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Memorandum

To: Kristin Stone

From: Miles Eastman, Assistant City Attorney

Date: July 23, 2020

Re: Changes to the Electrical Code and HVAC Code

This memo provides supplemental information regarding the draft of changes to the City Electrical Code and Heating, Ventilation and Air Conditioning (HVAC) Code. Please feel free to provide this memo along with the draft to the Ordinance and License Committee and Common Council for their consideration.

Changes to the Electrical Code

The City has required a City electrician's license before engaging in electrical work for over 50 years. Like most municipalities in Wisconsin, the City exempts persons who own and occupy a single-family residence from the license requirement if they meet certain conditions, such as satisfying the Electrical Inspector that they have an understanding of basic electrical knowledge.

The State of Wisconsin now prohibits municipalities from enforcing ordinances which require a municipal electrician's license. Persons who install, repair, or maintain electrical wiring must obtain a State license instead. The State exempts residential property owners who work on property they occupy from having the State license unless a local ordinance requires it. *See Wis. Stat. §101.862.* Since the State places no conditions on this exemption, it is notably less safe than the City's current ordinance. The draft fixes this problem by reestablishing the conditions on single-family residence owners found in our current ordinance to the extent permitted by law.

Changes to the HVAC Code

You requested changes to the HVAC Code which would require persons to hold the State HVAC Qualifier Certification to engage in HVAC installation and maintenance. Our HVAC Code previously required applicants to pass a City-administered test and have several years' training and experience in HVAC installation and maintenance to obtain a City HVAC license, but these requirements were removed in 2013. Our current HVAC Code only requires applicants to possess a State Registration, pay a fee and provide a bond or confirmation of liability insurance

to obtain a City HVAC license. The State HVAC Qualifier Certification is similar to the City's pre-2013 licensing system because it requires applicants to pass a test and have several years' training and experience.

State law restricts municipalities' ability to require the HVAC Qualifier Certification. *See* Wis. Stat. §101.178. The draft complies with the State's requirements. The most important requirement is that the City "grandfather" persons who already hold a valid City HVAC license and let them continue to do work without the Qualifier Certification. Therefore, the draft creates a dual system requiring persons to either possess and keep current their existing City HVAC license or obtain the Qualifier Certification (or work for a business that has the Qualifier Certification).

The City's HVAC licensing ordinance requires persons to renew their HVAC license on or before January 1st of every year. The draft states that if they don't renew their license by the following June 30th, they've lost their eligibility for the City license. Note that your Department must send a renewal notice to license-holders 30 days before the January 1st renewal date; the notice should include information about the June 30th deadline.

Please contact me if you have any questions or concerns about this information.