time, and as set forth by resolution. Neither fee shall be prorated. Original and renewed operator licenses shall expire on June 30th of each even-numbered year.
- (h) *Temporary operator's license.* Pursuant to Wis. Stats. § 125.17(4) the city clerk shall issue a temporary operator's license to any individual who meets the criteria in subsection (e) of this section and is employed by, or donating their services to, nonprofit corporations, provided that:
- (1) No person may hold more than two licenses of this kind per year.
 - (2) The license is valid for any period from one to 14 days, and the period for which it is valid shall be stated on the license.
 - (3) The fee for a temporary operator's license shall be established by the city council from time to time, as set forth in the fee schedule established by resolution.
- (i) *Posting of license required.* Every person licensed to sell alcohol beverages under this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the licensed premises. An operator shall post his or her license in the licensed premises where he or she is employed or shall carry such license on his or her person while on duty.
- (Code 1969, § 8.09(A)(I); Ord. No. 727, 3-17-15; Ord. No. 800, § 1, 5-18-21)



MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Ben Lindsey

RE: Review and possible recommendation to the City Council relating to the prohibition of Off-Highway Motorcycles (OHM) in the City of Fort Atkinson (Lindsey, Police Captain)

BACKGROUND

Electronic transportation has been increasing in the US, and Fort Atkinson is no exception. With increased modes of transportation come more opportunities for traffic crashes involving people operating Off-Highway Motorcycles (OHM), commonly referred to as E-Motos. According to data from the Wisconsin Department of Transportation analyzed by the Dane County Traffic Safety Commission, from 2022 to 2025 in Wisconsin, the number of reported crashes involving an e-bike and a motor vehicle increased by 194%. The number of injuries involving an e-bike and a motor vehicle has increased by 171%. The number of crashes involving an e-scooter and a motor vehicle has increased by 260%, and the number of injuries involving an e-scooter and a motor vehicle has increased by 240%.

Fort Atkinson recently experienced a fatality involving a juvenile operating an OHM. It is the intent of this ordinance to clearly identify the definition of an OHM and articulate the differences between an OHM and an E-Bike to the public. Many parents do not know the difference between OHM's and E-Bikes and do not know what they purchased for their child may not be legal to ride in public places. Although Wisconsin law already prohibits the operation of OHMs on public roadways, adopting a local ordinance would improve public education and allow officers to address violations through municipal citations rather than state traffic charges.

The proposed ordinance is a necessary step to address the surge in OHM and E-Moto usage in Fort Atkinson. By clearly defining OHMs, distinguishing them from legal E-bikes, and providing a tool for municipal citations, this ordinance will protect the community and empower local law enforcement to curb dangerous, unregulated riding.

DISCUSSION

OHM's are defined by WI State Statutes as: *Off-Highway Motorcycle (OHM)* "Off-highway motorcycle" means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway. "Off-highway motorcycle" does not include an electric bicycle, as defined under s. [340.01 \(15ph\)](#).

The biggest difference between an OHM and an E-Bike is the speed in which an OHM can achieve. OHM's also do not have functioning pedals for the operator to assist in its propulsion. E-Bikes have 3 classes. Classes 1 and 2 stop assisting once the bike reaches 20 MPH. Class 3 assists until the bike reaches 28 MPH. You also have to be 16 years of age or older to operate a class 3 e-bike. Many OHM's can operate well above 50 MPH with no rider assistance. They are completely powered by electric motors, making them much more dangerous for the operator and operators of vehicles in the area. Fort Atkinson is not immune to tragedies caused by the operation of OHM's. So far in 2026, the department has seen several injury accidents involving youth on e-moto/OHM motorcycles, including a fatal accident of a Fort Atkinson youth just outside the City limits.

Adopting this local ordinance would give Fort Atkinson police officers the authority to issue municipal citations for OHM violations, rather than relying on more serious state traffic charges, while also helping deter unsafe riding by juveniles.

Sections 94-245 through 94-275 in the City's Municipal Code are currently reserved (unused).

FINANCIAL ANALYSIS

There is no additional financial impact in adopting this ordinance beyond the associated costs in publishing the ordinance to the city code of ordinances.

RECOMMENDATION

Staff recommends that the Ordinance Committee recommend City Council review and adoption of the ordinance prohibiting off-highway motorcycles in the City of Fort Atkinson.

ATTACHMENTS

1. OHM ordinance FA

Purpose. The purpose of this ordinance is to promote general public welfare and safety by imposing and enforcing reasonable and necessary restrictions pertaining to Off Highway Motorcycles (OHM).

This ordinance does not apply to electric bicycles (e-bikes) as defined in Fort Atkinson ordinance 94-201.

Division 4. - Off-Highway Motorcycles

Sec 94-245 - Definitions.

The following words, terms, and phrases, when used in this ordinance shall have the meanings ascribed to them in this section:

(1) *Off-Highway Motorcycle (OHM)* “Off-highway motorcycle” means a 2-wheeled motor vehicle, powered by an electric or combustion motor, that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway. “Off-highway motorcycle” does not include an electric bicycle, as defined under s. [340.01 \(15ph\)](#).

Sec 94-246 - Operating an Off Highway Motorcycle within City Limits.

It is unlawful for any person to operate an Off-Highway Motorcycle on any public street, road, alley, trail, or other public property within the City of Fort Atkinson in violation of state law or this ordinance **except** in the following cases:

- (a) During special off-highway vehicle events lawfully conducted pursuant to the authority granted by the City Council or Chief of Police.
- 1. Parent Responsibility. No parent or legal guardian shall cause, permit, or knowingly allow a minor under the age of eighteen (18) years of age to operate an off-highway motorcycle on any public street, road, alley, trail, or other public property within the City of Fort Atkinson in violation of state law or this ordinance.
- 2. Fleeing/Eluding. It is unlawful for any operator of an off-highway motorcycle to willfully fail to stop, or to willfully attempt to elude or evade, a peace officer after receiving a clear visual or audible signal directing the operator to stop. This subsection applies when the officer has reasonable articulable suspicion that the operator has violated any provision of state law or City ordinance of the City of Fort Atkinson.
The signal must be given by a peace officer operating an official vehicle or wearing a clearly identifiable uniform. Prohibited conduct includes, without limitation: (1) increasing speed to avoid the officer; (2) extinguishing lights; (3) departing the roadway to avoid the stop; or (4) any other conduct demonstrating a willful intent to avoid the officer.
- 3. Reckless Driving. A person who operates an off-highway motorcycle in the City of Fort Atkinson in such a manner as to indicate either a wanton or a willful disregard for the safety of person(s) or property is guilty of reckless driving. For purposes of this subsection, "willful or wanton disregard" means conduct that the operator knew, or reasonably should have known, created a

substantial and unjustifiable risk of harm to persons or property.

4. Careless Driving. A person who operates an off-highway motorcycle in the City of Fort Atkinson in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways, and all other attendant circumstances, is guilty of careless driving.

Sec 94-247. – Penalties.

1. Operating an OHM within City Limits. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of twenty-five dollars (\$25.00) and maximum fine of fifty dollars (\$50.00) plus applicable court costs.
2. Parent Responsibility. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of fifty dollars (\$50.00) and maximum of one hundred dollars (\$100.00) plus applicable court costs.
3. Fleeing/Eluding. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of one hundred fifty dollars (\$150.00) and maximum of two hundred fifty dollars (\$250.00) plus applicable court costs
4. Reckless Driving. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of one hundred fifty (\$150.00), and a maximum of two hundred fifty dollars (\$250.00) plus any applicable court costs.
5. Careless Driving. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct did not result in bodily injury or damage to another person's property shall be subject to a mandatory minimum fine of one hundred dollars (\$100.00), and a maximum of one hundred fifty dollars (\$150.00) plus any applicable court costs.

Sec 94-248. - Impoundment.

The Fort Atkinson Police Department is hereby authorized to impound any off-highway motorcycle in which the Fort Atkinson Police Department has probable cause to believe is being operated on the public streets, roads, trails, and alleys within the City of Fort Atkinson in violation of the provisions of state law or this ordinance.

- (1) Whenever an off-highway motorcycle is impounded, and the identity of the owner of the off-highway motorcycle is known, such owner or person shall be given notice either verbally or in writing of the fact of such impoundment, the reasons therefore, and the place to which the off-highway motorcycle has been impounded.
- (2) In the event an off-highway motorcycle is impounded pursuant to this subsection, the owner of such off-highway motorcycle shall be responsible for all impoundment and storage fees, as outlined by the Tow Agency utilized by the Fort Atkinson Police Department.

The Fort Atkinson Police Department is hereby empowered and authorized to adopt rules and regulations governing the procedure to be followed in the impounding of off-highway motorcycles pursuant to the provisions of this subsection.



MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Adrian Bump, Police Chief

RE: Review and possible recommendation to the City Council relating to Ebike Ordinance updates and additions (Bump, Police Chief)

BACKGROUND

The purpose of this memo is to serve as background on the draft updates to the ordinance for Bicycles and Scooters. Drafted additions and updates are specific to e-Bikes. Since the last update to this ordinance in 2019, the State of Wisconsin has made additional law changes pertaining to e-Bikes. This update incorporates these updates and adopts additional safety language focused on improving roadway safety. There is also the addition of parental responsibility as e-Bikes continue to gain popularity with youth.

DISCUSSION

The current ordinance's definition of e-Bikes is out of compliance. The State of Wisconsin has updated the definition to include 3 specific classifications of legal electric bicycles for Wisconsin. Adjusting this definition under City Ordinance Sec. 94-201(4) to the correct definition as drafted is essential, so the ordinance is accurate and allows citizens to properly align with the correct requirements.

In addition to the changes in the definition, a full review of this ordinance was conducted. The ordinance was compared to Wisconsin Statute language as well as common safety issues officers are now addressing with bicycles and e-Bikes in the community. Through that evaluation, additional sections are being proposed for inclusion with the current ordinance related to **Improper riding under Sec. 94-215** as listed below:

- (c) No person riding a bicycle, e-scooter, or e-bike shall attach himself or herself or his or her bicycle, e-scooter, or e-bike to any vehicle upon a roadway or street.
- (d) Except as provided in Subsection e, no bicycle, e-scooter, or e-bike may be used to carry or transport more persons at one time than the number for which it is designed.
- (e) In addition to the operator, a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer.
- (f) Every person riding a bicycle, e-scooter, or e-bike upon any street in the City shall obey all

traffic signs and signals and shall stop at all stop signs.

(g) No bicycle or e-bike shall be ridden faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the operator and every person upon the streets of the City.

(h) No person shall operate a bicycle, e-scooter, or e-bike upon any street of the City while under the influence of alcohol or drugs.

(i) During hours of darkness, bicycles, e-bikes, motor-bicycles, and e-scooters must be equipped with a white front light visible from at least 500 feet. It must also have a red rear reflector visible from 50 to 500 feet when illuminated by headlights, or instead use a red rear light visible from 500 feet. (§347.489(1) Wisc. Stat.)

(j) No person under the age of 16 years shall operate a Class 3 electric bicycle. (§346.806(4) Wisc. Stat.)

Finally, adding a parental responsibility component is an important part of this ordinance update. Officers have addressed e-bike violations in which a child's unsafe operation was directly connected to parental decisions, including permitting unsafe riding behavior or providing e-bikes that are not lawful for the child to operate under Wisconsin law. Because many e-bikes are capable of speeds and performance levels intended for experienced adult riders, inexperienced youth operators can create significant safety concerns on City streets. A parental responsibility provision would give officers an additional tool for education and enforcement, help parents better understand their obligations, and support the overall goal of making Fort Atkinson roadways safer for all users.

Parental Responsibility Addition:

Sec 94-221 Parental responsibility.

Any parent or guardian of any child who authorizes or knowingly permits such child to violate any provisions of this chapter may be issued a citation and may be subject, upon conviction, to a fine of \$10 plus costs for a first offense, and a fine of \$50 plus costs for subsequent offenses within one year of the first offense.

FINANCIAL ANALYSIS

There is no additional financial impact in adopting this ordinance beyond the associated costs in publishing the ordinance to the city code of ordinances.

RECOMMENDATION

Staff recommends that the Ordinance Committee recommend City Council review and adoption of the ordinance amendments relating to electric bicycles in the City of Fort Atkinson.

ATTACHMENTS

1. Ebike Ordinance Updates and Additions
2. ARTICLE_VI.____BICYCLES_AND_PLAY_VEHICLES

DIVISION 2. - BICYCLES, e-BIKES AND e-SCOOTERS

Sec. 94-201(4) Definitions

Current wording:

(4)e-Bike means a bicycle with a motor attached. It must have pedals that are operational, an electric motor that is less than 750w and have a maximum speed of 20 mph on level ground.

New language to align with current State definition:

(4) ELECTRIC BICYCLE (E-BIKE) - a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

There are three classes of e-bike:

- (a) Class 1 E-Bike: An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (b) Class 2 E-Bike: An electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (c) Class 3 E-Bike: An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour. Class 3 E-Bike must have a speedometer (WI ss 347.789(3m)(d) and may not be operated by anyone under the age of 16. WI ss346.806(4).

Sec. 94-215 – Improper riding, trick riding, racing.

Add sections:

- (c) No person riding a bicycle, e-scooter, or e-bike shall attach himself or herself or his or her bicycle, e-scooter, or e-bike to any vehicle upon a roadway or street.
- (d) Except as provided in Subsection e, no bicycle, e-scooter, or e-bike may be used to carry or transport more persons at one time than the number for which it is designed.
- (e) In addition to the operator, a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for

attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer.

(f) Every person riding a bicycle, e-scooter, or e-bike upon any street in the City shall obey all traffic signs and signals and shall stop at all stop signs.

(g) No bicycle or e-bike shall be ridden faster than is reasonable and proper and every bicycle shall be operated with reasonable regard for the safety of the operator and every person upon the streets of the City.

(h) No person shall operate a bicycle, e-scooter, or e-bike upon any street of the City while under the influence of alcohol or drugs.

(i) During hours of darkness, bicycles, e-bikes, motor-bicycles, and e-scooters must be equipped with a white front light visible from at least 500 feet. It must also have a rear red reflector visible from 50–500 feet when illuminated by headlights, or instead use a red rear light visible from 500 feet. (§347.489(1) Wisc. Stat.)

(j) No person under the age of 16 years shall operate a Class 3 electric bicycle.
(§346.806(4) Wisc. Stat.)

Add section:

Sec 94-221 Parental responsibility.

Any parent or guardian of any child who authorizes or knowingly permits such child to violate any provisions of this chapter may be issued a citation and may be subject, upon conviction, to a fine of \$10 plus costs for a first offense, and a fine of \$50 plus costs for subsequent offenses within one year of the first offense.

ARTICLE VI. BICYCLES AND PLAY VEHICLES¹

DIVISION 1. GENERALLY

Secs. 94-181—94-200. Reserved.

DIVISION 2. BICYCLES, e-BIKES AND e-SCOOTERS²

Sec. 94-201. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Curb* means the lateral boundaries of that portion of a street designed for the use of vehicles, whether marked by a curb or not.
- (2) *Registration sticker* means a sticker indicating that a bicycle, e-bike or e-scooter is registered.
- (3) *e-Scooter* means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.
- (4) *e-Bike* means a bicycle with a motor attached. It must have pedals that are operational, an electric motor that is less than 750w and have a maximum speed of 20 mph on level ground.

(Ord. No. 785, 10-15-19)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 94-202. Reserved.

Sec. 94-203. Registration required.

- (a) No person shall ride or propel a bicycle, e-bike or e-scooter on any street or upon any public path set aside for the exclusive use of bicycles, e-bikes or e-scooters unless such unit has been registered and a sticker is attached thereto.

¹State law reference(s)—Bicycles and play vehicles generally, Wis. Stats. § 346.77 et seq.

²Editor's note(s)—Ord. No. 785, adopted Oct. 15, 2019, repealed the former Div. 2, §§ 94-201—94-219, and enacted a new Div. 2 as set out herein. The former Div. 2 was entitled "Bicycles," and derived from Code 1969, §§ 18.07(1)—(20).

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- (b) At the time of the issuance of any such registration sticker, the applicant shall pay a registration fee. Registration stickers issued in accordance with this section shall be attached to the bicycles, e-bikes or e-scooters immediately after issuance.
 - (c) This section shall apply to all persons who operate bicycles, e-bikes or e-scooters upon the streets sidewalks or paths of the city habitually or frequently.
 - (d) All bicycles, e-bikes and/or e-scooters must be registered within ten days of purchase.

(Ord. No. 785, 10-15-19)

Sec. 94-204. Application for bicycle, e-bike or e-scooter registration.

Application for a bicycle, e-bike or e-scooter registration sticker shall be made upon a form provided by the police department. A registration fee specified in chapter 10 shall be paid to the city before registration is granted.

(Ord. No. 785, 10-15-19)

Sec. 94-205. Inspection of bicycle, e-bike or e-scooter.

The police department or any officer assigned such responsibility may inspect each bicycle, e-bike or e-scooter before registering the same and shall refuse registration for any bicycle, e-bike or e-scooter he/she determines to be in unsafe mechanical condition.

(Ord. No. 785, 10-15-19)

Sec. 94-206. Issuance of license.

- (a) The police department or other designated authority, upon receiving proper application therefor, is authorized to issue a bicycle, e-bike or e-scooter registration, which shall be valid for the duration of ownership.
- (b) The police department shall not issue a registration for any bicycle, e-bike or e-scooter where reasonable grounds exist that the applicant is not the owner of or entitled to the possession of such bicycle, e-bike or e-scooter.
- (c) The police department shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, the number on the frame of the bicycle, e-bike or e-scooter for which issued, and a record of all registration fees collected by him/her. Registration forms and registration stickers shall be serially numbered to coincide with each other.
- (d) If a bicycle, e-bike or scooter does not have a serial number and if proof of ownership can be proven, the police department shall assign one to the bicycle, e-bike or e-scooter.

(Ord. No. 785, 10-15-19)

Sec. 94-207. Attachment of sticker.

- (a) The police department, upon issuing a bicycle, e-bike or e-scooter registration, shall also issue a registration sticker bearing the registration number assigned to the unit and the name of the city.
- (b) The registration sticker shall be placed midway on the seat tube for bicycles and e-bikes and on the handlebar base for e-scooters in such a manner to be visible.

(Supp. No. 30)

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- (c) No person shall remove a registration sticker from a bicycle, e-bike or e-scooter except upon a transfer of ownership or if the bicycle, e-bike or e-scooter is dismantled and no longer operated upon any street in the city.

(Ord. No. 785, 10-15-19)

Sec. 94-208. Lost registration sticker.

If an owner shall lose his/her registration sticker or it should be destroyed or stolen, he/she shall report same immediately to the police department, which shall then issue to such owner a new registration sticker at a cost to such owner as provided in chapter 110.

(Ord. No. 785, 10-15-19)

Sec. 94-209. Alteration of registration sticker.

It shall be unlawful for any person to alter or counterfeit any registration sticker issued in conformity with this division.

(Ord. No. 785, 10-15-19)

Sec. 94-210. Transfer of ownership.

Within ten days after any registered bicycle, e-bike or e-scooter has changed ownership or been dismantled and taken out of service or operation, the person in whose name the unit has been registered shall report such information to the police department. In case of change of ownership, the registration shall thereupon be changed to show the name of the new owner; in case of dismantling and taking out of service of operation, the registration shall be canceled.

(Ord. No. 785, 10-15-19)

Sec. 94-211. Nonresident.

Any nonresident may operate a bicycle, e-bike or e-scooter that is duly registered in any municipality, and equipped with valid registration plates, without obtaining a local registration, provided that such other municipality wherein the bicycle, e-bike or e-scooter is registered extends the same privilege.

(Ord. No. 785, 10-15-19)

Sec. 94-212. Unclaimed or unidentified bicycles, e-bikes or e-scooters.

All abandoned or unidentified bicycles, e-bikes or e-scooters remaining with the police department shall, after 30 days, be sold at public sale or donated to a charitable organization.

(Ord. No. 785, 10-15-19)

Sec. 94-213. Riding on sidewalks.

- (a) It shall be unlawful for any person to operate a bicycle, e-bike or e-scooter upon a sidewalk within the downtown business district of the city. This section shall not prohibit a person from dismounting and walking a bicycle, e-bike or e-scooter upon the sidewalk.
- (b) Riders exercising due care may drive and operate their bicycles, e-bikes or e-scooters upon the sidewalk, other than in the downtown business district, when such riding does not jeopardize the safety of the pedestrians on the sidewalk.
- (c) It shall be unlawful for any person driving a bicycle, e-bike or e-scooter on the sidewalk to attempt to pass another person going in the same direction on the sidewalk without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving the bicycle, e-bike or e-scooter. Pedestrians shall at all times have the right-of-way upon the sidewalks; and if necessary, the person driving such bicycle, e-bike or e-scooter shall dismount and vacate the sidewalk to prevent a collision; and any such person driving a bicycle, e-bike or e-scooter upon the sidewalk must have the bicycle, e-bike or e-scooter under control at all times.

(Ord. No. 785, 10-15-19)

Sec. 94-214. Riding on paved recreational paths.

- (a) Riders exercising due care may drive and operate their bicycles, e-bikes or e-scooters upon the paved recreational paths within the city when such riding does not jeopardize the safety of the pedestrians or other riders traveling on the path.
- (b) It shall be unlawful for any person driving a bicycle, e-bike or e-scooter on the bike paths to attempt to pass another person going in the same direction on the path without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving the bicycle, e-bike or e-scooter. Pedestrians shall at all times have the right-of-way upon paved multi-use recreational paths; and if necessary, the person driving such bicycle, e-bike or e-scooter shall dismount and vacate the recreational path to prevent a collision; and any such person driving a bicycle, e-bike or e-scooter upon the recreational path must have the bicycle, e-bike or e-scooter under control at all times.

(Ord. No. 785, 10-15-19)

Sec. 94-215. Improper riding, trick riding, racing.

- (a) No person driving a bicycle, e-bike or e-scooter upon a public highway, recreational path, sidewalk or street shall participate in any race, speed or endurance contest.
- (b) No person riding or operating a bicycle, e-bike or e-scooter shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public highway, recreational path, sidewalk or street.

(Ord. No. 785, 10-15-19)

Sec. 94-216. Parking.

- (a) No person shall park any bicycle, e-bike or e-scooter against windows or on the main traveled portion of a sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property.

-
- (b) If there is no bicycle rack or other facilities intended to be used for the parking of bicycles, e-bikes or e-scooters in the vicinity, bicycles, e-bikes and/or e-scooters may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

(Ord. No. 785, 10-15-19)

Sec. 94-217. Effects of regulations.

- (a) It is unlawful for any person to perform any act forbidden or fail to perform any act required in this division.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this division.
- (c) The regulations applicable to bicycles, e-bikes and e-scooters shall apply whenever a bicycle, e-bike or e-scooter is operated upon any highway, street, sidewalk or any path set aside for the use of bicycles, e-bikes and/or scooters subject to those exceptions stated in this division.

(Ord. No. 785, 10-15-19)

Sec. 94-218. Penalties.

Every person 16 and over convicted of a violation of any provision of this division shall forfeit not less than \$10.00 or more than \$50.00.

(Ord. No. 785, 10-15-19)

Sec. 94-219. Disposal of offenders according to age.

Any offender under the age of 16 years disregarding the rules and regulations governing the operation of bicycles, e-bikes or e-scooters not in conflict with the state laws shall be dealt with in accordance with the bicycle, e-bike and e-scooter court provisions.

(Ord. No. 785, 10-15-19)

Sec. 94-220. Bicycle, e-bike and e-scooter court provisions.

The penalty for violating any of the rules and conditions set forth in this division shall be as follows:

- (1) First violation within one-year period: Written warning and notice to parents of violator.
- (2) Second violation within one-year period: Conference with parents, child and police department representative.
- (3) Third violation within one-year period: Municipal court citation with mandatory appearance to court.

(Ord. No. 785, 10-15-19)

Secs. 94-221—94-240. Reserved.

DIVISION 3. SKATEBOARDS, IN-LINE SKATES AND PLAY VEHICLES

Sec. 94-241. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

In-line skates and play vehicles, shall be as defined in Wis. Stats. §§ 340.01(24m), (43m), which are adopted by reference in this section as if fully set forth.

Skateboard means a device consisting of a board with attached wheels designed to be ridden by a person, as defined in Wis. Stats. § 340.01(43m).

(Code 1969, § 18.10(A)(1))

Cross reference(s)—Definitions generally, § 1-2.

Sec. 94-242. Regulations.

- (a) No person shall operate or ride upon in-line skates, a play vehicle or a skateboard within the city in any of the following locations:
 - (1) In or on any municipal parking lot and/or the ramp areas leading into such parking lot.
 - (2) In or upon any public property where the owner or person in charge of such property has posted signs at the entrance thereto that operation of such is prohibited.
 - (3) In or upon any alley highway, roadway or street, except while crossing such area at a crosswalk as defined in Wis. Stats. § 340.01(10), or when no sidewalk or path is present.
 - (4) On any private property, parking lot, pedestrian way or other premises without the express written permission of a person in authority at such place, or where the owner or person in charge of such property has posted signs at the entrance thereto that operation of such is prohibited.
- (b) No parent of any child or the guardian of any ward shall authorize or knowingly permit any child or ward to violate any of the provisions of this division regulating the operation of such devices.

(Code 1969, § 18.10(C); Ord. No. 606, 7-17-03; Ord. No. 748, 3-15-16)

Sec. 94-243. Penalties.

- (a) *Persons under the age of 14.*
 - (1) *First violation of this division.* A warning will be issued to the child, and notice of the violation will be sent to a parent or guardian of the child.
 - (2) *Second violation of this division.* A warning will be issued to the child, and the parent or guardian of the child may be charged as specified under subsection 94-242(b).
 - (3) *Third and subsequent violations of this division.* Referral will be made following procedures under Wis. Stats. § 48.125 for a child alleged to have violated an ordinance.
- (b) *Persons ages 14 to 18.*
 - (1) *First violation of this division.* A warning will be issued to the child and notice of the violation will be sent to a parent or guardian of the child.
 - (2) *Second violation of this division.* A citation will be issued to the child, and notice of the citation will be sent to the parent or guardian of the child.

Any person over the age of 14 convicted of a violation of any provision of this division shall forfeit not less than \$10.00 nor more than \$25.00, together with applicable costs and assessments.

- (c) *Adult persons.* Any person over the age of 18 convicted of a violation of any provision of this division shall forfeit not less than \$10.00 nor more than \$50.00, together with applicable costs and assessments.

(Code 1969, § 18.10(D))

Sec. 94-244. Prohibitions on River Walkway.

- (a) Prohibitions on River Walkway shall be as follows:

- (1) It shall be unlawful to drive, ride or use bicycles (bicycles may be walked), skates, skateboards, roller blades and motorized or nonmotorized vehicles on the tracks or trails on the River Walkway. An exception to this will be granted for the use of motorized and nonmotorized vehicles by city personnel while performing their job duties, and motorized wheelchairs, handicapped scooters and strollers.
- (2) No person shall block any portion of the riverwalk, either personally or with any boxes, personal belongings or other materials.
- (3) The River Walkway shall be for the use of persons on foot or in a wheelchair.
- (4) No person shall scale, gut, eviscerate, clean or engage in any other process of or partial process of cleaning fish at, on or upon any portion of the River Walkway.
- (5) No person shall leave any fish carcasses on any portion of the River Walkway.
- (6) No person shall have an open fire on any portion of the River Walkway.
- (7) There shall be no overnight camping allowed on any portion of the River Walkway.
- (8) No person shall, while on any portion of the River Walkway, take any action which unreasonably endangers the safety of the public.
- (9) No fishing shall take place on any portion of the River Walkway that is prohibited by appropriate signage, notably on the narrowest portions along the River Walkway where railing exists, with the exception of cantilevers.
- (10) Any person violating this section while signs are in place prohibiting such use of the River Walkway shall be punished in accordance with section 94-243 of this Code.

- (b) The River Walkway, for the purpose of this section, shall be described as the public easement that lies along the south side of the Rock River starting from the Robert Street Bridge east to the end of the paved portion of said walkway. It also includes the public lands owned by the city on the western portion of the River Walkway.

(Ord. No. 598, 1-7-03; Ord. No. 678, 9-1-09)

Secs. 94-245—94-275. Reserved.



MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Adrian Bump, Police Chief

RE: Review and possible recommendation to the City Council relating to an amendment to Section 58-148 of the City of Fort Atkinson Municipal Code regarding the sale of tobacco and electronic cigarettes (Bump, Police Chief)

BACKGROUND

The main goal of Section 58-148(d)(3) of the Fort Atkinson City ordinance is to reduce the availability and visibility of smoking products that include Tobacco, Vape, Electronic Smoking Devices, Electronic Smoking Device Paraphernalia, Pipes, Hookahs, Rolling Papers, and other miscellaneous nicotine consumables and smoke products to youth. In 2022, this ordinance was originally drafted as staff saw multiple new businesses opening their doors right next to Fort Atkinson High School. At that time, not enough focus was placed on other locations that should be included in the distance restrictions.

This ordinance intends to prevent future businesses from opening retail locations not only near schools, but also near City parks, any out-of-school time programming locations, youth centers, or youth-serving organizations. This ordinance addition will help reduce opportunities where marketing and sales, either intentionally or unintentionally, target youth.

DISCUSSION

At least 44% of teens in the US attend school within 1,000 ft of a tobacco retailer, and 77% of public schools are within a 10-minute walk of a tobacco retailer. This is important because when there are more stores near schools, youth smoking rates are higher. A 2019 systematic review of both US-based and international studies found a positive association between higher density of stores near schools and youth susceptibility to future smoking. One study found that schools with more stores within walking distance have a higher smoking prevalence than schools with fewer retailers nearby.

Stores near schools in some areas may be more likely to sell to minors or to display more tobacco advertising than others. A study conducted in Washington D.C. found that illicit sales to minors were higher in tobacco retailers located closer to high schools. The researchers also found that the closer retailers were located to a public high school, the more likely they were to display exterior tobacco advertising.

Countertobacco.org

Tobacco use is the leading cause of preventable death in the U.S., resulting in over 480,000 deaths and \$170 billion in health care expenses each year. While the U.S. has greatly reduced cigarette smoking, youth use of e-cigarettes has skyrocketed in recent years. According to the [2019 National Youth Tobacco Survey](#), e-cigarette use among high school students nationwide more than doubled between 2017 and 2019 (from 11.7% to 27.5%) and over 5.3 million U.S. kids now use e-cigarettes. [Research](#) shows that 97% of current youth e-cigarette users used a flavored product in the past month, and 80% of youth who had ever used tobacco started with a flavored product.

Tobaccofreekids.org

Knowing this data, it is important for communities to do more to reduce visibility and availability for youth who are easily tempted by targeted marketing and easy accessibility to places youth go for education and mentorship.

FINANCIAL ANALYSIS

The financial impact on the City is specific to the passing and publishing of the ordinance. The ordinance is focused on future businesses and will not target businesses currently in operation.

RECOMMENDATION

Staff recommends that the Ordinance Committee review and recommend the City Council approve this Ordinance amending Section 58-148(d)(3) of the City of Fort Atkinson Municipal Code relating to the sale of tobacco, nicotine products, electronic smoking devices, and electronic smoking device paraphernalia near special locations focused on youth education and development.

ATTACHMENTS

1. Vape and Nicotine Ord Update 2026
2. Sec. 58_148. ___Sale_of_tobacco_and_possession_of_tobacco_and_electronic_cigarettes_by_minors

Updating of Sec. 58-148. - Sale of tobacco and possession of tobacco and electronic cigarettes by minors.

Current wording of City Ordinance 58-148(d)(3)

No sale of tobacco, nicotine products, electronic smoking devices, nor electronic smoking device paraphernalia is permitted within 1,000 feet of the nearest point of the property line of a public or private school.

Re-write of City Ordinance 58-148(d)(3)

No sale of tobacco, nicotine products, electronic smoking devices, nor electronic smoking device paraphernalia is permitted within 1,000 feet of the nearest point of the property line of a public or private school, city park, any out-of-school time programming location, youth center, or youth-serving organization.

Definitions for added youth locations:

The specific definition for a place or setting dedicated to the development of youth outside of schools is most commonly known as an Out-of-School Time (OST) program. These environments operate during non-school hours and are supervised by adults focused on the academic, social, emotional, and physical growth of young people.

These organizations fall under a broader asset-based model known as Positive Youth Development (PYD), which emphasizes building a youth's strengths and resiliency rather than simply treating problems.

Such spaces can be further categorized by their function and focus:

- Youth Center: Community-based spaces that accommodate unstructured social interaction, recreation, and instructional classes in a safe, supervised environment.
- Youth-Serving Organization: Larger, long-standing associations that provide a wide array of activities, mentorship, and career pathways (e.g., Boys & Girls Clubs, YMCA, 4-H, BASE).
- Out-of-School Youth (OSY): A legal classification (often used in workforce or community service grants) for youth under specific age limits who are not currently attending any standard educational institution.

Sec. 58-148. Sale of tobacco and possession of tobacco and electronic cigarettes by minors.

(a) *The city council finds and declares the following:*

- (1) Tobacco is the leading cause of preventable death in the United States and the leading risk factor contributing to the burden of disease in the world's high-income countries. According to the Centers for Disease Control and Prevention (CDC), more than 400,000 deaths each year are attributable to tobacco use, including one-third of all cancer deaths.
- (2) Social norms about smoking influence smoking rates, particularly among those not addicted. Studies have found that strong governmental regulation of smoking corresponds and may contribute to anti-smoking norms. Social unacceptability has been repeatedly shown to be an important influence on both initiation and quitting.
- (3) Local regulations are necessary to control the location and operation of the sale or exchange of tobacco products for the protection of public health, safety, and welfare.

(b) **Definitions.**

- (1) *Electronic smoking device* means an electronic device that can be used to deliver an inhaled dose of nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. It includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, commonly known as e-cigarettes; an electronic cigar; an electronic cigarillo; an electronic pipe; an electronic hookah; vape pen; or any other product name or descriptor.
- (2) *Electronic smoking device paraphernalia* means a cartridge, cartomizer, e-liquid, smoke juice, tip, atomizer, electronic smoking device battery, electronic smoking device charger, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices. It does not include any cigarette, as defined in Wis. Stats. § 139.30(1m), nicotine product, as defined in Wis. Stats. § 134.66(1)(f), or tobacco products, as defined in Wis. Stats. § 139.75(12).
- (3) *Person* means any individual, partnership, firm, organization, association, corporation, trustee, or other legal entity of any kind.
- (4) *Vending machine* means any mechanical device that automatically dispenses electronic smoking devices or electronic smoking device paraphernalia when money or tokens are deposited in the device in payment for electronic smoking devices or electronic smoking device paraphernalia.

(c) **Prohibition.**

- (1) No person may sell or give any person under the age of 18 any tobacco, nicotine product, electronic smoking device, or electronic smoking device paraphernalia at any time.
- (2) No person under 18 years of age may purchase or possess any tobacco, nicotine product, electronic smoking device, or electronic smoking device paraphernalia.
- (3) No person may purchase any tobacco, nicotine product, electronic smoking devices, or electronic smoking device paraphernalia on behalf of, or to provide to, any person who is under 18 years of age.
- (4) No person may provide for nominal or no consideration any tobacco, nicotine product, electronic smoking device, or electronic smoking device paraphernalia to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

(d) **Regulations.**

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- (1) The owner or operator of an establishment that sells tobacco, nicotine products, electronic smoking devices, or electronic smoking device paraphernalia shall post a sign in the immediate area where those products are sold stating that the sale of any said products to a person under the age of 18 is unlawful under this section.
 - (2) A person or vending machine operator may not sell tobacco, nicotine products, electronic smoking devices, or electronic smoking device paraphernalia from a vending machine, except in an establishment where individuals under the age of 18 are not present or permitted at any time, as provided in § 21 CFR Part 1140.16(c)(2)(ii).
 - (3) No sale of tobacco, nicotine products, electronic smoking devices, nor electronic smoking device paraphernalia is permitted within 1,000 feet of the nearest point of the property line of a public or private school.
 - (4) Establishments currently operating at a location where sales would otherwise under subsection (d)(3) be prohibited may continue to operate.
 - (5) Only those establishments which derive more than 50 percent of their gross income from the sale of tobacco, nicotine products, electronic smoking devices, and/or electronic smoking device paraphernalia shall be subject to the ordinance codified herein.
- (e) *Defense of seller.* Proof of all the following facts by a person who sells electronic smoking devices or electronic smoking device paraphernalia to a person under the age of 18 is a defense to any prosecution for a violation of subsection (b)(1):
- (1) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card, and
 - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18, and
 - (3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.
- (f) *Penalties.*
- (1) Any person convicted of violating this section, shall be subject to the following forfeitures:
 - a. Not less than \$100.00 nor more than \$400.00 if the person has not committed a previous violation within 12 months of the violation.
 - b. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.

(Ord. No. 774, 2-5-19; Ord. No. 812, § 1, 2-17-22)



MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Ben Dayton, Director of Parks and Recreation

RE: Review and possible recommendation to the City Council relating to amendments to multiple sections of Chapter 62 of the City of Fort Atkinson Municipal Code (Parks and Recreation) (Dayton, Director of Parks and Recreation)

BACKGROUND

Parks and Recreation Director Dayton and the Recreation Advisory Board Rules and Ordinances Subcommittee conducted a focused review of Chapter 62, Articles I and II of the City's Codes and Ordinances. Additionally, the subcommittee investigated the addition of a new ordinance to prohibit the use of smoking, vaping, and e-cigarettes products within the City's park system.

DISCUSSION

Staff provided the subcommittee with a proposal adopting new ordinance to prohibit smoking, vaping, and the use of e-cigarettes within city parks and on public trails. Additionally, revisions were recommended to existing ordinances regarding pets on designated park property, protection of City property within the parks system, glass bottle restrictions, and park hours of operation. These amendments are intended to align current usage of park facilities with City ordinance.

The following recommendations and rationales are proposed:

ARTICLE I. - IN GENERAL

Sec. 62-1. - Animals on city park grounds:

Staff proposes extending this ordinance to include designated athletic fields and playgrounds. This restriction is intended to prevent damage to prepared ballfields and ensure playgrounds remain free of animal waste. Also, extending the ordinance to easily recognizable facilities without the need for additional posted signage.

Sec. 62-2. - Operation of vehicles, animals restricted; destruction of property.

Staff recommends adding language to specifically identify the unauthorized tampering with city property during activities such as geocaching and the use of metal detectors. While geocaching is recognized as an acceptable activity, the intent is to prevent the modification of or damage to facilities and property.

Sec. 62-4. - Possession, consumption of alcohol prohibited.

Staff recommendations include removing the prohibition of alcohol consumption in Bicentennial Park. The original ordinance was adopted when the park was located in a different area. Memorial Park will remain on the list due to its primary use as a youth sports facility. The ordinance will also be updated to include legal, hemp-derived THC beverage products and a citywide prohibition of glass bottles in parks to enhance public safety and reduce the risk of injury from broken glass.

Sec. 62-5. - Smoking, vaping, and e-cigarettes prohibited. (proposed new ordinance)

Staff recommends, with subcommittee support, the adoption of a new ordinance prohibiting the use of smoke or vapor producing products within park spaces. Aside from public health concerns, the intent is to remove smoking and vaping from public events, youth activities, and locations where the general public will congregate. Under the proposed rules, the use of these products would be restricted to areas within the public right-of-way.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 62-37. - Hours of operation.

Staff recommends that park hours mirror the weekend hours established by the citywide curfew ordinance (Section 58-197). This update also includes the removal of specific, outdated hours previously set for Bicentennial Park.

FINANCIAL ANALYSIS

Staff does not anticipate a significant financial impact associated with the recommended new ordinance and ordinance amendments.

RECOMMENDATION

Staff recommends that the Ordinance Committee recommend the above proposed changes to the City Council.

ATTACHMENTS

1. Chapter_62___PARKS_AND_RECREATION redline 6.10.26 DRAFT

Chapter 62 PARKS AND RECREATION¹

ARTICLE I. IN GENERAL

Sec. 62-1. Animals on city park grounds.

It shall be unlawful for any animal to be on city park designated athletic fields, playground, city park grounds if the parks are so posted.

(Code 1969, § 7.06)

Cross reference(s)—Animals generally, ch. 10.

Sec. 62-2. Operation of vehicles, animals restricted; destruction of property.

- (a) It shall be unlawful for any person to operate or cause to be operated any motorcycle, motorbike or motor scooter on the public sidewalks or pedestrian walkways in any of the parks in the city. It shall further be unlawful for any person to operate a snowmobile on any city-owned or -controlled property or public park without the express approval of the council.
- (b) No person, not duly authorized, shall ride, drive or lead any horse or other animal, or drive any motor vehicle, upon or across any public park except upon the driveways, and park except upon the driveways and parking areas specifically provided for such purposes.
- (c) No person shall cut, pick, break, dig up, deface or in any manner injure any tree, shrub, plant, flower, grass or other public property in any public park or street. The use of metal detectors, or the placement and retrieval of geocaches or similar items, is prohibited if such activities involve digging, the physical modification of any structure, or any action that causes damage, alteration, or disturbance to city property.

(Code 1969, § 16.01(C))

Cross reference(s)—Animals generally, ch. 10; traffic and vehicles, ch. 94.

Sec. 62-3. Injury and damage.

Any person who shall in any manner willfully or maliciously injure or damage any public property in or within any city park, athletic field or playground, or who shall violate any of the rules or regulations prescribed under section 62-36, shall be subject to section 1-10.

(Code 1969, § 7.03)

¹Cross reference(s)—The naming and changing of names of parks saved from repeal, § 1-11(7); environment, ch. 30; streets, sidewalks and other public places, ch. 90; vegetation, ch. 102; waterways, ch. 106.

State law reference(s)—Authority regarding parks generally, Wis. Stats. § 27.08.

Cross reference(s)—Crimes against property generally, § 58-36 et seq.

Sec. 62-4. Possession, consumption of alcohol; glass containers prohibited.

(a) It shall be unlawful to possess or consume alcohol or fermented malt beverages or beverages containing hemp-derived THC on the premises known as Memorial Park ~~and Bicentennial Park in the city~~. It shall be unlawful for any person to drink or possess any alcohol beverages in any city park when said park is closed unless the city council and/or parks and recreation director has approved a later time for an authorized event, in which case the prohibition becomes effective after such later time. The penalty for the violation of this article shall be as specified in section 1-10.

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(b) Glass beverage containers of any kind are prohibited in all parks and trails in the city.

(Code 1969, § 7.04; Ord. No. 802, § 1, 7-7-21)

Cross reference(s)—Alcohol and nonintoxicating beverages, ch. 6.

Sec. 62-5. - Smoking and vaping prohibited in park property or trails.

Smoking and vaping prohibited in park property or trails. It shall be unlawful for any person to smoke or vape tobacco, Hemp, or THC products in any park or trail in the city.

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Secs. 62-5—62-35. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT²

DIVISION 1. GENERALLY

Sec. 62-36. Supervision.

- (a) All public parks, athletic fields, playgrounds, etc., in the city shall be under the supervision and management of the director of parks and recreation. The director shall prescribe from time to time, as may be necessary, reasonable rules and regulations for the use of all such properties and submit them to the city manager. These rules and regulations shall, however, be subject to approval by the council before taking effect. When approved by the council and published, such rules and regulations shall have the same force and effect as ordinances.
- (b) No park or other property shall be used by any person for the purpose of profit or financial return without express approval of the council.

(Code 1969, § 7.01)

²Cross reference(s)—Administration, ch. 2.

Sec. 62-37. Hours of operation.

No person shall enter or remain in any public park of the city within the hours of 12:00 midnight and ~~6:00 a.m. or Bicentennial Park from 9:00 p.m. until 6:00 a.m.~~ without the permission of the parks and recreation director or his/her appointee.

(Code 1969, § 7.01)

Sec. 62-38. Use of public buildings, schools for recreation.

The use of any public buildings not located in the city parks shall be made available for recreational use when not in conflict with the use of which the building was built. Suitable arrangements shall be made under the direction of the city manager for scheduling activities in these public buildings.

(Code 1969, § 3.07(T)(1))

Secs. 62-39—62-60. Reserved.

DIVISION 2. DIRECTOR OF PARKS AND RECREATION³

Sec. 62-61. Office created.

There is created the office of director of parks and recreation, which shall be filled by appointment in the same manner as other appointments in the city organization.

(Code 1969, § 3.07(T)(1))

Sec. 62-62. Duties.

- (a) The general duties of the director of parks and recreation shall be to have charge of the general care and maintenance of all public parks, playgrounds, and public buildings located in the public parks.
- (b) He/she shall also have charge of the operation and maintenance of the swimming pool in Rock River Park.
- (c) He/she shall have charge of the recreational program in the city, including, but not limited to, outdoor activities such as softball, baseball, tennis, horseshoe, shuffleboard, all summer playgrounds, and archery; and indoor activities, including but not limited to basketball, badminton, volleyball, dancing, checkers and chess, etc.
- (d) He/she shall submit a budget for the ensuing year to the city manager on or before October 1.
- (e) It is intended that school buildings shall be made available through arrangements with the superintendent of schools for many of the recreational programs.

(Code 1969, § 3.07(T)(1))

³Cross reference(s)—Officers and employees, § 2-96 et seq.

Secs. 62-63—62-85. Reserved.

DIVISION 3. ADVISORY BOARD OF PARKS AND RECREATION⁴

Sec. 62-86. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the advisory board of city parks and recreation.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 62-87. Created.

There is created an advisory board of city parks and recreation.

(Code 1969, § 3.07(T)(2))

Sec. 62-88. Purpose.

The establishment of the board shall be for the purpose of aiding and counseling with the director of parks and recreation on matters relating to the city parks and recreation department.

(Code 1969, § 3.07(T)(2)(A))

Sec. 62-89. Membership.

- (a) The board shall consist of seven members, six of whom shall be residents of the city, and one may be a resident of the city or a resident of joint school district number 6. The members shall serve without compensation. All members of the board shall be appointed by the city manager.
- (b) The board shall consist of two members who shall serve permanently or as long as they are holding office in or are members of the following organizations or departments:
 - (1) The superintendent of public schools shall recommend a person from the school system from district 6 for appointment by the city manager for a one-year term beginning in June of each year; and
 - (2) A councilmember.
- (c) The board shall consist of five citizen members, who shall be appointed by the city manager.
- (d) Each citizen member shall serve for a term of three years beginning on June 1. Citizen members shall be limited to two consecutive terms and cannot be reappointed as a board member until one three-year term has elapsed.
- (e) The director of parks and recreation shall be a nonvoting member of the board.
- (f) Vacancies to finish unexpired terms will be filled in the same manner as the original appointments.

⁴Cross reference(s)—Boards, commissions and committees, § 2-301 et seq.

(Code 1969, §§ 3.07(T)(2)(B)—(D))

Sec. 62-90. Officers.

A chairperson and vice-chairperson shall be elected by the board members. The election of officers will take place at the organization meeting, and those elected will serve for a term of one year. The director of parks and recreation will automatically serve as secretary.

(Code 1969, § 3.07(T)(2)(E))

Sec. 62-91. Organization.

- (a) The board shall organize and adopt rules for its own government in accordance with the provisions of this division. Meetings shall be held monthly or at the call of the parks and recreation director, and shall be open to the public. Minutes shall be kept by the secretary showing all actions taken, and a copy shall be filed in the office of the parks and recreation director as a public record.
- (b) A quorum shall be four members, but all action shall require the approval of the majority of the board.

(Code 1969, § 3.07(T)(2)(F))

Sec. 62-92. Functions.

- (a) The board shall set up general policies regarding the type of programs as well as the level of leadership employed.
- (b) The board shall assist and advise the city manager in the selection of the director of parks and recreation.

(Code 1969, § 3.07(T)(2)(G))



MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Jedidiah Draeger, Director of Neighborhood and Building Services

RE: Review and possible recommendation to the City Council relating to an Ordinance to Amend Section 18-256 of the City of Fort Atkinson Code of General Ordinances relating to Camping Units (Draeger, Director of Neighborhood and Building Services)

BACKGROUND

The City is delegated by the State of Wisconsin to administer and enforce the Wisconsin Uniform Dwelling Code (UDC) within the City. As part of this delegation, the City is responsible for issuing building permits, conducting inspections, and enforcing applicable state building standards for one- and two-family dwellings and certain related structures.

To maintain this delegated authority, municipalities are required to adopt and enforce specific provisions of the Wisconsin Administrative Code by reference within their local ordinances. Chapter 18 of the City's Municipal Code, Buildings and Building Regulations, currently adopts the required state administrative code sections necessary for the administration of the UDC. The Wisconsin Department of Safety and Professional Services (DSPS) has since adopted SPS 327 relating to Camping Units, as part of the applicable administrative code. Updating Chapter 18 to include SPS 327 ensures that the City's ordinances remain consistent with current state law and continue to satisfy the requirements of the City's delegated enforcement authority. SPS 327 is included with this staff report for information and review.

DISCUSSION

The proposed ordinance amendment adopts Wisconsin Administrative Code SPS 327, Camping Units, by reference into Chapter 18 of the City's Municipal Code. This amendment is administrative in nature and is intended to ensure that the City's building regulations remain consistent with current state requirements governing the Uniform Dwelling Code program.

Under Wisconsin law, municipalities that elect to administer the Uniform Dwelling Code are required to adopt the applicable administrative code provisions identified by the Department of Safety and Professional Services. Adoption of SPS 327 is part of maintaining compliance with the State's delegation requirements and preserving the City's authority to issue permits, perform inspections, and enforce the Uniform Dwelling Code locally.

SPS 327 establishes statewide construction and safety standards applicable to camping units. Incorporating these standards by reference provides consistency between state and local regulations and allows the City to administer building-related matters using the most current state standards.

Importantly, adoption of SPS 327 does not allow camping units to be permitted within the City. The proposed ordinance does not amend zoning regulations, land use policies, or occupancy provisions. Camping units will continue to be allowed only in locations and under circumstances otherwise authorized by the City's zoning ordinance and other applicable municipal regulations. The amendment simply adopts the applicable state construction and safety standards required under the City's delegated building inspection authority.

Failure to update the City's ordinances to reflect the current Wisconsin Administrative Code could create inconsistencies between local and state regulations and may jeopardize the City's continued compliance with the requirements necessary to administer the Uniform Dwelling Code program.

FINANCIAL ANALYSIS

The proposed ordinance amendment is not expected to have a significant fiscal impact on the City. Adoption of SPS 327 is an administrative update required to maintain compliance with state requirements associated with the City's delegated Uniform Dwelling Code authority.

Any implementation costs are expected to be minimal and will be absorbed within the Building Inspection Department's existing operations. Maintaining delegated authority allows the City to continue issuing permits and performing inspections locally, providing efficient service to residents and avoiding the potential administrative and operational impacts that could result if the City were no longer authorized to administer the Uniform Dwelling Code.

RECOMMENDATION

Staff recommends the Ordinance Committee recommend the City Council review and adopt the ordinance amending Section 18-256 of the City of Fort Atkinson General Code of Ordinances relating to Camping Units.

ATTACHMENTS

1. DRAFT ORDINANCE NO_Camping Units
2. WI SPS 327

ORDINANCE NO. ____
AN ORDINANCE TO AMEND SECTION 18-256
OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES RELATING TO
CAMPING UNITS

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Amends Sec. 18-256. – Adoption of Uniform Dwelling Code to read as follows:

Sec. 18-256. – Adoption of Uniform Dwelling Code.

- (a) Pursuant to Wis. Stats. §§ 101.65, and 101.66, the council ordains a building code for new one- and two-family dwellings, accessory structures and the remodeling of, or addition to existing structures, by adoption of Wis. Admin. Code chapters:

SPS. 320 Administration and Enforcement;

SPS. 321 Construction Standards;

SPS. 322 Energy Conservation;

SPS. 323 Heating, Ventilating and Air Conditioning;

SPS. 324 Electrical Standards;

SPS. 325 Plumbing and Potable Water Standards

[SPS. 327 Camping Units](#)

Section 2. This ordinance shall take effect after passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin,
this _____ day of _____, 2026.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director

DRAFT

Chapter SPS 327

CAMPING UNITS

Subchapter I — Administration and Enforcement

SPS 327.01	Purpose.
SPS 327.02	Scope.
SPS 327.03	Effective date.
SPS 327.04	Applications.
SPS 327.05	Exemptions.
SPS 327.06	Procedure for municipalities.
SPS 327.07	State jurisdiction.
SPS 327.08	Definitions.
SPS 327.09	Wisconsin camping unit building permit.
SPS 327.10	Procedure for obtaining camping unit building permit.
SPS 327.11	Inspections.
SPS 327.12	Approval procedures.
SPS 327.13	Suspension or revocation of Wisconsin camping unit building permit.
SPS 327.14	Effect of suspension and revocation.
SPS 327.15	Approval of products.
SPS 327.16	Petition for variance.
SPS 327.17	Municipal variance from the code.
SPS 327.18	Appeals of orders, determinations, and for extension of time.
SPS 327.19	Adoption of standards.

Subchapter II — Construction Standards

SPS 327.20	Loads and materials.
SPS 327.21	Exits.
SPS 327.22	Stairways and elevated areas.
SPS 327.23	Ladders.
SPS 327.24	Ceiling height.
SPS 327.25	Fireblocking.
SPS 327.26	Smoke detectors.
SPS 327.27	Carbon monoxide alarms.
SPS 327.28	Protection against decay and termites.
SPS 327.29	Floor design.
SPS 327.30	Wood floors in contact with the ground.

SPS 327.31	Wood frame floors.
SPS 327.32	Decks.
SPS 327.33	Exterior covering.
SPS 327.34	Wood frame walls.
SPS 327.35	Roof design and framing.
SPS 327.36	Weather protection for roofs.

Subchapter III — Heating, Ventilating, and Air Conditioning

SPS 327.37	Scope.
SPS 327.38	Design.
SPS 327.39	Selection of equipment.
SPS 327.40	Types and location of equipment.
SPS 327.41	Combustion air.
SPS 327.42	Mechanical draft systems.
SPS 327.43	Equipment maintenance information.
SPS 327.44	Ductwork.
SPS 327.45	Dampers, registers, and grilles.
SPS 327.46	Piping.
SPS 327.47	Venting system location.
SPS 327.48	Multiple appliance venting.
SPS 327.49	Fuel storage.

Subchapter IV — Electrical Standards

SPS 327.50	Electrical standards.
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Subchapter V — Plumbing

SPS 327.51	Plumbing.
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Subchapter VI — Camping Unit Transfer Tanks

SPS 327.52	Purpose.
SPS 327.53	Installation and maintenance.
SPS 327.54	Compliance with code.
SPS 327.55	Servicing requirements.
SPS 327.56	Abandonment.
SPS 327.57	Penalties.

Note: Ch. SPS 327 was created by emergency rule, EmR1703, effective February 6, 2017.

Subchapter I — Administration and Enforcement

SPS 327.01 Purpose. The purpose of this code is to establish uniform statewide construction standards and inspection procedures for camping units in accordance with the requirements of ss. 101.63 (1), 101.82 (1), and 145.02 (2) (b), Stats.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.02 Scope. (1) GENERAL. The provisions of this code apply to all camping units for which construction commenced on or after February 6, 2017.

Note: Also see s. SPS 327.04.

(2) MUNICIPAL ORDINANCES. (a) A municipality may not adopt an ordinance on any subject falling within the scope of this code including establishing restrictions on the occupancy of camping units for any reason other than noncompliance with the provisions of this code as set forth in s. SPS 327.11 (5). This code does not apply to occupancy requirements occurring after the first occupancy following the final inspection required under s. SPS 327.11 (4).

(b) This code shall not be construed to affect local requirements relating to land use, zoning, post-construction storm water management, 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.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

(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 this chapter to apply to any additions or alterations to existing camping units.

(e) Nothing in this chapter shall prevent a municipality from any of the following:

1. Implementing erosion and sediment control requirements that are more stringent than the standards of this code when directed by an order of the United States Environmental Protection Agency or by an administrative rule of the department of natural resources under s. NR 151.004.

2. Regulating erosion and sediment control for sites that are not under the scope of this chapter.

(f) This code shall not be construed to affect the authority of the department of natural resources to enforce chs. 281 and 283, Stats., and administrative rules promulgated thereunder.

(3) LEGAL RESPONSIBILITY. The department or the municipality having jurisdiction shall not assume legal responsibility for the design or construction of camping units.

(4) RETROACTIVITY. The provisions of this code are not retroactive, except as specifically stated in a rule.

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

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18; correction in (2) (f) made under s. 35.17, Stats., Register March 2018 No. 747.

SPS 327.03 Effective date. The effective date of this chapter is February 6, 2017.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.04 Applications. (1) **NEW CAMPING UNITS.** This code applies to all camping units for which construction commenced on or after February 6, 2017. All camping units covered under this subsection shall meet the requirements of this chapter. If a plumbing, electrical, heating, or air conditioning system is installed in a camping unit, the system shall meet the requirements of this chapter.

(2) **ADDITIONS AND ALTERATIONS.** Additions and alterations to camping units covered by this code shall comply with all provisions of this code at the time of permit application or the beginning of the project, if no permit is required.

(3) **CHANGE OF USE.** Property previously used for another purpose shall comply with this code upon conversion to a camping unit.

Note: Examples of property that may be converted to a camping unit include a cabin, covered wagon, or gazebo.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.05 Exemptions. (1) **EXISTING CAMPING UNITS.** The provisions of this code shall not apply to camping units, the construction of which was commenced prior to February 6, 2017, or to additions or alterations to such camping units.

Note: As provided under s. SPS 327.02 (2) (d), the provisions of this chapter may be adopted by a municipality to apply to any additions or alterations to existing camping units.

(2) **REPAIRS.** The provisions of this code do not apply to repairs or maintenance to camping units, or to the repair of electrical, plumbing, heating, ventilating, air conditioning and other systems installed therein.

(3) **ACCESSORY BUILDINGS.** The provisions of this code do not apply to detached garages or to any accessory buildings detached from the camping unit.

(4) **DETACHED DECKS.** The provisions of this code do not apply to detached decks provided the deck does not serve an exit from the camping unit.

(5) **MANUFACTURED AND MODULAR HOMES.** The provisions of this code do not apply to manufactured homes and modular homes.

(6) **MOTOR AND MOBILE HOMES AND RECREATIONAL VEHICLES.** The provisions of this code do not apply to motor homes, recreational vehicles, park model recreational vehicles, and recreational mobile homes.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.06 Procedure for municipalities. (1) **MUNICIPAL JURISDICTION.** (a) *General.* 1. Except as provided in par. (b), cities, villages, towns, and counties approved by the department under s. SPS 320.06 to exercise jurisdiction over the construction and inspection of new dwellings shall exercise jurisdiction over the construction and inspection of new camping units.

2. Municipalities exercising jurisdiction under subd. 1. shall, by ordinance, adopt this code in its entirety.

3. Except as provided under s. SPS 327.02 (2) (d), no additional requirements within the scope of this code may be adopted by a municipality unless approved by the department in accordance with s. SPS 327.17.

(b) *Intent to not exercise jurisdiction.* Municipalities intending not to exercise jurisdiction over the construction and inspection

of new camping units shall notify the department, in writing, within 90 days of the effective date of this code.

(c) *Rescission of ordinances.* Municipalities that rescind an ordinance under par. (a) shall file a certified copy of the rescission with the department within 30 days of adoption.

Note: Notification of intent to not exercise jurisdiction and certified copies of rescissions of ordinances should be sent to Department of Safety and Professional Services, Industry Services Division, PO Box 2658, Madison, WI 53701-2658.

(2) **DEPARTMENTAL JURISDICTION.** In municipalities not exercising jurisdiction under sub. (1), the department will oversee enforcement and inspection services for new camping units.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.07 State jurisdiction. In accordance with s. 101.64 (1) (h), Stats., municipalities administering the code may be monitored by the department for compliance with the administrative requirements under this code.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18; correction made under s. 13.92 (4) (b) 7., Stats., Register May 2018 No. 749.

SPS 327.08 Definitions. In this chapter:

(1) “Accessory building” means a detached building, not used as a camping unit but is incidental to that of the camping unit and which is located on the same lot. Accessory building does not mean farm building.

(2) “Addition” means new construction performed on a camping unit which increases the outside dimensions of the camping unit.

(3) “Allowable stress” means the specified maximum permissible stress of a material expressed in load per unit area.

(4) “Alteration” means an enhancement, upgrading, or substantial change or modification other than an addition or repair to a camping unit or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a camping unit.

(5) “Approved” means an approval by the department or its authorized representative. Approval is not to be construed as an assumption of any legal responsibility for the design or construction of the camping unit.

(6) “Building component” means any subsystem, subassembly, or other system designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

(7) “Building system” means plans, specifications and documentation for a system of manufactured building or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing, and variations which are submitted as part of the building system.

(8) “Campground” has the meaning given in s. ATPC 79.03 (3).

Note: ATPC 79.03 (3) reads: “Campground” means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsites offered with or without charge, for temporary overnight sleeping accommodations.

(9) “Camping unit” means a framed structure or a tent, teepee, yurt, or other structure with fabric roof or walls that is 400 square feet or less in area, which is placed by a campground owner or operator in a campground for which a permit is issued under s. 97.67, Stats., and used for seasonal overnight camping.

(10) “Camping unit transfer tank” or “transfer tank” means a type of portable container used to collect and hold wastewater discharges generated by an individual camping unit.

(11) “Ceiling height” means the clear vertical distance from the finished floor to the finished ceiling.

(12) “Certified UDC inspector” means a person certified by the department to engage in the administration and enforcement of this code.

(13) A “chimney” is one or more vertical, or nearly so, passageways or flues for the purpose of conveying flue gases to the atmosphere.

(14) “Code” means this chapter.

(15) “Common area” means a kitchen, hallway, or any habitable room.

(16) “Cooling load” is the rate at which heat must be removed from the space to maintain a selected indoor air temperature during periods of design outdoor weather conditions.

(17) “Deck” means an unenclosed exterior structure, attached or adjacent to the exterior wall of a camping unit, which has a floor, but no roof.

(18) “Department” means the department of safety and professional services.

(19) “Dilution air” means air that is provided for the purpose of mixing with flue gases in a draft hood or draft regulator.

(20) “Direct-vent appliance” means a gas-burning appliance that is constructed and installed so that all air for combustion is derived directly from the outside atmosphere and all flue gases are discharged to the outside atmosphere.

(21) “Exit” means a direct, continuous, unobstructed means of egress from inside the camping unit to the exterior of the camping unit.

(22) “Fireblocking” means a material or device used to retard or prevent the spread of flame or hot gases through concealed spaces into adjacent rooms or areas.

(23) “First floor” means the first floor level above any groundfloor or basement or, in the absence of a groundfloor or basement, means the lowest floor level in the camping unit.

(24) “Flight” means a continuous series of risers and treads, with no intermediate landings.

(25) “Gas appliance” means any device that uses gas as a fuel or raw material to produce light, heat, power, refrigeration, or air conditioning.

(26) “Groundfloor” means that level of a camping unit, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

(27) “Guard” means a barrier erected to prevent a person from falling to a lower level.

(28) “Habitable room” means any room used for sleeping, living, or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

(29) “Handrail” means a horizontal or sloping rail intended for grasping by a hand, for guidance or support or preventing a fall down a stair.

(30) “Heating load” is the estimated heat loss of each room or space to be heated, based on maintaining a selected indoor air temperature during periods of design outdoor weather conditions. The total heat load includes: the transmission losses of heat transmitted through the wall, floor, ceiling, glass or other surfaces; and either the infiltration losses or heat required to warm outdoor air used for ventilation.

(31) “HVAC” means heating, ventilating and air conditioning.

(32) “HVAC system” means the equipment, distribution network, and terminals that provide either collectively or individually the processes of heating, ventilating, or air conditioning to a building.

(33) “Insignia” or “Wisconsin insignia” means a device or seal approved by the department to certify compliance with this code.

(34) “Kitchen” means an area used, or designed to be used, for the preparation of food.

(35) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in storm water runoff and lead to an increase in soil erosion and movement of sediment.

(36) “Landing” means the level portion of a stairs located between flights of stairs or located at the top and base of a stairs.

(37) “Lavatory” means a sink or basin in a camping unit bathroom.

(38) “Listed and listing” means equipment or building components which are tested by an independent testing agency and accepted by the department.

(39) “Loft” means an upper room or floor with one side that has at least 50% of the space from the floor to the ceiling open to the floor below.

(40) “Manufactured home” has the meaning given in s. 101.91 (2), Stats.

(41) “Mechanical draft system” means a venting system for a gas burning appliance that is designed to remove flue or vent gases by mechanical means, such as a fan, which may consist of an induced draft portion under non-positive static pressure or a forced draft portion under positive static pressure.

(42) “Modular home” has the meaning given in s. 101.71 (6), Stats.

(43) “Motor home” has the meaning given in s. 340.01 (33m), Stats.

(44) “Municipality” means any city, village, town, or county in this state.

(45) “Naturally vented appliance” means an appliance with a venting system designed to remove flue or vent gases under non-positive static vent pressure entirely by natural draft.

(46) “Owner” means any person having a legal or equitable interest in the camping unit.

(47) “Park model recreational vehicle” means a factory built vehicular structure that is designed only for recreational use and not as a primary residence or for permanent occupancy, is built and certified in accordance with the National Fire Protection Association’s NFPA 1192-15, Standard for Recreational Vehicles, or the American National Standards Institute’s ANSI A119.5-15, Recreational Park Trailer Standard, and is not certified as a manufactured home.

(48) “Porch” means an unenclosed exterior structure at or near grade attached or adjacent to the exterior wall of any camping unit, and having a roof and floor.

(49) “Pre-existing insignia” or “Wisconsin pre-existing insignia” means a device or seal approved by the department for camping units, the construction of which was commenced prior to February 6, 2017.

(50) “Recreational mobile home” has the meaning given in s. 66.0435 (1) (hm), Stats.

(51) “Recreational vehicle” has the meaning given in s. 340.01 (48r), Stats.

(52) “Registered UDC inspection agency” means a person, business, or entity that is registered with the department for the purpose of facilitating issuance of Wisconsin camping unit building permits and inspection of camping units in municipalities

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats.

(53) “Repair” means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems, or equipment with the equivalent fixture, system or equipment.

(54) “Shingle” means a unit of roof-covering material that has been manufactured to specific dimensions and is applied in overlapping fashion. “Shingle” includes all of the following:

(a) “Fiberglass asphalt shingle” means a type of shingle with an internal mat composed of nonwoven, resin-bonded glass fibers, that is impregnated and coated with asphalt.

(b) “Laminated shingle” means a shingle with a second layer of asphalt and mat laminated to the first layer, usually in a design pattern to simulate the dimensional appearance of natural slate or wood shakes.

(c) “Organic asphalt shingle” means a shingle with an internal mat composed of organic fibers, such as cellulose, that is saturated and coated with asphalt.

(d) “Strip shingle” means a rectangular shingle that relies either on a sealant or on a combination of weight and stiffness to resist wind uplift, rather than using interlocking tabs.

(55) “Stair,” “stairs,” or “stairway” means one or more risers that form a continuous passage from one elevation to another.

(56) A “story” is that portion of a camping unit located between the floor and the ceiling.

(57) “Vent” means a vertical flue or passageway to vent fuel-burning appliances.

(58) “Ventilation” means the process of supplying or removing air by natural or mechanical means to or from any space.

(59) “Water closet” means a water-flushed plumbing fixture designed to receive human excrement directly from the user of the fixture.

(60) “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface waters or groundwaters, natural or artificial, public or private, within the state or its jurisdiction.

(61) “Window” means a glazed opening in an exterior wall, including glazed portions of doors, within a conditioned space.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.09 Wisconsin camping unit building permit. (1) **WHERE REQUIRED.** A Wisconsin camping unit building permit shall be obtained from the municipality administering and enforcing this code or from a registered UDC inspection agency administering and enforcing this code in a municipality where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats., before any construction of a camping unit may begin.

(2) **INSPECTIONS.** A person who obtains a Wisconsin camping unit building permit from a registered UDC inspection agency shall retain the same agency to conduct the inspection of the camping unit under s. SPS 327.11.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.10 Procedure for obtaining camping unit building permit. (1) **APPLICATION.** Application for a Wisconsin camping unit building permit shall be on forms obtained from the department, the municipality, or the authorized UDC inspection agency administering and enforcing this code. No appli-

cation shall be accepted that does not contain all the information requested on the form.

Note: Applications are available from the department by email at dps@wisconsin.gov or by telephone at (608) 266-2112, (877) 617-1565, or 411 (Telecommunications Relay).

(2) **FILING OF PERMIT APPLICATIONS.** A Wisconsin camping unit building permit shall be filed with the municipality or the authorized UDC inspection agency administering and enforcing this code.

(3) **FEES.** (a) *Municipal fees.* The municipality shall, by ordinance, determine fees to cover expenses of final inspection of the camping unit and the issuance of a Wisconsin insignia.

Note: Also see s. SPS 302.34, which sets the fee the department will charge for a Wisconsin insignia.

(b) *Inspection agency fees.* UDC inspection agency fees shall be determined by contract between the municipality and the agency or between the department and the agency, where the agency has been authorized to conduct inspections on behalf of the department.

(4) **ISSUANCE OF PERMITS.** (a) The Wisconsin camping unit building permit shall be issued if the requirements for filing and fees are satisfied.

(b) The permit shall expire 24 months after issuance if construction of the camping unit has not been completed.

(5) **DENIAL OF PERMITS.** (a) *General.* Approval shall be denied if the municipality or authorized UDC inspection agency administering and enforcing this code determines that the Wisconsin camping unit building permit application does not substantially conform to the provisions of this code and other legal requirements.

(b) *Denial of application.* A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and to the owner as specified on the Wisconsin camping unit building permit application.

(c) *Appeals.* The applicant may appeal a denial of the application in accordance with the procedure outlined in s. SPS 327.18.

(6) **TIME-SPAN FOR APPROVAL OR DENIAL.** Action to approve or deny a camping unit building permit application shall be completed within 10 business days of receipt of the application, fees, and supplementary information required to process the application.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.11 Inspections. (1) **INSPECTOR CERTIFICATION.** All inspections, for the purpose of administering and enforcing this code, shall be performed by a certified UDC inspector who holds the respective credential for the inspection performed.

Note: Also see ch. SPS 305, which relates to licenses, certifications, and registrations.

(2) **GENERAL INSPECTION REQUIREMENTS.** (a) *General.* Camping units for which a permit has been issued under s. SPS 327.10 (4) shall be inspected in accordance with this section. Inspections shall be conducted by the municipality or authorized UDC inspection agency administering and enforcing this code to determine if the construction conforms to the provisions of this code.

(b) *Inspection notice.* The applicant or an authorized representative shall request an inspection required under sub. (3) or (4) from the municipality or authorized UDC inspection agency administering and enforcing this code.

(3) **ROUGH INSPECTION.** (a) A rough inspection of the following shall be performed after the rough work is constructed but

before it is concealed to determine if the work complies with this code:

1. General construction, including framing.
2. Rough electrical.
3. Rough plumbing.
4. Rough heating, ventilating and air conditioning.

(b) All rough work may be completed before the notice for rough inspection is given, provided the rough work has not been covered.

(c) The applicant may request one rough inspection or individual rough inspections.

(d) A separate fee may be charged for each individual inspection.

(4) FINAL INSPECTION REQUIRED PRIOR TO OCCUPANCY. (a) A camping unit may not be occupied until a final inspection has been made of a camping unit's construction, HVAC, electrical, plumbing, and transfer tank that finds no critical violations of this code that could reasonably be expected to affect the health or safety of a person using the camping unit.

(b) If the municipality or authorized UDC inspection agency conducting the inspection under this subsection did not conduct the inspection under sub. (3), the final inspection under this subsection may not take place until the municipality or authorized UDC inspection agency is provided a copy of an inspection report or other written verification of a pass result for all inspections required under sub. (3).

(5) NOTICE OF COMPLIANCE OR NONCOMPLIANCE. (a) Upon a finding of compliance for an inspection under sub. (4), the municipality shall assign a Wisconsin insignia to the owner of the camping unit as provided in s. SPS 327.12 (1).

(b) Upon a finding of noncompliance for an inspection under sub. (3) or (4), the municipality or authorized UDC inspection agency enforcing this code shall notify the applicant of record and the owner, in writing, of the violations to be corrected.

(c) The municipality or authorized UDC inspection agency shall order all cited violations corrected within 30 days after written notification, unless an extension of time is granted under s. SPS 327.18.

(6) VOLUNTARY INSPECTION. The department or its authorized representative may, at the request of the owner, enter and inspect camping units, subject to the provisions of this code, to ascertain compliance with this code.

(7) RECORD KEEPING. (a) *Municipal enforcement.* Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with all of the following:

1. A record shall be made of each visit to a site, each inspection performed, and the pass or fail results of each inspection.
2. Application forms, correction orders, correspondence and inspection records shall be maintained for 7 years after completion of the camping unit.

(b) *State enforcement.* Inspectors working under state contract shall maintain records in accordance with the provisions of the contract that was in effect at the time the inspections were completed.

Note: Records generated by an inspection are public records and are subject to the open-records law.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.12 Approval procedures. (1) **WISCONSIN INSIGNIA.** (a) Upon a finding of compliance under s. SPS 327.11 (5) (a), the municipality shall issue a Wisconsin insignia to the owner of the camping unit.

(b) At the request of the owner of a camping unit that is exempt from the provisions of this code under s. SPS 327.05 (1), the municipality shall issue a Wisconsin pre-existing insignia to the owner of the camping unit. A pre-existing insignia shall contain the following language: "Unit was constructed before code's eff. date."

(c) Wisconsin insignias shall be purchased by municipalities from the department in accordance with the fee established in s. SPS 302.34. The owner of the camping unit shall affix the Wisconsin insignia to the camping unit as provided in sub. (4).

(2) UNIT IDENTIFICATION. Each camping unit shall be assigned a serial number. The serial number shall be located on the Wisconsin insignia.

(3) LOST OR DAMAGED INSIGNIA. (a) *Notification.* If a Wisconsin insignia becomes lost or damaged or is no longer in use, the owner of the camping unit shall immediately notify the municipality in writing.

(b) *Return of damaged insignias.* If a Wisconsin insignia becomes damaged, the owner of the camping unit shall return the insignia to the municipality with the appropriate fee to obtain a new insignia.

(4) AFFIXING WISCONSIN INSIGNIAS. Each Wisconsin insignia shall be affixed to a specific camping unit in an overt location on the outside or inside of the camping unit. If the Wisconsin insignia is issued under sub. (1) (a), the camping unit may not be occupied until the Wisconsin insignia has been affixed as provided in this subsection.

(5) INSIGNIA RECORDS. (a) *Municipality's insignia records.* The municipality shall keep permanent records regarding the handling of all Wisconsin insignias indicating the following:

1. The number of Wisconsin insignias affixed to camping units.
2. Which Wisconsin insignia has been applied to which camping unit.
3. The disposition of any damaged or rejected Wisconsin insignias.
4. The location and custody of all unused Wisconsin insignias.

(b) *Retention of insignia records.* The records under par. (a) shall be maintained by the municipality for at least 10 years. A copy of the records shall be sent to the department upon request.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.13 Suspension or revocation of Wisconsin camping unit building permit.

(1) (a) The municipality or the registered UDC inspection agency administering and enforcing this code may suspend or revoke any Wisconsin camping unit building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order, or where the inspector is denied access to the premises.

(b) No construction may take place on the camping unit after suspension or revocation of the permit.

(2) Any person aggrieved by a determination made by the department, a municipality, or a registered UDC inspection agency may appeal the decision in accordance with s. SPS 327.18.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.14 Effect of suspension and revocation.

(1) **BEARING OF INSIGNIA.** Upon suspension or revocation under s. SPS 327.13, the camping unit shall not be entitled to bear the Wisconsin insignia and the camping unit may not be occupied unless the municipality has inspected, or caused to be inspected,

such camping unit and is satisfied that all requirements for approval have been met.

(2) RETURN OF INSIGNIAS. The owner shall return to the municipality a Wisconsin insignia assigned to a camping unit no later than 30 days from the effective date of any suspension or revocation under s. [SPS 327.13](#).

History: [EmR1703](#): emerg. cr., eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.15 Approval of products. (1) VOLUNTARY APPROVAL. (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.

2. Tests, compilation of data, and calculations for materials, equipment and products shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment and products, including experimental materials, equipment, and products, which meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests, and other evidence that prove the material, equipment, or product meets the intent of the standards specified in this code.

2. Tests, compilation of data, and calculations for materials, equipment, and products shall be conducted by a qualified independent third party.

(3) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment, or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans, and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(c) If the department determines that the material, equipment, or product does not comply with this code or the intent of this code, the request for approval shall be denied in writing.

(d) If an approved material, equipment, or product is modified, the approval shall be considered null and void, unless the material, equipment, or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval of a material, equipment, or product for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party providing information, or as a result of material, equipment, or product failure.

2. The department may re-examine an approved material, equipment, or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment, or product does not comply with this code or the intent of this code due to a change in the code or department interpretation of the code.

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(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction, or performance of the approved material, equipment, or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. [SPS 302](#).

(4) UNGRADED OR USED MATERIALS. (a) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by the code for the intended use.

(b) The department or the municipality enforcing this code may require tests in accordance with sub. (1) or (2).

History: [EmR1703](#): emerg. cr., eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.16 Petition for variance. The department may grant a variance to a rule only if the variance does not result in lowering the level of health, safety, and welfare established or intended by the rule. The department may consider other criteria in determining whether a variance should be granted including the effect of the variance on uniformity.

(1) APPLICATION FOR VARIANCE. Application for a petition for variance shall be made on a form furnished by the department. The applicant shall submit the petition for variance application to the municipality exercising jurisdiction in order to receive the municipal recommendation. Where no municipality exercises jurisdiction, the application shall be submitted to the department. The following items shall be submitted when requesting a variance:

(a) A clear written statement of the specific provisions of this code from which a variance is requested and the method of establishing equivalency to those provisions.

(b) A fee in accordance with s. [SPS 302.52](#). The municipality may require a fee for the processing of the application in addition to the department's fee.

Note: A copy of the petition for variance form, SBD-9890, is contained in ch. [SPS 325 Appendix A](#).

(2) MUNICIPAL RECOMMENDATION. The municipality administering and enforcing this code shall submit all applications for variance to the department, together with a municipal recommendation within 10 business days after receipt of the application. The recommendation of the municipality shall include the following items:

(a) Inspections performed on the property.

(b) The issuance of correction orders on the property.

(c) An assessment of the overall impact of the variance on the municipality.

Note: A copy of the municipal recommendation form, SBD-9890, is contained in ch. [SPS 325 Appendix A](#).

(3) DEPARTMENTAL ACTION. Where a municipality administers and enforces the code, the department shall decide petitions for variance and shall mail notification to the municipality and the applicant within 5 business days after receipt of the application and municipal recommendation. Where the department enforces the code, the department shall decide petitions for variance within 15 business days after receipt of the application and fees.

(4) APPEALS. A person or municipality may appeal the determination of the department in the manner set out in s. [101.02 \(6\) \(e\) to \(i\) and \(8\)](#), Stats.

History: [EmR1703](#): emerg. cr., eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.17 Municipal variance from the code. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permit.

ting the municipality to adopt an ordinance not in conformance with this code. The department shall review and make a determination on a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the request.

(1) **APPLICATION FOR VARIANCE.** The department may grant an application only under the following circumstances:

(a) The municipality has demonstrated that the variance is necessary to protect the health, safety, or welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

(b) The municipality has demonstrated that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

(2) **DEPARTMENTAL INQUIRY.** Prior to making a determination, the department shall solicit within the municipality and consider the statements of any interested persons as to whether or not said application should be granted.

(3) **APPEALS.** Any municipality aggrieved by the denial of an application may appeal the determination in accordance with the procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of denial of a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the appeal.

(4) **UNIFORMITY.** This section shall be strictly construed in accordance with the goal of promoting statewide uniformity.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.18 Appeals of orders, determinations, and for extension of time. (1) **APPEALS OF ORDERS AND DETERMINATIONS BY A MUNICIPALITY EXERCISING JURISDICTION.** Appeals of order or determination of a municipality exercising jurisdiction under this code, including denials of application for permits, shall be made in accordance with the procedure set out in ch. 68, Stats., prior to making an appeal to the department, except as provided in sub. (2).

(2) **APPEALS OF FINAL DETERMINATIONS BY A MUNICIPALITY EXERCISING JURISDICTION.** Appeals of final determinations by municipalities shall be made to the department after the procedures prescribed in ch. 68, Stats., have been exhausted. All appeals to the department shall be in writing stating the reason for the appeal. All appeals shall be filed with the department within 10 business days of the date the final determination is rendered under ch. 68, Stats. The department shall render a written decision on all appeals within 60 business days of receipt of all calculations and documents necessary to complete the review.

Note: Chapter 68, Stats., provides that municipalities may adopt alternate administrative appeal procedures that provide the same due process rights as ch. 68, Stats. Municipalities having adopted such alternate procedures may follow those alternate procedures.

(3) **APPEALS OF ORDERS AND DETERMINATIONS BY THE DEPARTMENT.** Appeals of orders or determinations of the department made pursuant to the provisions of this code, including denials of application for permits, shall be in accordance with the

procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of an order or determination within 60 business days of receipt of all calculations and documents necessary to complete the review.

(4) **EXTENSIONS OF TIME.** (a) The time for correction of cited orders as set out in s. SPS 327.11 shall automatically be extended in the event that an appeal of the orders is filed. The extension of time shall extend to the termination of the appeal procedure and for additional time as the department or municipality administering and enforcing this code may allow.

(b) The department or municipality administering and enforcing this code may grant additional reasonable time in which to comply with a violation order.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.19 Adoption of standards. (1) **CONSENT.** Pursuant to s. 227.21 (2), Stats., the attorney general has consented to the incorporation by reference of the standards listed in Tables 327.19-1 to 327.19-7.

(2) **ADOPTION OF STANDARDS.** The standards referenced in Tables 327.19-1 to 327.19-7 are incorporated by reference into this chapter.

Note: Copies of the adopted standards are on file in the offices of the department and the legislative reference bureau. Copies of the standards may be purchased, or are available for free, through the respective organizations or other information listed in Tables 327.19-1 to 327.19-7.

(3) **ALTERNATE STANDARDS.** (a) Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this chapter may be used in lieu of incorporated standards when approved by the department or if written approval is issued by the department in accordance with par. (b).

(b) 1. a. Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

b. The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees, and documents required to complete the review.

2. Determination of approval shall be based on an analysis of the alternate standard and the incorporated standard, prepared by a qualified independent third party or the organization that published the incorporated standard.

3. The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

4. If the department determines that the alternate standard is not equivalent to or more stringent than the standards incorporated by reference, the request for approval shall be denied in writing.

5. The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based. The department may re-examine an approved alternate standard and issue a revised approval at any time.

6. Fees for review of standards under this paragraph shall be submitted in accordance with ch. SPS 302.

Table 327.19-1

ASHRAE	American Society of Heating, Refrigerating, and Air-conditioning Engineers, Inc. 1791 Tullie Circle, N.E. Atlanta, GA 30329 www.ashrae.org
Standard Reference Number	Title
1. 2013 Fundamentals	ASHRAE Handbook — Fundamentals
2. 2011 HVAC Applications	ASHRAE Handbook — HVAC Applications
3. 2012 HVAC Systems & Equipment	ASHRAE Handbook — HVAC Systems & Equipment

Table 327.19-2

AWC	American Wood Council 222 Catocin Circle SE Suite 201 Leesburg, VA 20175 www.americanwoodcouncil.org
Standard Reference Number	Title
1. ANSI/AWC NDS — 2015	National Design Specification For Wood Construction
2. ANSI/AWC PWF — 2007	Permanent Wood Foundation Design Specification

Table 327.19-3

ICC	The International Code Council 500 New Jersey Avenue, NW, 6th Floor Washington, D.C. 20001 www.iccsafe.org
Standard Reference Number	Title
ICC 400-2012	Standard on the Design and Construction of Log Structures

Table 327.19-4

NAIMA	North American Insulation Manufacturers Association 11 Canal Canter Plaza, Suite 103 Alexandria, VA 22314 www.naima.org
Standard Reference Number	Title
1. 3rd Edition, 2002	Fibrous Glass Residential Duct Construction Standards

Table 327.19-5

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269 www.nfpa.org
Standard Reference Number	Title
1. NFPA 54/ANSI Z223.1 2015	National Fuel Gas Code

Table 327.19-6

SMACNA	Sheet Metal and Air Conditioning Contractors' National Association 4201 Lafayette Center Drive Chantilly, VA 20151-1219 www.smacna.org
Standard Reference Number	Title
1. Seventh Edition, 1998	Residential Comfort System Installation Standards Manual
2. Seventh Edition, 2003	Fibrous Glass Duct Construction Standards
3. Third Edition, 2005	HVAC Duct Construction Standards — Metal and Flexible

Table 327.19-7

TPI	Truss Plate Institute, Inc. 218 North Lee Street, Suite 312 Alexandria, VA 22314 www.tpinst.org
Standard Reference Number	Title
ANSI/TPI 1-2007	National Design Standard for Metal Plate Connected Wood Truss Construction

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

Subchapter II — Construction Standards

SPS 327.20 Loads and materials. Every camping unit shall be designed and constructed in accordance with the requirements of this section.

(1) **DESIGN LOAD.** Every camping unit shall be designed and constructed to support the actual dead load and live loads acting upon it without exceeding the allowable stresses of the material. The construction of camping units shall result in a system that provides a complete load path capable of transferring all loads

from point of origin through the load-resisting elements to the ground.

(a) **Dead loads.** Every camping unit shall be designed and constructed to support the actual weight of all components and materials. Earth-sheltered camping units shall be designed and constructed to support the actual weight of all soil loads.

(b) **Live loads.** Floors and ceilings shall be designed and constructed to support the minimum live loads listed in Table 327.20-1. The design load shall be applied uniformly over the component area.

Table 327.20-1

Component	Live Load (pounds per sq. ft.)
Floors	40
Exterior balconies and porches	40
Ceilings (with storage)	20
Ceilings (without storage)	5

(2) **METHODS OF DESIGN.** All camping units shall be designed by the method of structural analysis or the method of accepted practice specified in each part of this code.

Note: See ch. NR 116, rules of the department of natural resources, for special requirements relating to buildings located in flood plain zones. Information regarding the elevation of the regional flood may be obtained from the local zoning official.

(3) **STRUCTURAL STANDARDS.** (a) *General.* Design, construction, installation, practice and structural analysis shall conform to the following nationally recognized standards.

(b) *Wood.* 1. Structural lumber, glue-laminated timber, timber pilings, and fastenings shall be designed in accordance with the “National Design Specification for Wood Construction” and the “Design Values for Wood Construction,” a supplement to the National Design Specification for Wood Construction, except the provisions of section 4.1.7 shall also apply to reused lumber. Reused lumber shall be considered to have a duration of load factor of 0.90.

2. Span tables for joists and rafters approved by the department may be used in lieu of designing by structural analysis.

3. Sawn lumber that is not graded in accordance with the standards under subd. 1., shall use the NDS published allowable design stresses for the lumber species using grade number 3 when used for studs, stringers, rafters or joists and may use grade number 1 when used for beams, posts, or timbers.

(c) *Whole logs.* Camping units constructed of whole logs shall conform to ICC 400, Standard on the Design and Construction of Log Structures.

Note: This standard requires the minimum log diameter to be 8 inches.

(d) *Fasteners.* 1. All building components shall be fastened to withstand the dead load and live load.

2. Fasteners shall comply with the schedule listed in Table 327.20-2, except other fastening methods may be allowed if engineered under s. SPS 327.20 (3).

Table 327.20-2

MINIMUM FASTENER SCHEDULE TABLE

Other interior and exterior panel products and finishes installed per manufacturer requirements.

For engineered connectors, use manufacturer’s specified fasteners.

Description of Building Materials/Connection

Floor Framing

Joist to joist, face nailed over support

Joist to sill or girder, toe nail

Band or rim joist to joist, end nail

Band or rim joist to sill or top plate

Bridging to joist, toe nail each end

Built-up girder and beams, top loaded

Built-up girder and beams, side-loaded

Number and Type of Fastener¹²³

3-8d

3-8d

3-16d

2-16d at 16 o.c.

2-8d

10d at 32” o.c. at top and bottom
and staggered and two at ends and at each splice

16d at 16” o.c. at top and bottom and staggered
and two at ends and at each splice

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Ledger strip to beam, face nail	3-16d each joist
Joist on ledger to beam, toe nail	3-8d
Wall Framing	
Sole plate to joist or blocking, face nail	2-16d at 16" o.c.
Top or sole plate to stud, end nail	2-16d
Stud to sole plate, toe nail	3-8d or 2-16d
Doubled studs, face nail	10d at 24" o.c.
Doubled top plates, face nail	10d at 24" o.c.
Doubled top plates, minimum 24" offset of end joints, face nail in lapped area	8-16d
Top plates, laps and intersections, face nail	2-10d
Continuous header, two pieces	16d at 16" o.c. along each edge
Continuous header to stud, toe nail	4-8d
1" corner brace to each stud and plate, face nail	2-8d or 2 staples, 1 3/4"
Built-up corner studs	10d at 24" o.c.
Roof/Ceiling Framing	
Ceiling joists to plate, toe nail	3-8d
Ceiling joist, laps over partitions, face nail	3-10d
Ceiling joist to parallel rafters, face nail	3-16d
Rafter to plate, toe nail (maximum 6 rafter span, engineered connector for longer)	2-16d
Roof rafters to ridge, valley or hip rafters, toe nail	4-16d
Roof rafters to ridge, valley or hip rafters, face nail	3-16d
Collar ties to rafters, face nail	3-8d
Boards and planks	
1" x 6" subfloor or less to each joist, face nail	2-8d or 2 staples, 1 3/4"
Wider than 1" x 6" subfloor toe to each joist, face nail	3-8d or 4 staples 1 3/4"
2" subfloor to joist or girder, blind and face nail	2-16d
1" x 6" roof or wall sheathing to each bearing, face nail	2-8d or 2 staples, 1 3/4"
1" x 8" roof or wall sheathing to each bearing, face nail	2-8d or 3 staples, 1 3/4"
Wider than 1" x 8" roof sheathing to each bearing, face nail	3-8d or 4 staples, 1 3/4"
2" planks	2-16d at each bearing

Panel Sheathing

Material	Fastener	Spacing of Fastener	
		Edges	Intermediate Supports
Engineered wood panel for subfloor and roof sheathing and wall corner wind bracing to framing			
5 /16” to 1/2”	6d common or deformed nail or staple, 1 1/2”	6”	12” ⁴
5 /8” to 3/4”	8d smooth or common, 6d deformed nail, or staple, 14 ga. 1 3/4”	6”	12” ⁴
7 /8” to 1”	8d common or deformed nail	6”	12”
1 1 /8” to 1 1/4”	10d smooth or common or 8d deformed nail	6”	12”
Combination subfloor/ underlayment to framing			
3/4” or less	6d deformed or 8d smooth or common nail	6”	12”
7/8” to 1”	8d smooth, common or deformed nail	6”	12”
1 1 /8” to 1 1/4”	10d smooth or common or 8d deformed nail	6”	12”
Wood panel siding to framing			
1/2” or less	6d corrosion-resistant siding and casing nails	6”	12”
5/8”	8d corrosion-resistant siding and casing nails	6”	12”
1/2” structural cellulosic fiberboard sheathing	1 1/2” galvanized roofing nail; 8d common nail; staple 16 ga., 1 1/2” long	3”	6”
25/32” structural cellulosic fiberboard sheathing	1 3/4” galvanized roofing nail; 8d common nail; staple 16 ga., 1 3/4” long	3”	6”
1/2” gypsum sheathing ⁵	1 1/2” galvanized roofing nail; 6d common nail;	4”	8”

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	staple galvanized 1 1/2" long; 1 1/4" screws, Type W or S		
5/8" gypsum sheathing ⁵	1 3/4" galvanized roofing nail; 8d common nail; staple galvanized 1 5/8" long; 1 5/8" screws, Type W or S	7"	7"

¹ All nails are smooth-common, box or deformed shank except where otherwise stated.

² Nail is a general description and may be T-head, modified round head or round head.

³ Staples are 16-gauge wire, unless otherwise noted, and have a minimum 7/16" o.d. crown width.

⁴ Staples shall be spaced at not more than 10" o.c. at intermediate supports for floors.

⁵ Apply vertically 4" x 8" or 4" x 9" panels.

(4) ALTERNATE MATERIALS AND STANDARDS. No part of this code is intended to prohibit or discourage use of alternate, equivalent materials or standards or the construction of innovative or nonconventional camping units.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.21 Exits. Exits, doors, and hallways shall be constructed as specified in this section.

(1) EXITS FROM THE FIRST FLOOR. (a) A first floor level shall have at least one exit door that discharges to grade. This exit may include interior or exterior stairs.

(b) A first floor level shall have at least one egress window complying with sub. (3) on that floor level.

(c) If a camping unit has more than one room on the first floor, the exit door and egress window shall be located in different rooms.

(d) If there are bedrooms on the first floor, each must have an egress window that complies with sub. (3).

(2) EXITS FROM LOFTS. At least one stairway or ladder exit shall be provided to the floor below for a loft.

(3) WINDOWS USED FOR EXITING. Windows which are installed for exit purposes shall comply with the requirements of this subsection.

(a) The window shall be openable from the inside without the use of tools or the removal of a sash. If equipped with a storm or screen, it shall be openable from the inside.

(b) 1. The nominal size of the net clear window opening shall be at least 20 inches by 24 inches irrespective of height or width. Nominal dimensions shall be determined by rounding up fractions of inches if they are 1/2-inch or greater or rounding down fractions of inches if they are less than 1/2-inch.

2. No portion of the window, including stops, stools, meeting rails, and operator arms, shall infringe on the required opening.

(c) The area and dimension requirements of par. (b) may be infringed on by a storm window.

(d) For any window used for exiting, the lowest point of clear opening shall be no more than 60 inches above the floor.

(4) DOORS USED FOR EXITING. (a) A door used for exiting from a camping unit shall be a swing-type door at least 80 inches high by 32 inches wide.

(b) All exit doors shall be openable from the interior without the use of a key.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.22 Stairways and elevated areas. **(1) HANDRAILS.** (a) A flight of stairs with more than 3 risers shall be provided with at least one handrail for the full length of the flight.

(b) Handrails shall be designed and constructed to withstand a 200 pound load applied in any direction.

(c) Exterior handrails shall be constructed of metal, decay re-

sistant or pressure-treated wood, or shall be protected from the weather.

(2) GUARDS. (a) Except as provided in par. (b), all openings between floors, and open sides of landings, platforms, balconies, lofts, or porches that are more than 16 inches above grade or a floor shall be protected with guards.

(b) For exterior applications, open sides of decks, landings, porches, or similar structures that are more than 24 inches above grade shall be protected with guards. The 24 inch vertical measurement shall be taken from the lowest point within 3 feet horizontally from the edge of the deck, landing, porch, or similar structure.

(c) Guards shall be constructed to prevent the through-passage of a sphere with a diameter of 4 3/8 inches, when applying a force of 4 pounds.

(d) This subsection does not apply to window wells, egress wells, and retaining walls.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.23 Ladders. Ladders which are used as part of a required exit shall be designed to withstand loads of at least 200 pounds.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.24 Ceiling height. All habitable rooms, kitchens, hallways, bathrooms, and corridors shall have a ceiling height of at least 7 feet, except as follows:

(1) (a) Rooms may have ceiling heights of less than 7 feet provided at least 50% of the room's floor area has a ceiling height of at least 7 feet. Any area with a ceiling height of less than 5 feet may be ignored in this calculation.

(b) The 50% limit in par. (a) does not apply to subs. (3) to (7).

(2) Beams and girders or other projections may project to no more than 8 inches below the required ceiling height.

(3) The ceiling height extending back from the front edge of a water closet may slope to below 7 feet, but may not go below 5 feet until beyond the back of the water closet.

(4) The ceiling height extending back from the front edge of a lavatory may be less than 7 feet, but may not go below 5 feet until beyond the back of the lavatory.

(5) A ceiling height of less than 7 feet may be provided between the rear rim of a bathtub and a wall of the room abutting that rim, or between the side rim and a room wall abutting that rim.

(6) A ceiling height of less than 7 feet may be provided between the rear wall of a shower stall and a wall of the room abutting that rear wall, or between the side wall of a shower and a room wall abutting that side wall.

(7) A ceiling height of less than 7 feet may be provided in a loft used as a habitable room.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.25 Fireblocking. (1) FIREBLOCKING LOCATIONS. Fireblocking shall be provided in all of the following locations:

(a) In concealed spaces of walls and partitions, including furred spaces, at the ceiling and floor levels.

(b) At all interconnections between concealed vertical and horizontal spaces including the attachment between a carport and a camping unit.

(c) In concealed spaces between stair stringers at the top and bottom of the run and at any intervening floor level.

(d) At all openings around wires, cables, vents, pipes, ducts, chimneys, and fireplaces at ceiling and floor level.

(2) FIREBLOCKING MATERIALS. Fireblocking shall consist of one of the following:

(a) 2-inch nominal lumber.

(b) Two layers of one-inch nominal lumber.

(c) One thickness of 3/4-inch nominal plywood or wood structural panel with any joints backed with the same material.

(d) One thickness of 1/2-inch gypsum wallboard, face nailed or face screwed to solid wood, with any joints backed with the same material.

(e) Fiberglass or mineral wool batt insulation may be used if both of the following conditions are met:

1. The least dimension of the opening may not exceed 4 inches.

2. The batt shall be installed to fill the entire thickness of the opening or stud cavity.

(f) For wires, cables, pipes, and vents only, non-shrinking caulk, putty mortar, or similar material may be used provided no dimension of the opening exceeds 1/2 inch around the penetrating object.

(g) For chimneys, fireplaces, and metal vents, fireblocking shall be metal, cement board, or other noncombustible material.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.26 Smoke detectors. (1) A listed and labeled battery-operated smoke alarm shall be installed in all of the following locations:

(a) If a camping unit has a loft, an alarm shall be installed inside the loft. An alarm is not required to be installed outside of the loft.

(b) On a floor level that contains one or more sleeping rooms, an alarm shall be installed inside each sleeping room and an alarm shall be installed outside of the sleeping rooms.

(c) An alarm shall be installed on a floor level that does not contain a sleeping room.

Note: 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 employee 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.

(2) Smoke alarms and detectors shall be installed and maintained in accordance with the manufacturer's specifications. Interconnection of smoke alarms and detectors is not required.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.27 Carbon monoxide alarms. (1) GENERAL. A listed and labeled carbon monoxide alarm shall be installed within 10 feet of a fireplace or fuel-burning appliance.

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(2) ELECTRICAL SERVICE. If electrical service for a camping unit is provided by a public utility, a carbon monoxide alarm required under sub. (1) shall be continuously powered by the camping unit electrical service and shall have a backup battery power supply.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.28 Protection against decay and termites.

(1) Wood used in any of the applications under this section shall meet all of the following requirements:

(a) The wood shall be labeled and pressure treated with preservative in accordance with an AWP standard or shall be naturally durable and decay-resistant or shall be engineered to be decay resistant.

(b) The wood shall be pressure treated with preservative or shall be naturally termite-resistant unless additional steps are taken to make the wood termite-resistant.

(2) Wood used in the following locations shall be as required under sub. (1):

(a) Resting directly upon or embedded in earth.

(b) Floor joists or sleepers that meet all of the following conditions:

1. The joists or sleepers are protected from the weather.

2. The joists or sleepers are within 18 inches above a lower floor surface, deck or soil.

(c) Floor joists exterior to the camping unit that are within 18 inches above exterior grade, unless protected with a moisture barrier.

Note: Acceptable moisture barriers for this application include 3/4 -inch exterior preservative-treated plywood, or ice dam protection material listed as meeting the requirements of ASTM D 1970 or vapor retarder material, provided they are protected from physical and UV light damage.

(d) Girders that span directly over and within 12 inches of earth.

(e) Sills and rim joists that rest on concrete or masonry and are also below grade or within 8 inches above final exterior grade.

(f) 1. Siding and sheathing in contact with concrete, masonry, or earth and within 6 inches above final exterior grade.

2. Siding and sheathing in contact with concrete or masonry and within 2 inches above an impervious surface.

(g) Ends of wood structural members and their shims resting on or supported in masonry or concrete walls and having clearances of less than 1/2 inch on the top, sides, and ends.

(h) Bottom plates or sole plates of walls that rest on concrete or masonry and that are below exterior grade or less than 8 inches above final exterior grade.

(i) Columns in direct contact with concrete or masonry unless supported by a structural pedestal or plinth block at least one inch above the floor.

(j) Any structural part of an outdoor deck, including the decking.

(k) Permanent wood foundations.

(3) Wood girders that rest directly on exterior concrete or masonry shall be protected by one of the following methods:

(a) The wood shall be pressure treated with preservative or shall be a naturally durable and decay-resistant species.

(b) Material, such as pressure-treated plywood, flashing material, steel shims, or water-resistant membrane material shall be placed between the wood and the concrete or masonry.

(4) 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.

Note: Heartwood of redwood, cypress, black walnut, catalpa, chestnut, sage orange, red mulberry, white oak, or cedar lumber are considered by the department to be naturally decay-resistant. Heartwood of bald cypress, redwood, and eastern red cedar are considered by the department to be naturally termite resistant.

(5) (a) Fasteners for pressure-preservative treated wood and fire-retardant-treated wood shall meet one of the following requirements:

1. The fastener is a steel bolt with a diameter of 1/2 inch or greater.
2. The fastener is made of stainless steel.
3. The fastener is made of hot-dipped, zinc-galvanized steel with the coating weight and thickness labeled as complying with ASTM A 153.
4. The fastener is made of steel with a mechanically-deposited zinc coating labeled as complying with ASTM B 695, Class 55 or greater.
5. The fastener has coating types and weights in accordance with the fastener manufacturer's recommendations. In the absence of the manufacturer's recommendations subd. 1., 2., 3., or 4. shall apply.

Note: "Zinc plated," "zinc coated," "chrome plated," etc., fasteners do not necessarily comply with either of these standards.

(b) When a fastener is used with a hanger or other metal fixture, the fastener shall be of the same material as the hanger or metal fixture.

Note: When separate pieces are in close contact, zinc corrodes rapidly in the presence of plain steel. Zinc corrodes much more rapidly in the presence of stainless steel.

(c) For the purposes of this section, a fastener includes nails, screws, and bolts with nuts and washers.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.29 Floor design. Floors shall support all dead loads plus the minimum unit live loads as set forth in s. SPS 327.20. The live loads shall be applied to act vertically and uniformly to each square foot of horizontal floor area.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.30 Wood floors in contact with the ground. Wood floors in contact with the ground shall be designed and constructed in accordance with the wood-foundation standards adopted in Table 327.19-2.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.31 Wood frame floors. Unless designed through structural analysis, wood frame floors shall comply with the following requirements:

(1) FLOOR JOISTS. (a) Floor joists shall comply with the structural requirements and live load determination under s. SPS 327.20.

(b) Where the joists of a floor system are parallel to, and located between bearing walls above and below, the joists shall be doubled.

(2) FLOOR TRUSSES. Metal plate connected wood floor trusses shall be designed in accordance with the Design Specifications for Metal Plate Connected Parallel Chord Wood Trusses and the National Design Specification for Wood Construction. Truss members shall not be cut, bored or notched.

(3) GIRDERS AND BEAMS. (a) Wood girders and beams shall be fitted at the post or column. Adjoining ends shall be fastened to each other to transfer horizontal loads across the joint. Beams shall also be fastened to the posts with framing anchors, angle clips, or equivalent.

(b) Where intermediate beams are used, they shall rest on top of the girders; or shall be supported by ledgers or blocks fastened

to the sides of the girders; or they may be supported by approved metal hangers into which the ends of the beams shall be fitted.

(c) Lateral restraint for all wood beams shall be provided at all columns using a saddle or other approved connection where the beam meets one of the following conditions:

1. The beam is not restrained at both ends.
2. The beam is more than 11 1/4 inches deep using actual measurement.

Note: A saddle supports the beam on the bottom and allows for the through-connection of fasteners into the side of the beam.

(4) BEARING AND END CONFIGURATION. (a) *Sawn lumber.*

1. 'Joists.' Wood joists made of sawn lumber shall meet the following bearing requirements:

a. Wood joists supported on wood or metal shall have a bearing surface of at least 1 1/2-inches measured from the end of the joist.

b. The tail end of a floor joist may not extend past the edge of a beam by more than the depth of the floor joist.

c. Wood floor joists with ends that intersect over a beam shall have the ends overlap at least 3 inches and be securely fastened together with at least two 12d common nails or the ends shall be butt-jointed or face-jointed and fastened with ties, straps, plates or solid blocking.

2. 'Beams and girders.' Beams and girders made of sawn lumber shall have a bearing surface on their supports of at least 3 inches parallel to the beam or girder and be at least as wide as the beam or girder.

(b) *Engineered wood products.* Bearing surface for engineered wood products shall be in accordance with the manufacturer's instructions provided those instructions were developed through structural analysis or product testing and are applicable to the configuration.

(5) NOTCHING AND BORING. Notching and boring of beams or girders is prohibited unless determined through structural analysis.

(a) *Notching of floor joists.* 1. Notches located in the top or bottom of floor joists shall not have a depth exceeding 1/6 the depth of the joist, shall not have a length exceeding 1/3 the joist depth nor be located in the middle 1/3 of the span of the joist.

2. Where floor joists are notched on the ends, the notch shall not exceed 1/4 the depth of the joist. Notches over supports may extend the full bearing width of the support.

(b) *Boring of floor joists.* 1. 'General.' A hole may not be bored in a floor joist within 2 inches of a notch or another hole. In no case shall the distance between adjacent holes be less than the diameter of the larger hole.

2. 'Holes near the edge.' Holes bored in the top or bottom 2 inches of a joist shall follow the limitations for notching under par. (a).

3. 'Other holes.' Holes bored in floor joists that are not within 2 inches of the top or bottom of the joist shall have their diameter limited to 1/3 the depth of the joist.

(c) *Engineered wood products.* Notching or boring of engineered wood products shall be done in accordance with the manufacturer's instructions provided those instructions were developed through structural analysis or product testing.

(6) OVERHANG OF FLOORS. (a) *General.* Except as provided in pars. (b) and (c), a floor joist overhang shall be cantilevered beyond the outer edge of the supporting wall below it by no more than the actual depth of the joist or shall be designed through structural analysis in accordance with s. SPS 327.20 (3).

(b) *Joist overhangs parallel to the main floor framing system.* Joist overhangs that are extensions of, and parallel to, the main

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floor framing system may extend beyond the depth of the joist without structural analysis provided they meet all of the following conditions:

1. The overhang is cantilevered no more than 2 feet beyond the outer edge of the supporting wall below it.
2. a. The overhang supports a uniform load limited to the weight of the bearing wall and the tributary roof area above it.
- b. The tributary length of the roof area, excluding the eave overhang, is no more than 2 feet greater than the actual length of the joist directly below.
- c. The eave overhang is no more than 2 feet.

Note: The tributary length is usually half the span of the joist or rafter.

3. The joist overhang does not support any concentrated loads. For the purposes of this subsection, a framed opening in the wall with a rough opening of 4 feet or less shall be considered uniform loading.

4. a. The cantilevered joist is doubled at the supporting wall.
- b. The doubled joist length extends inward beyond the inner edge of the supporting wall by the same distance as the cantilever.
- c. The added joist member is secured to the main joist.

(c) *Joist overhangs perpendicular to the main floor framing system.* Joist overhangs that are perpendicular to the main floor framing system, or lookout joists, may extend beyond the depth of the joist without structural analysis provided they meet all of the following conditions:

1. The joist overhang is cantilevered no more than 2 feet beyond the outer edge of the supporting wall below it.
2. a. A double floor joist is used to support the lookout joist.
- b. The double floor joist is located a distance of at least 2 times the cantilever length inward from the outer edge of the supporting wall below.
- c. The lookout joists are fastened to the double joist with metal hangers.

3. The joist overhang supports no more than either a non-bearing wall or a wall that supports only a roof which spans no more than the floor overhang cantilever length plus the eave overhang.

(d) *Other joist overhangs.* All overhangs longer than the depth of the supporting joist that do not meet all of the conditions under par. (b) or (c) shall be designed through structural analysis.

(7) **FLOOR OPENINGS.** Trimmers and headers shall be doubled when the span of the header exceeds 4 feet. Headers which span more than 6 feet shall have the ends supported by joist hangers or framing anchors, unless the ends are supported on a partition or beam. Joists more than 8 feet long that frame into headers shall be supported on metal framing anchors or on ledger strips of at least 2 inches by 2 inches nominal.

(8) **FLOOR SHEATHING, BOARDS AND PLANKS.** (a) *Plywood sheathing.* Plywood sheathing used for floors shall be limited to the allowable loads and spans shown in Table 327.31-A.

(b) *Combination subfloor-underlayment.* Combination subfloor-underlayment shall be installed in accordance with Table 327.31-B.

(c) *Floor boards.* Where wood boards are used for floor sheathing, the boards shall comply with the minimum thicknesses shown in Table 327.31-C.

(d) *Planks.* Planks shall be tongue and groove or splined and at least 2 inches, nominal, in thickness. Planks shall terminate over beams unless the joints are end matched. The planks shall be laid so that no continuous line of joints will occur except at points of support. Planks shall be nailed to each beam.

(9) **BRIDGING.** (a) *Sawn lumber.* Bridging shall be provided for sawn lumber framing at intervals not exceeding 8 feet where the nominal depth to thickness ratio is greater than 4 to 1.

Note: This 4:1 ratio means bridging is required for wood-framed floors having nominal 2X10 or deeper solid-sawn-lumber joists, to provide restraint against rotation or lateral displacement.

(b) *Engineered products.* Bridging shall be provided for engineered framing products in accordance with the manufacturer's recommendations.

(10) **SILL PLATES.** All of the following requirements apply to a sawn-lumber sill plate with uniform loading that is partially extended beyond the load-bearing surface of a foundation wall in order to put the exterior surface of an upper-lying wall flush with or beyond the exterior surface of insulation that is placed on the outside of the foundation wall:

(a) The center of any anchor bolt shall be set back from the side edge of the sill plate by a distance of at least 4 times the diameter of the bolt.

(b) The thickness of the concrete or mortar cover around any anchor bolt shall comply with ACI 318 section 7.7.

Note: Under ACI 318 section 7.7, the minimum cover for a 5/8-inch-diameter or smaller bolt is 1 1/2 inches.

(c) With wood floor joists that are parallel to the foundation wall, the sill plate may not extend beyond the load-bearing surface of the wall by more than one-half of the nominal thickness of the joist that bears on the sill plate.

(d) As used throughout this subchapter and in the standards that the subchapter incorporates by reference, the shorter side of the cross-sectional area of a wood member is the thickness of the member. The longer side of the cross-sectional area is the depth, when the longer side is vertical; and it is the width when the longer side is horizontal.

Note: Under sub. (6), wood floor joists that are perpendicular to the foundation wall can extend beyond the foundation wall by a distance of up to the depth of the joist.

Table 327.31-A

ALLOWABLE SPANS FOR PLYWOOD FLOOR SHEATHING CONTINUOUS OVER TWO OR MORE SPANS AND FACE GRAIN PERPENDICULAR TO SUPPORTS¹

Span Rating ²	Plywood Thickness	Maximum span ³
32/16	15/32", 1/2", 5/8"	16" ^{4,5}
40/20	19/32", 5/8", 3/4", 7/8"	20" ^{4,5}
48/24	23/32", 3/4", 7/8"	24"

¹ These values apply to C-D, C-C, and Structural I and II grades only. Spans shall be limited to values shown because of possible effect of concentrated loads.

² Span Rating appears on all panels in the construction grades listed in footnote 1.

³ Plywood edges shall have approved tongue and groove joints or shall be supported with blocking, unless 1/4 inch minimum thickness underlayment or 1 1/2 inches of approved cellular or lightweight concrete is installed or finished floor is 25/32-inch wood strip. Allowable uniform load based on deflection of 1/360 of span is 165 pounds per square foot.

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⁴ For joists spaced 24 inches on center, plywood sheathing with Span Rating 40/20 or greater can be used for subfloors when supporting 1 1/2 inches lightweight concrete.

⁵ May be 24 inches if 25/32-inch wood strip flooring is installed at right angles to joists.

Table 327.31-B

**MINIMUM THICKNESS FOR PLYWOOD COMBINATION
SUBFLOOR-UNDERLAYMENT. PLYWOOD CONTINUOUS OVER TWO OR MORE
SPANS AND FACE GRAIN PERPENDICULAR TO SUPPORTS^{1,2}**

Plywood Grade	Plywood Species Group	Maximum Support Spacing³		
		16" o.c. Panel Thickness (inches)	20" o.c. Panel Thickness (inches)	24" o.c. Panel Thickness (inches)
Sanded exterior type	1	1/2	5/8	3/4
	2 & 3	5/8	3/4	7/8
	4	3/4	7/8	1
	All Groups	APA Rated Sheathing and APA Rated Sturd-I-Floor shall be installed consistent with their rating.		
Underlayment C-C Plugged Sturd-I-Floor ⁴	All Groups	APA Rated Sheathing and APA Rated Sturd-I-Floor shall be installed consistent with their rating.		

¹ Spans shall be limited to values shown, based on possible effect of concentrated loads.

² Unsupported edges shall be tongue and groove or blocked except where 1/4 inch underlayment or 25/32-inch finish floor is used.

³ Underlayment, C-C Plugged, sanded exterior type: allowable uniform load based on deflection of L/360 span for spans 24 inches or less is 125 psf; and for spans 48 inches, 65 psf.

⁴ The department will accept subfloor underlayment panels such as Sturd-I-Floor which meet the requirements of APA manufacturing specifications for Sturd-I-Floor panels.

Table 327.31-C

MINIMUM THICKNESS OF FLOOR BOARDS

Joist Spacing	Minimum Net Thickness	
	Perpendicular to Joist	Diagonal to Joist
24"	11/16"	3/4"
16"	5/8"	5/8"

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18; (6) (d) (title) created under s. 13.92 (4) (b) 1., Stats., Register March 2018 No. 747.

SPS 327.32 Decks. A deck attached to a camping unit or any detached deck that serves an exit from a camping unit that meets the following requirements is in compliance with this code:

(1) A deck shall be constructed to support the actual dead load and a minimum live load of 40 pounds per square inch acting on it without exceeding the allowable stresses of the material.

(2) A deck attached to a camping unit shall have a ledger attachment that meets the requirement under sub. (1).

(3) Corrosion-resistant flashing shall be installed where a deck attaches to the wall or floor assembly of a camping unit.

(4) The handrail and guard requirements of s. SPS 327.22.

(5) The decay protection requirements of s. SPS 327.28.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.33 Exterior covering. (1) GENERAL. The exterior walls shall be covered with a permanent weather resistant finish.

(2) **DURING CONSTRUCTION.** During construction, wall cavity insulation may not be installed until a water-resistant covering is in place over the wall cavity and windows, doors and a roof with at least underlayment are installed.

Note: An example of acceptable water-resistant covering for a wall is foam sheathing with permanently taped joints.

(3) **FLASHING.** (a) Corrosion-resistant flashing shall be installed in the exterior wall to prevent water from entering the wall cavity or coming in contact with the structural framing components.

(b) The flashing shall extend to the surface of the exterior wall finish and prevent water from reentering the exterior wall.

(c) 1. Any joints between 2 pieces of flashing that form a vertical joint shall be lapped a minimum of 6 inches and sealed.

2. Any joints between 2 pieces of flashing that form a horizontal joint shall be lapped a minimum of 2 inches and sealed unless otherwise specified by the flashing manufacturer.

3. Sealants used for flashing shall be exterior grade and shall be compatible with the materials being sealed.

(d) Flashing shall be provided at all of the following locations:

1. At the top of all exterior door and window openings, unless using self-flashing windows that provide at least one inch of flashing around the opening, including the corners.

2. At the intersection of chimneys or other masonry construction with frame walls.

3. Under and at the ends of masonry, wood, or metal copings and sills.

4. Continuously above all projecting wood trim.

5. Where porches, decks, or stairs attach to a wall or floor assembly of wood frame construction.

6. At wall and roof intersections.

7. At built-in gutters.

8. Along the bottom of door openings that are elevated above-grade.

Note: Flashing placed along the bottom of a door opening that is elevated above-grade can subsequently accommodate adding a deck outside the door.

(e) For a roof that intersects with an upper-lying head wall and rake wall, such as where a dormer is provided, the vertical metal flashing along the rake wall shall extend down the roof at least one-half inch past the vertical flashing on the head wall. A head wall as addressed in this paragraph intersects a sloping roof at a

horizontal line along the top of a roof segment. A rake wall intersects a sloping roof along the side of a roof segment.

(f) For a roof eave that intersects with a sidewall, the end of the roof flashing shall be installed so that it diverts water away from the sidewall and onto the roof or into the gutter.

(4) WATER-RESISTIVE BARRIER REQUIREMENTS. (a) *General.* 1. Exterior walls of wood or metal frame construction shall be provided with a water-resistive barrier from the highest point to the bottom of the permanent weather-resistant covering.

Note: Acceptable water-resistive barrier materials include polymeric-based house wraps and spray-applied water-resistive barriers installed per the manufacturer's instructions, #15 or greater asphalt-saturated felts that comply with ASTM D 226 for type I felt and extruded foam sheathing with permanently taped joints. Duct tape or similar materials will not result in a permanently taped joint.

2. Structural products with an integral water-resistive barrier may be approved as a complete assembly.

(b) *Material compatibility.* The water-resistive barrier material shall be compatible with the other materials in the wall with which it will come into contact.

Note: Spray-applied water-resistive barriers may not be compatible with foam plastic insulation.

(c) *Performance requirements.* 1. Polymer-based house wraps shall meet all of the following requirements:

a. A water vapor permeability rating of 5 perms or higher when tested in accordance with ASTM E96.

b. An acceptable water-resistance rating determined in accordance with ASTM D779, AATCC 127 or CCMC 07102.

Note: Asphalt-saturated felt or "tar paper" is not a polymeric-based house wrap.

Note: For more information on the water-resistance tests and their results, see the International Code Council Evaluation Services Acceptance Criteria AC 38.

2. Spray-applied water-resistive barriers shall be approved under the International Code Council Evaluation Services.

Note: For approval criteria, see ICC-ES acceptance criteria AC 212 or successor document.

(d) *Application.* 1. Horizontal seams in sheet or strip material shall be overlapped such that the upper layer extends over the lower layer at least 2 inches.

2. Vertical seams in sheet or strip materials shall be overlapped at least 6 inches.

3. Any rips, tears or voids shall be patched in accordance with subds. 1. and 2.

(e) *Penetrations.* 1. Penetrations caused by fasteners of the water-resistive barrier or the weather-resistant exterior covering do not require sealing.

2. Penetrations of 5 square inches or less with an annular space of no more than 1/2 inch shall be sealed with caulk or similar material.

3. Penetrations of greater than 5 square inches shall be flashed in accordance with sub. (3).

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.34 Wood frame walls. Unless designed through structural analysis, wood frame walls shall comply with the following requirements:

(1) STUD CONFIGURATION. Studs in the exterior walls shall be placed with the wide faces perpendicular to the plane of the wall.

Note: See s. SPS 327.28 for requirements on treating wood for decay and termite resistance.

(2) TOP PLATES. (a) *General.* Except as allowed under par. (c), top plates shall be provided and configured as follows:

1. Studs at bearing walls shall be capped with double top plates.

2. End joints in double top plates shall be offset at least 2 stud spaces.

3. Double top plates shall be overlapped at the corners and at intersections of partitions.

4. The plate immediately above the stud may have a joint only when directly over the stud.

(b) *Notching and boring.* 1. When piping or ductwork is placed in an exterior wall or an interior load-bearing wall, such that at least half of the top plate is removed, the plate shall be reinforced with a steel angle at least 2 inches by 2 inches by 20 gauge thick.

Note: 20 gauge is approximately 0.036 inch.

2. The steel angle shall span the gap and extend at least to the midpoint of the adjacent stud spaces.

3. Other equivalent materials may be used in accordance with s. SPS 327.20.

(c) *Exceptions.* 1. A single top plate may be used in place of a double top plate provided a rafter is located directly over the studs and the plate is securely tied at the end joints, corners and intersecting walls. Joints may occur in single top plates only when directly over a stud.

2. A continuous header, consisting of two 2-inch members set on edge, may be used in lieu of a double plate if tied to the adjacent wall.

(3) WALL OPENINGS. (a) *Headers.* Where doors or windows occur, headers shall be used to carry the load across the opening.

(b) *Header support.* Headers in bearing walls shall be supported in accordance with the following:

1. Headers 3 feet or less in length shall be directly supported on each end by one of the following:

a. The single common stud and a shoulder stud.

b. The single common stud with a framing anchor attached.

2. Headers greater than 3 feet but less than or equal to 6 feet in length shall be directly supported on each end by the single common stud and a shoulder stud.

3. Headers greater than 6 feet in length shall be directly supported on each end by the single common stud and 2 shoulder studs.

(4) NOTCHING. Notching and boring of columns or posts is prohibited unless designed through structural analysis. Studs shall not be cut or bored more than 1/3 the depth of the stud, unless the stud is reinforced.

(5) PARTITIONS. Load-bearing partitions shall be placed over beams, girders, or other load-bearing partitions. Load-bearing partitions running at right angles to the joists shall not be offset from the main girder or walls more than the depth of the joist unless the joists are designed to carry the load.

(6) POSTS AND COLUMNS. (a) *General.* 1. Posts and columns shall be installed to resist imposed loads.

2. Posts and columns shall bear directly over the middle 1/3 of a footing.

3. Posts and columns shall be restrained at the top and bottom to resist displacement.

4. All columns shall be positively attached to the beams they support using clips, straps or saddles.

5. Posts and columns that use a height adjustment mechanism shall have the mechanism imbedded in concrete or permanently disabled after installation.

(b) *Bearing surface.* Posts and columns shall have a steel bearing plate affixed to one or both ends to distribute any applied loads and to prevent fiber crushing of any structural member being supported.

(c) *Steel posts or columns.* Steel posts or columns shall be sized according to one of the following methods:

1. Manufactured columns shall follow the manufacturer's testing and listing.

2. Columns made of steel stock, not meeting the requirements of subd. 1., shall follow a nationally accepted design specification or the size shall be determined through structural analysis or load testing.

(d) *Wood posts or columns.* Wood posts or columns shall be sized according to Table 327.34 or the size shall be determined through structural analysis or load testing.

(7) FOUNDATION CRIPPLE WALLS. (a) Foundation cripple

walls shall be framed with studs at least as large as the studs above.

(b) When more than 4 feet in height, cripple walls shall be framed with studs needed for an additional floor level.

(c) Cripple walls shall be sheathed on at least one side for its entire length with a wood structural panel that is fastened to both the top and bottom plates or the cripple walls shall be constructed of solid blocking.

(d) Cripple walls shall be fully supported by a continuous foundation.

Table 327.34
WOOD COLUMNS

<u>Wood Nominal Size</u>	<u>Cross Section Area</u>	<u>Height (feet)</u>	<u>Allowable Load (pounds)</u>
4" x 4"	12 1/4"	8	4,900
		10	3,100
		<u>12</u>	<u>2,150</u>
4" x 6"	19 1/4"	8	7,700
		10	4,900
		<u>12</u>	<u>3,400</u>
6" x 6"	30 1/4"	8	30,000
		10	18,900
		<u>12</u>	<u>13,300</u>

Note: This Table is based on a modulus of elasticity or E of 1,000,000 psi and a fiber bending strength or Fb of 1,000 psi.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.35 Roof design and framing. (1) ROOF RAFTERS. (a) *General.* 1. Rafters shall be notched to fit the exterior wall plate and fastened to the wall.

2. Collar ties shall be installed on the upper third of every third pair of abutting roof rafters or every 48 inches, whichever is less.

(b) *Ridge boards.* 1. Where rafters meet to form a ridge, the rafters shall be attached to a ridge board.

2. The ridge board shall have a depth at least equal to the length of the cut end of the rafter abutting it.

3. Where all rafters are placed directly opposite each other or are offset at the ridge board by less than the thickness of the rafter, the ridge board shall have a nominal thickness of at least 1 inch.

4. Where one or more rafters are offset at the ridge board by more than the thickness of the rafter, the ridge board shall have a nominal thickness of at least 2 inches.

(c) *Ridge beams.* Rafters shall be attached to ridge beams using engineered clips, straps, or hangers or the connection shall be designed through structural analysis.

(d) *Bearing.* The required bearing for wood rafters shall be in accordance with the NDS adopted in Table 327.19-2, except in no case shall the bearing be less than 1 1/2 inches on wood or metal or less than 3 inches on masonry or concrete.

(e) *Ladders.* 1. In this paragraph, "ladder" means a perpendicular projection extending beyond the face of the wall below.

2. Overhangs at gable end walls of more than 12 inches shall be provided with ladders which extend into the structure a distance no less than the length of the overhang.

3. The ladders shall be fastened at the wall.

4. The interior end of each ladder shall be attached to a rafter or truss with a hanger.

(2) CEILING JOISTS. (a) Ceiling joists shall be nailed to exterior walls and to the ends of rafters.

(b) Ends of ceiling joists shall be lapped at least 3 inches and

be fastened either with 3-16d nails or in accordance with the floor joist requirements under s. SPS 327.31 (4) (a) 1. c.

(c) Where ceiling joists are placed at right angles to the rafters, the lookout joist or ties shall be fastened to the parallel ceiling joists or rafters using engineered clips, straps or hangers or the connection shall be designed through structural analysis.

(3) VALLEY AND HIP RAFTERS. (a) *Valley rafters.* 1. Where no bearing is provided under valley rafters at the intersection of 2 roof areas, the valley rafters shall be doubled in thickness and shall be at least 2 inches deeper than the required common rafter to permit full bearing at the beveled end.

2. Where ridges are provided at different elevations, vertical support shall be provided for the interior end of the lower ridge board or ridge beam.

(b) *Hip rafters.* Where no bearing is provided under hip rafters, the hip rafters shall be of the same thickness as common rafters and shall be at least 2 inches deeper than required to permit full contact with the jack rafter.

(4) ROOF TRUSSES. (a) Metal plate connected wood roof trusses shall be designed in accordance with TPI 1 and the NDS adopted under s. SPS 327.19.

(b) Truss members shall not be cut, bored or notched, except as allowed under sub. (5) (d).

(c) If connection is provided to stabilize a non-load bearing wall, a slotted expansion joint or clip shall be used.

(5) NOTCHING AND BORING. (a) *General.* 1. Notching and boring of beams or girders is prohibited unless determined through structural analysis.

2. Notching and boring of ceiling joists and rafters shall comply with pars. (b) and (c).

(b) *Notching.* 1. Notches located in the top or bottom of ceiling joists and rafters are prohibited from all of the following:

a. Having a depth exceeding 1/6 the depth of the member.

b. Having a length exceeding 1/3 the depth of the member.

c. Being located in the middle 1/3 of the span of the member.

2. Where ceiling joists or rafters are notched at the ends, the notch may not exceed 1/4 the depth of the member.

3. Bird mouth cuts may not exceed 1/3 the depth of the rafter unless the seat cut bears fully on the wall plate.

(c) *Boring*. 1. Holes bored within 2 inches of the top or bottom of ceiling joists or rafters may not be located in the middle 1/3 of the span of the member.

2. The diameter of a hole may not exceed 1/3 the depth of the member.

3. A hole may not be bored within 2 inches of a notch or another hole.

4. The distance between adjacent holes may not be less than the diameter of the larger hole.

(d) *Engineered wood products*. Notching or boring of engineered wood products shall be done in accordance with the manufacturer's instructions provided those instructions were developed through structural analysis or product testing.

(6) ROOF SHEATHING, BOARDS AND PLANKING. (a) *Structural sheathing*. The allowable loads and spans for structural sheathing shall be in accordance with the grade stamp on the panel.

(b) *Roof boards*. 1. Where the rafter spacing is 24 inches on center or less, roof boards may be used that have a minimum thickness of 5/8-inch for solid sheathing and 3/4-inch for spaced sheathing.

2. Where the rafter spacing is greater than 24 inches on center, roof boards shall be tongue and groove, at least 1 1/2 inches thick.

(c) *Roof planks*. 1. Roof planks shall be tongue and groove or splined and at least 2 inches, nominal, in thickness.

2. Planks shall terminate over beams unless the joints are end matched.

3. The planks shall be laid so that no continuous line of joints will occur except at points of support.

4. Planks shall be nailed or fastened to each beam.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.36 Weather protection for roofs. (1) GENERAL. (a) All roofs shall be designed and constructed to assure drainage of water.

(b) All fasteners shall be corrosion resistant.

(2) UNDERLAYMENT FOR SHINGLES. Underlayment consisting of number 15 asphalt-impregnated felt paper or equivalent or other type I material that shows no water transmission when tested in accordance with ASTM D 226 or ASTM D 4869 shall be provided under shingles. Underlayment materials meeting the requirements of ASTM D 1970 meet the performance requirements of this subsection.

(3) ASPHALT SHINGLES. (a) *General*. 1. Shingles that have a self-sealing adhesive strip shall include a sealant which has an average bond strength of at least 1 1/2 pounds per 3 3/4 inches of shingle width, at 32 degrees Fahrenheit. The department will accept results of testing conducted in accordance with an approved test method for verifying compliance with the sealant uplift resistance required in this paragraph. Information on the applicable test method may be obtained from the department.

2. Each shingle package shall be labeled by the manufacturer to indicate conformance to the applicable ASTM standard for each type of shingle or the exception in par. (b).

3. Shingles shall be installed in accordance with the manufacturer's recommendations.

4. Shingles shall have at least 4 fasteners per strip shingle or

2 fasteners per interlocking shingle, unless the manufacturer has other specifications.

5. Shingle head lap shall be at least 2 inches, unless the manufacturer has other specifications.

6. All fasteners for shingles shall be corrosion-resistant.

Note: See s. SPS 327.08 (54) for definitions of shingle terms.

Note: Section SPS 327.04 (2) requires compliance with all parts of this code, including these roofing provisions, for an alteration to any camping unit that is regulated under this code.

(b) *Fiberglass shingles*. Fiberglass asphalt shingles shall conform to ASTM D 3462 except that laminated shingles shall have a tear strength of at least 1450 grams in each ply.

(4) OTHER ROOF COVERINGS. All roof coverings not otherwise addressed in this section shall be installed in accordance with the manufacturer's instructions or a national standard recognized by the department.

(5) REROOFING. New roof coverings may not be installed over existing roof coverings where any of the following conditions exist:

(a) The existing roof or roof covering is water-soaked or has deteriorated such that it is inadequate as a base for additional roofing.

(b) The existing roof is wood shake, slate, clay, cement, or asbestos-cement tile.

(c) The existing roof has 2 or more applications of any type of permanent roof covering.

(6) FLASHING. (a) *General*. Flashing shall be installed at the junction of chimneys and roofs, in all valleys, and around all roof openings.

(b) *Flashing of open valleys*. 1. Open valleys shall be flashed with at least No. 28 gauge corrosion-resistant sheet metal, 16 inches wide, or a layer of at least 50-pound roll roofing, 16 inches wide, placed over a layer of number 15 roofing underlayment.

2. Flashing sections shall be overlapped by at least 4 inches.

(c) *Flashing of closed valleys*. Where shingles are laced or woven over the valley, the valley shall be flashed with one of the following:

1. At least one layer of 50-pound roofing, at least 20 inches wide, over a layer of number 15 roofing underlayment.

2. A product labeled as meeting the requirements of ASTM D1970.

(d) *Chimney flashing*. 1. Chimneys shall be flashed and counter-flashed to a height of at least 6 inches.

2. Chimney crickets or saddles shall be installed where the upper side of a chimney is more than 30 inches wide on a sloping roof.

3. The intersection of the cricket and the chimney shall be flashed and counter-flashed to a height of at least 6 inches.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

Subchapter III — Heating, Ventilating, and Air Conditioning

SPS 327.37 Scope. The provisions of this subchapter shall apply to the design, installation, and construction of all heating, ventilating, and air conditioning systems in camping units covered by this code.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.38 Design. Where a heating system is provided in a camping unit, the heating system shall be designed in accordance with this section. Where a cooling system is provided in a

camping unit, the cooling requirements of this section shall be met.

(1) **DISTRIBUTION SYSTEMS.** Distribution systems shall be sized and located to satisfy the heating and cooling loads of each conditioned space.

(2) **VENTILATION.** (a) *General.* 1. All exhaust vents shall terminate outside the camping unit.

2. Automatic or gravity dampers that close when the system is not operating shall be provided for outdoor air intake and exhaust.

(b) *Balancing.* 1. 'General.' Except as provided under subd. 2., mechanical ventilation systems shall be balanced.

2. 'Exception.' Passive intake air ducts providing makeup air for intermittent exhaust fans shall be sized to provide at least 40% of the total air that would be exhausted with all intermittent exhaust ventilation in the camping unit operating simultaneously.

3. 'Kitchen range hoods.' a. Kitchen range hoods that exhaust air from the kitchen area are considered as exhaust ventilation for balancing and makeup purposes.

b. Kitchen range hoods that are listed and installed to recirculate air without exhausting it are not required to be balanced.

4. 'Infiltration.' a. Infiltration may be considered as makeup air for balancing purposes only where there are no naturally vented space- or water-heating appliances in the camping unit.

b. For the purpose of complying with this subdivision, naturally vented space-heating or water-heating appliances are those that take combustion or dilution air from inside the camping unit, including unsealed fireplaces and draft hood appliances with power venting.

Note: Whole-house fans that are used in the summer to bring cool night air in through open windows and exhaust into the attic are considered to be a supplemental cooling system rather than part of the ventilation system.

(c) *Rooms with toilets, tubs, or showers.* Any room with a toilet, tub, or shower shall be provided with exhaust ventilation capable of exhausting 50 cubic feet per minute on an intermittent basis or 20 cubic feet on a continuous basis.

(3) **CONTROLS.** The temperature rise through the equipment shall not exceed 100 degrees Fahrenheit unless listed. Controls shall be provided to maintain the inside temperature. Where forced, warm-air systems are used, controls shall be installed to control air movement.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.39 Selection of equipment. All heating and central cooling equipment shall be selected on the basis of air-handling capacity, pumping capacity, and thermal capacity to handle the calculated design heating or cooling load.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.40 Types and location of equipment. (1) **GENERAL.** (a) All heat producing appliances and cooling appliances shall be listed by a testing agency acceptable to the department.

(b) Installation and maintenance of gas-fueled appliances shall comply with the appliance listing and the requirements of NFPA 54, National Fuel Gas Code, except as otherwise required under this subchapter.

(2) **FURNACES.** (a) The input and output capacity of furnaces shall be listed on the nameplate. All nameplates shall show evidence that the equipment has been listed by a recognized testing laboratory.

(b) Furnaces shall be fired with the fuel for which they have

been approved. Fuels shall be supplied to the furnace in the volume and at the pressure required on the label.

(3) **WATER HEATERS.** (a) A water heater with a tank may be installed in a closet located in a bathroom or bedroom where the closet is used exclusively for the water heater, where the enclosed space has a weather-stripped solid door with a self-closing device, and where all air for combustion is obtained from the outdoors.

Note: Section SPS 327.41 still requires combustion air to be provided to the appliance.

(b) A tankless water heater may be installed in any closet or cabinet. The tankless water heater shall be installed in accordance with the manufacturer's installation instructions.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.41 Combustion air. (1) **SCOPE.** (a) Naturally vented appliances and other appliances that require air for combustion and dilution of flue gases to be taken from within the camping unit shall comply with this section.

(b) Appliances that are provided with a direct supply of outside air for combustion in accordance with the manufacturer's installation instructions and listing are not required to comply with this section.

(c) Where the appliance listing and manufacturer's instructions are more stringent than the provisions of this section, the listing and manufacturer's instructions apply.

(d) Listed fireplace stoves are not required to comply with this section if permitted in the manufacturer's instructions.

(e) Listed factory-built fireplaces shall comply with the manufacturer's recommendations.

(2) **METHODS FOR PROVIDING AIR.** Air for combustion and dilution shall be provided in accordance with one of the following:

(a) Air may be provided from inside the camping unit in accordance with sub. (3).

(b) Air may be provided from outside the camping unit in accordance with sub. (4).

(c) The appliance may be installed in accordance with its listing and manufacturer's instructions.

(d) An engineered system providing an adequate supply of air for combustion ventilation and dilution of flue gases may be installed if approved by the department.

(3) **AIR FROM INSIDE THE CAMPING UNIT.** (a) 1. The equipment shall be located in a space with a volume not less than 50 cubic feet per 1000 Btu/h of the combined input rating of all fuel-burning appliances drawing combustion and dilution air from that space.

2. The space may be made up of more than one room if the rooms are connected through doorways without doors or connected through sets of openings described in par. (b).

(b) 1. When needed to connect rooms, two openings shall be provided, one within one foot of the ceiling of the room and one within one foot of the floor.

2. The net free area of openings shall be calculated in accordance with sub. (5).

3. The net free area of each opening shall be a minimum of one square inch per 1000 Btu/h of combined input rating of the fuel burning appliances drawing combustion and dilution air from the communicating rooms, but shall be not less than 100 square inches.

(4) **AIR FROM OUTSIDE THE CAMPING UNIT.** (a) When air for combustion and dilution is provided from outside the camping

unit, as allowed under sub. (2) (b), one of the methods specified in pars. (b) to (d) shall be used.

(b) Openings may be provided to connect rooms containing appliances to the outdoors.

1. a. Two openings shall be provided, one within one foot of the ceiling of the room and one within one foot of the floor.

b. Openings may connect directly to the outdoors or to the outdoors through a horizontal or vertical duct.

c. The net free area of openings shall be calculated in accordance with sub. (5).

2. The net free area of each direct opening to the outdoors not using a duct shall be a minimum of one square inch per 4000 Btu/h of combined input rating of the fuel-burning appliances drawing combustion and dilution air from the room.

3. a. The net free area of each opening connected to the outdoors through a horizontal duct shall be a minimum of one square inch per 2000 Btu/h of combined input rating of the fuel-burning appliances drawing combustion and dilution air from the room.

b. The cross-sectional area of the duct shall be equal to or greater than the required size of the opening.

4. a. The net free area of each opening connected to the outdoors through a vertical duct shall be a minimum of one square inch per 4000 Btu/h of combined input rating of the fuel-burning appliances drawing combustion and dilution air from the room.

b. The cross-sectional area of the duct shall be equal to or greater than the required size of the opening.

(c) 1. Where all appliances drawing air for combustion and dilution from the room are gas appliances, air may be provided via a single opening to connect the room to the outdoors in accordance with this paragraph.

2. a. The opening shall be located within one foot of the ceiling of the room.

b. The opening may connect directly to the outdoors, may connect to the outdoors through a horizontal duct, or may connect to the outdoors through a vertical duct.

c. The net free area of the opening shall be calculated in accordance with sub. (5).

3. a. The net free area of the opening shall be a minimum of one square inch per 3000 Btu/h of combined input rating of the fuel-burning appliances drawing combustion and dilution air from the room, and not less than the combined cross-sectional flow areas of the appliance flue collars or draft hood outlets.

b. The cross-sectional area of the duct shall be equal to or greater than the required size of the opening.

4. The appliances shall have a minimum clearance to the surfaces of the room of one inch at the sides and back of the appliance and 6 inches at the front of the appliance.

(d) 1. A combination of openings to the outside and openings to other rooms may be used in accordance with this paragraph.

2. a. One opening shall connect directly to the outdoors, connect to the outdoors through a horizontal duct, or connect to the outdoors through a vertical duct.

b. The net free area of the openings shall be calculated in accordance with sub. (5).

c. The net free area of the opening shall be a minimum of one square inch per 5000 Btu/h of combined input rating of the fuel burning appliances drawing combustion and dilution air from the room.

d. The cross-sectional area of a duct, if used, shall be equal to or greater than the required size of the opening.

3. a. The equipment shall be located in a space with a vol-

ume not less than 50 cubic feet per 1000 Btu/h of the combined input rating of all fuel-burning appliances installed in that space.

b. The space may be made up of more than one room if the rooms are connected through openings without doors or connected through sets of openings described in subd. 4.

4. a. When needed to connect rooms, two openings shall be provided, one within one foot of the ceiling of the room and one within one foot of the floor.

b. The net free area of openings shall be calculated in accordance with sub. (5).

c. The net free area of each opening shall be a minimum of one square inch per 1000 Btu/h of combined input rating of the fuel burning appliances drawing combustion and dilution air from the communicating rooms, but shall be not less than 100 square inches.

(5) NET FREE AREA CALCULATION. (a) The required size of openings for combustion and dilution air shall be based on the net free area of each opening.

(b) The net free area of an opening shall be that specified by the manufacturer of the opening covering or by a source approved by the department.

(c) In the absence of such information, openings covered with metal louvers shall be deemed to have a net free area of 75 percent of the area of the opening, and openings covered with wood louvers shall be deemed to have a net free area of 25 percent of the area of the opening.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.42 Mechanical draft systems. Where a mechanical draft system, such as a fan is used, provision shall be made to prevent the flow of gas to the main burners when the draft system is not performing so as to satisfy the operating requirements of the system for safe performance.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.43 Equipment maintenance information. Required regular maintenance actions for equipment shall be clearly stated and incorporated on a readily accessible label. The label may be limited to identifying, by title or publication number, the operation and maintenance manual for that particular model and type of equipment. Maintenance instructions shall be furnished for equipment which requires preventive maintenance for efficient operation. Manufacturer's manuals for all installed heating and cooling equipment and service water heating equipment shall be provided.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.44 Ductwork. (1) DUCT USE. Ducts designed for the transmission of air shall be used for no other purpose.

(2) INTERIOR DUCTS. All interior ducts shall be constructed in accordance with the following:

(a) *Supply and return air ducts.* Supply and return air ducts shall comply with this paragraph except that ducts attached to appliances may be constructed of materials specified in the appliance listing.

1. Kitchen exhaust ducts and ducts for air exceeding 250 degrees Fahrenheit shall be constructed of sheet metal or lined with sheet metal or constructed of other noncombustible noncorrugated materials.

2. Ducts connected to furnaces shall be constructed of sheet metal for at least 6 feet from the furnace.

3. Spaces formed by unlined wood joists, studs or wood I-

joists with solid webs may be used as return air ducts. Spaces used as return air ducts shall be cut off from all remaining unused portions of the space by tight-fitting stops of sheet metal or of wood joist material. Bridging shall be removed from the joist space.

(b) *Under-floor plenums.* An under-floor space may be used as a plenum in a camping unit in accordance with this section.

1. Except for the floor immediately above the under-floor plenum, supply ducts shall be provided extending from the plenum to registers or other floor levels.

2. The under-floor spaces shall not be used for storage, shall be cleaned of all loose scrap material and shall be tightly and substantially enclosed.

3. The enclosing material of the under-floor space, including the side wall insulation and vapor barriers, shall not be more flammable than one-inch wood boards.

4. Access shall be through an opening in the floor which shall be 18 inches by 24 inches.

5. The furnace supplying warm air to the under-floor space shall be equipped with an automatic control which will start the air circulating fan when the air in the furnace bonnet reaches a temperature not higher than 150 degrees Fahrenheit. The control shall be one that cannot be set higher than 150 degrees Fahrenheit.

6. The furnace supplying warm air to the under-floor space shall be equipped with an approved temperature limit control that will limit outlet air temperature to 200 degrees Fahrenheit.

7. A noncombustible receptacle shall be placed below each floor opening into the air chamber. The receptacle shall be securely suspended from the floor members and shall be not more than 18 inches below the floor opening. The area of the receptacle shall extend 3 inches beyond the opening on all sides. The perimeter of the receptacle shall have a vertical lip at least one inch high at the open sides if it is at the level of the bottom of the joist, or 3 inches high if the receptacle is suspended.

8. Floor registers shall be designed for easy removal to permit access for cleaning the receptacles.

9. Exterior walls and interior stud partitions shall be firestopped at the floor.

10. Each wall register shall be connected to the air chamber by a register box or boot.

11. A duct conforming to par. (a) shall extend from the furnace supply outlet at least 6 inches below combustible framing.

12. The entire ground surface and enclosing exterior walls of the under-floor space shall be covered with a vapor barrier having a vapor permeability rating of one perm or less and a flame spread rating of 200 or less.

13. Fuel gas lines may not be located within the under-floor space.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.45 Dampers, registers, and grilles. (1)

VOLUME AND BACKDRAFT DAMPERS. (a) Volume duct dampers shall be provided to permit balancing of the system.

(b) Volume dampers shall be provided with access.

Note: Acceptable means of access include a manufactured access panel, an air grille used as a cover, a plastic ceiling cap, or a damper accessible through an air diffuser or grille.

(2) **AIR REGISTERS AND GRILLES.** (a) *Supply air registers.* All supply air outlets shall be provided with registers or devices which will provide a uniform distribution of air.

(b) *Return air grilles.* Return air grilles shall not be located in bathrooms, kitchens, utility spaces, or a confined space in which

a draft diverter or draft regulator is located. All other habitable spaces shall have permanent openings to a return air grille equal in area to the supply outlet serving those areas. At least one return air opening shall be provided for each floor.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.46 Piping. (1) PIPE SIZES AND ARRANGEMENT.

All steam and hot water supply and return piping, air-line piping and auxiliary equipment shall be of appropriate sizes, elevations and arrangements to accomplish the calculated results without stress or other detriment.

Note: The sizes of pipe to be used for mains and risers may be selected from the ASHRAE Guide and Data Book, published by the American Society of Heating, Refrigerating and Air Conditioning Engineers; or the manuals published by the Institute of Boiler and Radiator Manufacturers or the Mechanical Contractors Association of America.

(2) **EXPANSION AND CONTRACTION.** The piping for the heating system shall be equipped with anchors, expansion swings, or joints, supports and similar devices to relieve stress and strain caused by temperature change of the pipe material.

(3) **PIPE INSULATION.** Unguarded steam, hot water supply and return piping shall be covered with insulating material where the pipes pass through occupied areas and the surface temperature exceeds 180 degrees Fahrenheit.

(4) **STEAM AND HOT WATER PIPES.** No pipe carrying hot water or steam at a surface temperature exceeding 250 degrees Fahrenheit shall be placed within one inch of any combustible material, pass through a combustible floor, ceiling, or partition unless the pipe is protected by a metal sleeve one inch larger in diameter than the pipe or with approved pipe covering.

(5) **BALANCING.** Balancing cocks shall be provided in each circuit of a hot water distribution system.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.47 Venting system location.

A venting system shall terminate at least 3 feet above any forced air inlet located within 10 feet horizontally. This provision does not apply to the combustion air intake of a direct-vent appliance.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.48 Multiple appliance venting.

Two or more listed gas-or liquid-fueled appliances may be connected to a common gravity-type flue provided the appliances are equipped with listed primary safety controls and listed shutoff devices and comply with the following requirements:

(1) The appliances shall be located in the same story, except for engineered venting systems.

(2) The appliances shall be joined at a manifold or Y-type fitting as close to the chimney as possible, unless the connector from each appliance enters a separate chimney inlet and the inlets are offset at least 12 inches vertically or the separate inlets occur at right angles to each other.

History: EmR1703: emerg. cr., eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.

SPS 327.49 Fuel storage. (1) LP GAS STORAGE TANKS.

(a) All LP gas storage tanks shall be constructed, installed, and maintained to conform with the applicable sections of ch. SPS 340.

(b) LP gas tanks may not be located inside camping units.

(c) LP gas tanks shall have welded steel supports and be permanently installed on concrete pads or foundations.

(2) **OIL STORAGE TANKS.** (a) The total oil storage capacity inside any camping unit shall be limited to 550 gallons in one

tank, or not more than 275 gallons in each of 2 tanks cross-connected to a single burner.

(b) Oil storage tanks on the inside of any camping unit shall be located at the same level as the burner it serves.

Note: Except as provided in pars. (a) and (b), the installation of oil storage tanks is regulated under ch. [ATCP 93](#), Flammable, Combustible, and Hazardous Liquids.

(3) **GAS PIPING SYSTEMS.** Gas piping systems, extending from the point of delivery to the connection with each gas-fired appliance or device, shall be installed to conform with NFPA 54, National Fuel Gas Code.

(4) **SHUTOFF AND CONTROL DEVICES.** (a) Any oil-fired appliance or device connected to a fuel piping system shall have an accessible, approved manual shutoff valve installed upstream of any connector.

(b) Automatic gas-burning heating appliances shall be equipped with listed devices which will shut off the gas to the pilot light and main burner or burners in the event of pilot failure.

(c) Liquid fuel-burning appliances shall be equipped with primary safety controls which will shut off the flow of fuel to the burner or burners in the event of ignition failure.

History: [EmR1703](#): emerg. cr. as SPS 327.52, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

Subchapter IV — Electrical Standards

SPS 327.50 Electrical standards. (1) All electrical wiring, installations, equipment and materials used in the construction of camping units shall comply with the requirements of the Wisconsin Administrative Electrical Code, Vol. 2., ch. [SPS 316](#), except as provided in this section.

(2) The requirements in NEC section 210.70 (A) (2) (b) do not apply to a stairway for a deck. A light over the stairs of the deck is not required, but a light outside the door exiting to the deck is required.

(3) Except as provided in s. [SPS 327.11](#), the inspection of the electrical construction of a camping unit is not required.

(4) No more than one receptacle outlet is required to be installed for the entire countertop space of a kitchen in a camping unit.

(5) The requirements for installation of fire alarms and smoke detectors in a camping unit are as provided in s. [SPS 327.26](#).

(6) The rating of the disconnecting means and the ampacity of a conductor providing supply to a camping unit consisting of a framed structure may not be less than 50 amperes.

History: [EmR1703](#): emerg. cr. as SPS 327.51, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

Subchapter V — Plumbing

SPS 327.51 Plumbing. (1) **GENERAL.** The design, construction, and installation of plumbing shall comply with the requirements of the Wisconsin Plumbing Code, chs. [SPS 382](#) to [387](#), except as provided in this section.

(2) **TANKLESS WATER HEATERS.** (a) The minimum flow rate of a tankless type water heater may be obtained by multiplying 0.65 by the calculated hot water gallons per minute demand, as determined by ch. [SPS 382](#) Tables 382.40–1b and 382.40–3, provided the heater will achieve a water temperature of 110 degrees Fahrenheit at the terminal fitting or faucet.

(b) The sizing method in par. (a) may not be used for sizing a water heater serving a high-flow fixture, a hose bibb, a hydrant, or a fixture that is required to have a supply line with a diameter larger than one-half inch.

(c) For the purposes of this subsection, “high-flow fixture”

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means a fixture with a flow rate of more than 4 gallons per minute, at 80 pounds per square inch, and a water velocity not exceeding 8 feet per second.

(3) **SINKS.** (a) No more than one sink is required to be installed in a camping unit.

(b) If only one sink is installed in a camping unit, the sink shall be installed in the kitchen of the camping unit.

(4) **INSPECTIONS.** Except as provided in s. [SPS 327.11](#), the inspection of the plumbing of a camping unit is not required.

(5) **PIPE AND TUBING.** The pipe and tubing for any portion of the plumbing system of a camping unit may be flexible plastic.

History: [EmR1703](#): emerg. cr. as SPS 327.52, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

Subchapter VI — Camping Unit Transfer Tanks

SPS 327.52 Purpose. The purpose of this subchapter is to establish uniform standards and criteria for the installation, inspection, and servicing of camping unit transfer tanks so that the tanks are safe and will protect public health and the waters of the state.

History: [EmR1703](#): emerg. cr. as SPS 327.53, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.53 Installation and maintenance. A camping unit transfer tank shall be installed and maintained in accordance with the manufacturer’s specifications and as provided under ch. [ATCP 79](#).

History: [EmR1703](#): emerg. cr. as SPS 327.54, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.54 Compliance with code. A camping unit transfer tank that meets the following requirements is in compliance with this code:

(1) The tank is listed and has been labeled by a nationally recognized testing agency.

(2) The tank is installed as required under s. [SPS 327.53](#)

(3) Inlet and toilet connections to the tank are sized to provide adequate flow rate and designed to prevent backflow contamination.

(4) A vent that terminates outside the camping unit is located at the highest point of the tank.

History: [EmR1703](#): emerg. cr. as SPS 327.55, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.55 Servicing requirements. The servicing of a camping unit transfer tank shall be performed in a manner to prevent the discharge of wastewater into the surrounding soil or onto the ground surface.

Note: The servicing of private sewerage systems including septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies and portable restrooms is addressed in ch. [NR 113](#), which is administered by the department of natural resources.

History: [EmR1703](#): emerg. cr. as SPS 327.56, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.56 Abandonment. A subsurface tank that is no longer used as a camping unit transfer tank shall be abandoned by complying with all of the following:

(1) Disconnecting all piping to the tank.

(2) Sealing all disconnected piping to the tank.

(3) Pumping and disposing of the contents from the tank.

Note: The removal and disposal of the contents from treatment tanks, distribution tanks, seepage pits, and holding components is addressed in ch. [NR 113](#), which is administered by the department of natural resources.

(4) Removing the tank or removing the cover of the tank and filling the tank with soil, gravel, or an inert solid material.

History: [EmR1703](#): emerg. cr. as SPS 327.57, eff. 2-6-17; [CR 17-017](#): cr. [Register March 2018 No. 747](#), eff. 4-1-18.

SPS 327.57 Penalties. Penalties for violations of this subchapter shall be assessed in accordance with s. 145.12, Stats.

Note: Section 145.12 (4), Stats., indicates that 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 any rule or standard adopted under s. 145.02 constitutes a separate offense and each day of continued violation is a separate offense.

History: EmR1703: emerg. cr. as SPS 327.58, eff. 2-6-17; CR 17-017: cr. Register March 2018 No. 747, eff. 4-1-18.



MEMORANDUM

DATE: July 21, 2026

TO: Committee/Commission/Board

FROM: Zach Navin, Director of Public Works

RE: Review of Article V. of Chapter 98 of the City of Fort Atkinson Municipal Code relating to the Stormwater Utility

BACKGROUND

The impetus of this review is a request for cemeteries to be exempt from the Stormwater Utility ordinance and charges.

DISCUSSION

Many municipalities have created Stormwater Utilities to assist in managing storm water through the built environment in Wisconsin. There are some municipalities that have specifically exempted cemeteries from stormwater utility fees, such as Rice Lake, Washburn, and Waupun. However, there are also many municipalities that do not exempt cemeteries, such as Menomonee Falls, Grand Chute, and Madison. The City of Fort Atkinson currently does not exempt cemeteries from stormwater utility fees.

FINANCIAL ANALYSIS

There are three cemeteries in the City of Fort Atkinson. If the City Council adopts an ordinance exempting cemeteries from Stormwater Utility fees, the financial impact would be about \$5,600 less in revenue for the Stormwater Utility per year.

RECOMMENDATION

Staff would like feedback from the Ordinance Committee on whether to move forward with additional research, drafting an ordinance exempting cemeteries from the Stormwater Utility fees, and a recommendation.

ATTACHMENTS

1. ARTICLE_V. STORMWATER_UTILITY

ARTICLE V. STORMWATER UTILITY

Sec. 98-601. Creation.

There is hereby established a stormwater utility in the City of Fort Atkinson. The operation of a stormwater utility shall be under the supervision of the director of public works.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-602. Authority.

The city, acting through the stormwater utility, may without limitation due to enumeration, do the following:

- (1) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, manage and finance such facilities and equipment, as are deemed by the city to be proper and necessary for storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, pollution control practices, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other natural or manmade facilities as will support a stormwater management system.
- (2) Undertake any operations or activities, or provide any services deemed by the city to be proper and necessary for storm and surface water management.
- (3) Maintain compliance with all regulatory requirements for storm and surface water management.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-603. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

City credit policy. The city credit policy is a written document prepared by the director and approved by the city, which sets forth the criteria under which customers may be eligible for a credit to reduce stormwater charges. The city credit policy shall be available through the department of public works prior to the initial billing.

Customer. The term "customer" means the owner or nonowner user of a property with impervious area in the city.

Developed property. The term "developed property" means property that is developed by the addition of an improvement such as a building, structure, grading, other impervious surface, or substantial landscaping, but excluding publicly-owned rights-of-way. A new improvement shall be considered complete upon issuance of a certificate of occupancy, or if no such certificate is issued, upon completion of construction or final inspection. A new improvement shall also be considered complete if the construction project is at least 50 percent complete, and then is halted for a period of three months or more.

Director. The term "director" means the director of public works, or his/her designee.

Equivalent runoff unit (ERU) means 3,096 square feet, which is approximately the statistical average impervious area of one single-family residential housing unit within the city. This definition only applies to this chapter, and not to any other City of Fort Atkinson ordinance.

Impervious area or impervious surface. The terms "impervious area" or "impervious surface" means a horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, streets, roofs, sidewalks, parking lots, compacted gravel surfaces, as well as other similar surfaces.

Nonresidential property. The term "nonresidential property" means any developed property not defined as "residential property", including, but not limited to, transient rental (such as hotels and motels), multifamily apartment buildings or condominiums more than four units, commercial, industrial, institutional, governmental property, and parking lots.

Residential property. The term "residential property" means any developed property developed exclusively for residential purposes with four or fewer residential housing units.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-604. Rates and charges.

- (a) User charges shall be imposed on all developed property with impervious area in the city to recover all or a portion of the costs of the stormwater utility. The amount of such charges shall be based on a rate per equivalent runoff unit (ERU). The rate per ERU shall be established pursuant to further resolution of the City of Fort Atkinson Common Council and shall be fair and reasonable. A schedule of current rates shall be maintained and on file in the office of the city clerk.
- (b) All developed property with impervious area shall be assigned ERUs. Each single-family residential property shall be assigned one ERU. Each two-family residential property shall be assigned 0.7 ERUs/dwelling unit. Each three- and four-family residential property shall be assigned 0.5 ERUs/dwelling unit. Nonresidential property shall be assigned ERUs based upon the amount of impervious area on the property divided by 3,096 square feet, however shall not be less than one ERU.
- (c) In the event the owner and nonowner users of a particular property are not the same, the liability for the charges attributable to that property shall be joint and several.
- (d) The director shall prepare a city credit policy which sets forth available credits to reduce stormwater charges for customers with riparian lands, and for customers who have taken additional stormwater management steps which reduce the city's stormwater management costs (i.e.; does not include credits for rain barrels, rain gardens or minor stormwater management steps).
- (e) Undeveloped and agricultural. No stormwater charge shall be assigned.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-605. Payments.

- (a) Stormwater charges will be billed to the utility customer and shall be payable at the same time and in the same manner as water and wastewater charges. A stormwater utility bill will be established for those properties that do not receive a water/wastewater bill. These bills will be payable at the same time as the other water/wastewater bills. Such charges shall not be payable in installments.

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- (b) The owner of any property, which is occupied by tenants, shall have the right to examine during normal business hours the appropriate records of the city to determine whether such fees and charges have been paid by such tenants.
 - (c) Delinquent stormwater charges may be placed as a lien upon the property as provided in Wis. Stats. §§ 66.0821(4)(d) and 66.0809.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-606. Adjustments and credits.

- (a) A nonresidential customer may apply for an adjustment to the ERUs assigned to his, her or its property if the customer believes the impervious area measurements on which the ERU calculation is based are inaccurate.
- (b) Residential and nonresidential customers may apply for a credit to their stormwater charge if the property is eligible for a credit pursuant to the city credit policy.
- (c) Procedure to apply for adjustments or credits.
 - (1) A customer may submit a request for an adjustment or credit at any time. All such requests shall be submitted to the director on forms provided by the city.
 - (2) The director shall have the authority to develop and administer the procedures and standards for adjustment of ERUs or granting of credits as established in this section.
 - (3) The nonresidential customer requesting the adjustment may be required, at his, her or its own expense, to provide supplemental information to the director.
 - (4) Once a completed request and all required information is fully submitted, the director shall have 30 calendar days within which to render a written decision. The director shall notify the requester in writing of the decision by first class mail addressed to the individual at the address listed within the request. Service is conclusive upon mailing.
 - (5) If a request is granted, stormwater charges shall be adjusted on a going forward basis.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-607. Appeals process.

- (a) The City of Ft. Atkinson elects not to be subject to the administrative review procedure provisions contained within Wis. Stats. ch. 68, and established this section as its municipal review procedure. As a condition precedent to challenging any stormwater utility charge, the charge must be timely paid in full under protest to the city.
- (b) Within 30 calendar days after the date of mailing the director's decision, the customer may appeal the director's decision to the board of public works (board) by filing a written appeal with the city clerk. The written appeal shall specify all grounds for the challenge and shall state the amount of stormwater charge that the appellant considers to be appropriate. The appeal must specifically address the director's conclusions and not merely repeat the bases for the initial request. Failure to timely and properly appeal shall deprive the board of jurisdiction to hear the appeal.
- (c) The board shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of five business days' notice to the appellant. In considering an appeal, the board shall determine whether the stormwater charge is fair and reasonable. The decision shall be based upon the evidence presented at the hearing. The board shall notify the appellant in writing of its

determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

- (d) Within 30 calendar days after the date of mailing the board decision, the customer may appeal the board's decision to the common council following the process set forth in subsection (e) of this section. Failure to timely and properly appeal shall deprive the common council of jurisdiction to hear the appeal.
 - (e) The common council shall consider the appeal in the same manner as a new resolution, pursuant to its rules for procedure in existence at the time of consideration. The city clerk shall provide written notice no later than five business days to the address listed within the appeal of the time and place of the common council's consideration of the appeal. In considering an appeal, the common council shall determine whether the stormwater charge is fair and reasonable. The common council shall base its decision upon the information presented at its meeting. The city clerk shall notify the appellant in writing of the common council's determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.
 - (f) As a condition precedent to any adjustment or credit request, or any appeal, a customer must have paid in full all stormwater charges to the city.
 - (g) If an adjustment request is granted, stormwater charges shall be adjusted on a going forward basis.
- (Ord. No. 680, § 1, 9-1-09)

Sec. 98-608. Alternative method to collect stormwater charges.

In addition to any other method for collection of the charges established under this section, or subsequent resolution, such charges may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to Wis. Stats. § 66.0627. The mailing of the bill for stormwater charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of Wis. Stats. § 66.0627. The procedures contained in Wis. Stats. § 66.0627, shall govern such notice and further collection procedures.

(Ord. No. 680, § 1, 9-1-09)

Sec. 98-609. Budget excess revenues.

The stormwater utility finances shall be accounted for in a separate stormwater utility fund by the city. The finance director or his/her designee, shall prepare an annual budget, which is to include all operation and maintenance costs, debt service, capital, and other costs related to the operation of the stormwater utility. The budget is subject to approval by the common council. Any excess of stormwater utility revenues over expenditures in a year will be retained by the fund for subsequent years' needs of the stormwater utility.

(Ord. No. 680, § 1, 9-1-09)

Secs. 98-610—98-635. Reserved.