



# CITY OF APPLETON

## MEMORANDUM

**Date:** March 12, 2025  
**To:** Community Development Committee  
**From:** Kara Homan, AICP, Director of Community Development  
Kurt W. Craanen, Inspections Supervisor  
**Subject:** HVAC Updates to Sections 4-475 to 4-499 of Municipal Code

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### GENERAL INFORMATION

Update the Municipal Code related to heating, air conditioning and ventilation.

### PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

The intention of this text amendment is to remove all language related to the Board of Heating Examiners (which is a board that no longer meets), update language regarding what work requires a permit, and provide clear State Code adoption language.

### BACKGROUND

The proposed text amendments include language that adopts the Wisconsin Administrative Code relating to mechanical systems (HVAC) and clarifies what mechanical work requires a permit.

On September 1, 2021, Council passed Ord. 66-21 which repealed Article VII. Mechanical (Board of Heating Examiners) in its entirety. However, language pertaining to the Board of Heating Examiners remains in several sections of Chapter 4. The proposed changes remove this language.

### PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~.

### ARTICLE VII. ~~RESERVED~~ MECHANICAL

Sec. 4-475.      Adoption of the Wisconsin State Heating, Ventilating, and Air Conditioning Code.

(a) The Wisconsin State Heating, Ventilating, and Air Conditioning Code, Wisconsin Administrative Code SPS Chs. 323 and 364, and the National Fuel Gas Code, NFPA 54, as amended from time to time, are hereby adopted and incorporated by reference as though fully set forth herein.

### **DIVISION 3. LICENSE**

#### **Sec. 4-476. Required.**

~~— (a) **Generally.** No person shall engage in the business of installation, servicing, repairing or cleaning of heating, ventilating or air conditioning equipment without first obtaining a license therefore as required in this Division.~~

~~— (b) **Firms, partnerships and corporations.** A firm, partnership or corporation may perform or contract to perform the work described in subsection (a) of this section so long as it employs a person licensed under this Division who shall have immediate supervision of such work. If the licensee ceases to be employed by such firm, partnership or corporation, a new licensee shall be employed within sixty (60) days.~~

~~— (c) **Persons considered licensed.** A person licensed under this division and the person who employs such licensee shall be a licensed heating contractor for purposes of this article.~~

~~— (d) **Exemption for homeowners.** The owner and occupant of his own home may do the heating work described in subsection (a) of this section in such home without a license, but he must obtain a permit therefore and such work must be inspected and approved by the Inspections Division.~~

(a) **Generally.** No person shall engage in the business of installation, servicing, repairing or cleaning of heating, ventilating or air conditioning equipment without first obtaining a license therefore as required in this Division.

(b) **Firms, partnerships and corporations.** A firm, partnership or corporation may perform or contract to perform the work described in subsection (a) of this section so long as it employs a person licensed under this Division who shall have immediate supervision of such work. If the licensee ceases to be employed by such firm, partnership or corporation, a new licensee shall be employed within sixty (60) days.

(c) **Exemption for homeowners.** A residential property owner may perform the mechanical work described in subsection (a) of this section in his own dwelling, which he owns and occupies, without being a registered contractor.

#### **Sec. 4-477. Application.**

~~— Application for a heating contractor's license shall be made to the Inspection Supervisor on a form approved by the Board of Heating Examiners. Such application may contain such information as the Board deems relevant to establish the qualifications of the applicant and must state a place of business. If the applicant operates more than one (1) place of business, a separate license must be obtained for each such place of business.  
(Code 1965, §18.01(2); Ord 32-92, § 1, 3-18-92; Ord 174-93, §1, 10-19-93)~~

#### **Sec. 4-478. Fee; renewal.**

~~— Each application under this Division shall be accompanied by a fee of five dollars (\$5.00) which shall cover the cost of examination. Applicants passing the examination shall be granted a first year's license upon the payment of an additional fee of fifteen dollars (\$15.00). The license shall expire on December 31. The annual fee for renewal of such license shall be five dollars (\$5.00). The license may be renewed up to September 1 upon the payment of the further sum of one dollar (\$1.00) for each month the applicant is delinquent.  
(Code 1965, §18.01(3); Ord 56-09, §1, 4-28-09)~~

#### **Sec. 4-479. Examinations.**

~~—The City Clerk shall refer each application under this Division to the Board of Heating Examiners, who shall test each applicant's knowledge and experience as a heating contractor by written examination. All examination papers and the results of each examination shall be kept on file in the office of the Inspections Division.  
(Code 1965, §18.01(4)(a); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 56-09, §1, 4-28-09)~~

**Sec. 4-480. ~~Revocation; suspension.~~**

~~—The Board of Heating Examiners may revoke or suspend a license under this Division for a violation of any provision of this article after notice and a public hearing according to the rules of the Board. When a license has been suspended or revoked, no license shall again be issued under this Division to such licensee until he has furnished a bond in the sum of two thousand dollars (\$2,000) for the faithful performance of all work to be performed under the license.  
(Code 1965, §18.01(4)(d))~~

**Secs. 4-481 – 4-495. Reserved.**

**DIVISION 4. PERMITS**

**Sec. 4-496. Required.**

~~—A permit shall be required for new installations and additions and alterations to any type of heating, ventilating and air conditioning installation and any type of ductwork. (Code 1965, §18.02(4))~~

(a) *Permit required.* No person shall install within the City any furnace, boiler, air conditioner, fireplace, or woodburning stove and associated piping, or commence any other HVAC work in any structure subject to this article and/or any applicable provisions of the Wisconsin Administrative Code incorporated into this article, without first obtaining a permit for said work from the Inspection Division. In addition to any plans and specifications otherwise required under this article, the Inspection Division may require additional information consistent with their duty to review such plans prior to issuing permits under this section.

(b) *To whom issued.* Permits shall only be issued to a licensed contractor or the owner of a residential property, who resides in that property at time of application. Permit fees shall be nontransferable.

(c) *Application.* An application for an HVAC permit shall be filed with the Inspection Division on a blank form to be furnished for that purpose. The application shall include the name, phone number, and email address of the applicant and shall state that the applicant will be bound by and subject to the rules and regulations of the State of Wisconsin and the ordinances of the City of Appleton.

**Sec. 4-497. Heating Permit fees.**

Heating, ventilating and air conditioning permit fees shall be required as follows for the following installations:

~~—(a) *Residential heating systems.* For new one (1) and two (2) family residential heating systems, the amount of the permit fee shall be on file in the office of the City Clerk.~~

~~—(b) *Residential alterations.* For alterations to one (1) and two (2) family buildings, including equipment replacement and conversions, the amount of the permit fee shall be on file in the office of the City Clerk.~~

~~—(c) *Residential central air conditioning.* For one (1) and two (2) family residential central air conditioning systems, the amount of the permit fee shall be on file in the office of the City Clerk.~~

~~—(d) *Commercial and industrial installations.* For commercial and industrial installations, including new installations, alterations or additions to heating, ventilating, air conditioning and exhaust systems, the amount of the permit fee shall be on file in the office of the City Clerk.~~

~~—(e) **Stoves; fireplaces.** The amount of the permit fee for wood burning stoves and fireplaces shall be on file in the office of the City Clerk.~~

~~—(f) **Reinspection.** A callback inspection charge shall be established at thirty-five dollars (\$35.00) ~~(75.00)~~ per callback for all work requiring inspection under mechanical permit requirements.~~

~~—(g) **Penalty for commencing work without permit.** The fee for installation of any heating, ventilating or air conditioning unit without a permit shall be triple the permit fee prescribed in this section when a permit is obtained. Payment of any fee mentioned in this subsection shall in no way relieve any person of the penalties that may be imposed for violation of this article.~~

(a) **Where work requires a permit.** Heating, ventilation and air conditioning permit fees shall be on file in the office of the City Clerk.

(b) **Reinspection.** A reinspection charge shall be established per callback for all work requiring inspection under mechanical permit. The reinspection charge shall be on file in the office of the City Clerk.

(c) **Penalty for commencing work without permit.** The fee for installation of any heating, ventilating or air conditioning unit without a permit shall be triple the permit fee prescribed in this section when a permit is obtained. Payment of any fee mentioned in this subsection shall in no way relieve any person of the penalties that may be imposed for violation of this article.

#### **Sec. 4-498. ~~Application; issuance.~~**

~~—Article II, Division 3 of this chapter shall apply to the application for and issuance of permits to do work under this article.~~

~~(Code 1965, §18.02(1))~~

#### **Sec. 4-499. Use of license to obtain permit for another.**

No licensee under this article shall take out a permit for work to be done by another contractor. ~~Violation of this Section shall be cause for revocation of the contractor's license and the Inspections Division may refuse the work.~~  
(Code 1965, §18.02(3); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Secs. 4-500 – 4-515. Reserved.**

### **RECOMMENDATION**

Staff recommends the proposed text amendments to Chapter 4 Buildings of the Municipal Code **BE APPROVED** for Sections 4-475 to 4-499.