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**Chapter Comm 66**

**APPENDIX**

The material contained in this Appendix is for clarification purposes only and is numbered to correspond to the number of the rule as it appears in the text of the code.

**A-66.04 (1) (e) Lower thresholds for municipalities with preexisting stricter sprinkler ordinances.** Section 101.14 (4m) (d) and (e), Stats., provides the following thresholds above which fire sprinklers or two-hour fire resistance can be required by a municipality with a preexisting stricter sprinkler ordinance.

Class of Construction	Total Floor Area Within Individual Dwelling Units	Number of Units	Total Floor Area of Nondwelling Unit Portions (Common use areas, such as corridors, stairways, basements, cellars, vestibules, community rooms, laundry rooms, pools, etc.)
Type 1 – Fire resistive Type A	8,000 sq ft.	8 units	12,000 sq ft.
Type 2 – Fire Resistive Type B			10,000 sq ft.
Type 3 – Metal Frame Protected			8,000 sq ft.
Type 4 – Heavy Timber Type 5A – Masonry Protected Type 5B – Masonry Unprotected Type 6 – Metal Frame Unprotected Type 7 – Wood Frame Protected Type 8 – Wood Frame Unprotected			5,600 sq ft.
			4,800 sq ft.

The department believes the following municipalities have a preexisting stricter sprinkler ordinance:

Appleton	Greenfield	Muskego	Shorewood Hills
Brookfield	Madison	New Berlin	Sussex
Franklin	Menomonee Falls	Oak Creek	West Allis
Greendale	Monona	Racine	West Bend

**Comm A-66.11 (2) BUILDING PERMITS.** Section Comm 66.11 (2) refers to s. Comm 83.25 (2), which reads as follows:

**Comm 83.25 (2) ISSUANCE OF BUILDING PERMITS.** (a) *General.* Pursuant to s. 66.036, Stats., the issuance of building permits by a municipality for unsewered properties shall be in accordance with this subsection.

(b) *New construction.* A municipality may not issue a building permit to commence construction or installation of a structure that necessitates the use of a POWTS to serve the structure, unless:

1. The owner of the property possesses a sanitary permit for the installation of a POWTS in accordance with s. Comm 83.21; or

**Note:** Section Comm 83.21 outlines the procedures for the issuance of sanitary permits. Sections 145.135 and 145.19, Stats., mandate that no private sewage system may be installed unless the owner of the property holds a valid sanitary permit.

2. A POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure.

**Note:** See ss. Comm 83.02 and 83.03 concerning the application of current code requirements to existing POWTS.

(c) *Construction affecting wastewater flow or contaminant load.* 1. A municipality may not issue a building permit to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:

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a. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both; or

b. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminant load, or both.

2. For the purpose of this paragraph, a modification in wastewater flow or contaminant load shall be considered to occur:

a. For commercial facilities, public buildings, and places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

b. For dwellings, when there is an increase or decrease in the number of bedrooms.

(d) *Documentation of existing capabilities.* Documentation to verify whether an existing POWTS can accommodate a modification in wastewater flow or contaminant load, or both, shall include at least one of the following:

1. A copy of the plan for the existing POWTS that delineates minimum and maximum performance capabilities and which has been previously approved by the department or the governmental unit.

2. Information on the performance capabilities for the existing POWTS that has been recognized through a product approval under ch. Comm 84.

3. A written investigative report prepared by an architect, engineer, designer of plumbing systems, designer of private sewage systems, master plumber, master plumber–restricted service or certified POWTS inspector analyzing the proposed modification and the performance capabilities of the existing POWTS.

(e) *Setbacks.* 1. A municipality may not issue a building permit for construction of any structure or addition to a structure on a site where there exists a POWTS, unless the proposed construction conforms to the applicable setback limitations under s. Comm 83.43 (8) (i).

2. The applicant for a building permit shall provide documentation to the municipality issuing the building permit showing the location and setback distances for the proposed construction relative to all of the following:

a. Existing POWTS treatment components.

b. Existing POWTS holding components.

c. Existing POWTS dispersal components.

**Note:** A municipality which issues building permits may delegate to the governmental unit responsible for issuing sanitary permits the determination of whether the proposed construction will affect or interfere with an existing POWTS relating to capability or location of the existing POWTS.