

What happens to plans after review?

After reviewing them, the examiner informs the designer and owner whether the plans are conditionally approved, withheld or not approved.

- **Conditionally Approved** - means that the plans substantially conform to the applicable codes, with the exceptions listed in the approval letter. Approval expires one to three years after the date of approval depending on the type of project. A one-year plan approval extension for interior work is available for a fee prior to expiration of plans.
- **Withheld** - means that the plans significantly conflict with the codes and must be corrected before DSPS will approve them. Changes, signed and sealed by the registered design professional if necessary, must be submitted to DSPS.
- **Denied** - means that there are serious conflicts with the codes that will require the submittal of new plans if the project is to proceed.

How fast are plans reviewed?

Plans are typically reviewed within 6 weeks of receiving payment for the plan review submittal however review times may vary. Please allow time in your schedule for delays.

What if I am in a hurry to begin construction? It's possible for you to speed the plan review, or start construction before full plan approval (but after any state onsite sewage disposal or local permit approvals), with the following options:

- **Permission to Start** allows for the construction of footings and foundations only, upon submittal of a full set of building or footing & foundation plans to our agency.
- **Footing and Foundation Approval** provides for review when only the footing and foundation plans are submitted.

In either case, the owner is at risk to correct any problems cited during full building plan review.

What if my project can't comply with the code because of special circumstances?

Discuss this with DSPS staff as soon as possible. If code compliance cannot be achieved, the owner may provide equivalency with the intent of the code through a Petition for Variance, for which a fee is required.

What is a Temporary Use?

A municipal fire or building code official may allow a building or structure to be used temporarily by the public for up to 180 consecutive days but may require additional safety measures as a tradeoff for any safety provisions that may be lacking. The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

4

What if I want to preserve the character of a historic building which I am altering?

An owner may elect to use SPS 366 and the International Existing Building Code (IEBC), in the case of a registered historic building. The IEBC also offers a number of design tradeoff options through a point system described in chapter 14 - very similar to the former Comm 70 - Historic Building Code.

Are other plans or permits required for a project?

A building may be subject to state plan reviews and/or registration of: the plumbing and private sewage systems under SPS 381-387; any elevators or escalators under SPS 318; any public swimming pools under SPS 390, any boilers under SPS 341, certain refrigeration system under SPS 345 and any tank storage of 5,000 gallons or more of flammable or combustible liquids under Ch. ATCP 93. If you will be disturbing one acre or more of land, visit the Wisconsin Department of Natural Resources construction site storm water permits website for helpful information at <http://dnr.wi.gov/topic/stormwater/construction/>. Information on other water-related permits that may be needed is available at <http://dnr.wi.gov/topic/Waterways/>. Also, always check with the local municipality and county for their requirements. There is no electrical plan review at the state level. Contact DSPS for individual submittal requirements.

For licensing of hotels, motels, restaurants, pools, campgrounds, bed & breakfast inns, daycares and CBRF's contact the Wisconsin Department of Health Services, DHS and/or Wisconsin Department of Agriculture, Trade and Consumer Protection, DATCP. Check with the local municipality and county for their requirements.

After Plans are Approved

How do inspections work when construction starts?

A state and/or delegated local building inspector will inspect periodically for compliance. If the construction is changed from the approved plans, then revised plans may be required to be submitted to the state for review.

If shortcomings are found, they are reported on "Inspection Progress Reports" which are sent to the designer for resolution and reply. If there are outstanding deficiencies at the final inspection, then Orders are sent to the owner. If these deficiencies are not corrected by a specified time, DSPS will pursue legal action.

Before occupancy of larger buildings, the supervising professional must submit to DSPS and the municipality, a Compliance Statement stating the building was built to the approved plans and Code.

After occupancy, a local fire inspector will periodically inspect the building to assure continued code compliance. Note, that in general, new codes are not retroactively applied to existing buildings.

IMPORTANT - For full details, consult the most recent edition of the printed codes. Wisconsin codes are available from:

Document Sales & Distribution - (608) 243-2441

2310 Darwin Rd. Madison, WI 53704-3108

<https://docsales.wi.gov/>

http://docs.legis.wisconsin.gov/code/admin_code

International Code Council (ICC) codes are available from:

(800) 786-4452

www.iccsafe.org

5

Building Plan Review & Inspection

Wisconsin's Commercial Building & Heating Codes



State of Wisconsin
Department of Safety and Professional Services

For more information:

[Dps.wi.gov](https://dps.wi.gov)

(608) 266-2112

Basic Information

What codes apply?

The primary code is the Wisconsin Commercial Building Code, which is contained in SPS 361-366 of the state's Administrative Code. Most of the information covered here is detailed in SPS 361, Administration & Enforcement. The other chapters contain mainly technical amendments to some of the International Code Council 2015 suite of model codes. These codes are part of the state Administrative Code and have the effect of law. (See the end of this brochure for information on obtaining copies of the codes.)

What is the purpose of these codes?

Per legislated authority, these codes set minimum health, welfare and safety standards in terms of life safety, fire safety, accessibility, energy conservation, ventilation, heating, sanitary facilities, erosion control, structural soundness and other issues. Changes usually are recommended by agency-appointed citizen code committees, endorsed by the agency, and reviewed by the Legislature before they take effect.

To ensure the Code is followed, the state requires anyone constructing or remodeling most buildings to submit their building plans, heating, ventilating and air conditioning (HVAC) plans and certain fire protection system plans to the state for review and approval before any local permit issuance or construction begins. Subsequent on-site inspections are made to ensure the approved plans are followed.

What kinds of structures are covered by the codes?

All buildings into which the public or employees enter and all multi-unit residences of three units or more.

What's not covered by these codes?

Federally-owned buildings, one- and two-family dwellings (newer dwelling construction is covered by the state's Uniform Dwelling Code, SPS 320-325, which is enforced locally), buildings located on Indian reservations, day cares and CBRF's serving eight or less clients in a one- or two-family dwelling, some bed & breakfast inns and some farm buildings are exempted. (The code **does apply** to buildings that involve animal or plant products that are not raised by the building owner or tenant, such as commercial grain elevators, public horse stables and arenas, and some farm markets.)

Also exempted are home occupations, other than those involving explosives, fireworks or repair of motor vehicles, that occupy no more than 25% of the habitable area of a one- or two-family dwelling (does not include detached outbuildings) and have no more than one non-family employee. See s. SPS 361.02 for a complete list of exempted buildings.

When does the current edition of the codes apply?

All or parts of the current edition applies whenever a covered building is built, added onto, altered, or when used for certain new purposes that have different applicable code requirements, as for example, a warehouse to apartment building conversion. Otherwise, with only a few exceptions, an existing building needs to be only maintained to the code edition under which it was approved.

What about building accessibility for people with disabilities?

The state codes require various accessibility features for a building undergoing construction work or a change of occupancy as regulated by the code, so that it is generally usable by people with disabilities. Depending on the size and use of a multi-level building, an elevator or platform lift may be required. Some alterations and additions may require additional changes to existing sanitary facilities and passageways to make the new construction accessible. The federal government also has requirements for the removal of accessibility barriers in existing commercial buildings - for further information, contact the U.S. Department of Justice at 1-800-877-8339.

Who administers the commercial building code?

The Wisconsin Division of Industry Services, in the Department of Safety & Professional Services (DSPS) administers the Code, with some exceptions. The City of Milwaukee and many second class cities conduct plan reviews and inspections of projects within their boundaries except for state-owned projects. Some other municipalities have been certified by the state to conduct plan reviews and inspections of new buildings of less than 50,000 cubic feet volume, certain small additions, and alterations of less than 100,000 cubic feet. DSPS or your local building inspector can tell you which municipalities are certified. Other than in Milwaukee, you may submit plans within their delegated authority to the municipality or state. The Wisconsin Department of Health Services at (608)266-8481 reviews hospitals, nursing homes, and CBRF's.

What are the owner's responsibilities?

The owner is responsible for:

- Obtaining state approval and local permits.
- Hiring competent designers and contractors.
- Providing accurate information to the designer regarding the intended use of the building and any changes in use.
- Providing DSPS the name of a supervising professional that monitors the project.
- Correcting code non-compliances.
- Meeting requirements of other state agencies.
- Maintaining the building per applicable codes.
- Keeping proof of approval at the building.

Failure in carrying out these responsibilities may cause unsafe conditions, additional building costs, fines, construction delays, increased fees, civil suits, insurance & mortgage difficulties, or loss of building value.

When must I submit construction plans to DSPS for review?

You must submit plans for all new construction, addition, and alterations, except for some restaurants, taverns, offices, non-hazardous factories, non-hazardous storage buildings, mercantile buildings, greenhouses and storage or repair garages of less than 25,000 cubic feet total volume. Certain minor alterations or temporary uses may not require a submittal. Contact the Department or Delegated Agent inspector for determination.

All of these projects still must comply with the current Code, even though plans don't have to be submitted to the state. This plan review exemption does not apply to other occupancies such as apartment buildings, motels, hotels, theaters, churches or institutional care facilities. Repairs generally do not require plan submittal to the state. Contact the State or delegated agent inspector for determination.

Who pays for plan reviews and inspections?

The submitter of the required plans pays fees to the state for the cost of these activities. General taxpayer revenues are not used for this purpose.

When must I use a registered engineer, architect or building designer?

Wisconsin-registered design professionals must be used whenever the total completed building exceeds 50,000 cubic feet. The design professional must sign and seal each plan page or an index page. Also, a registered on-site supervising professional must be retained from project start to completion and for the filing of a compliance statement. This may be the same person as the designer. Because of the codes' various options, you may find it beneficial to use a registered designer for smaller projects as well.

An out-of-state designer needs a Wisconsin registered design professional to certify the plans before they are submitted to the state for review and to be the on-site supervising professional.

How do I determine building volume?

Volume is based on the actual cubic space enclosed within the outer surfaces of the building including attics, basements, crawl spaces, enclosed porches, and garages. The outer surface of structures, or portions of structures, without enclosed walls shall be established by projecting vertical planes from the outer surface of exterior supports or columns.

Who has records for my existing building that I am altering?

DSPS only keeps plan review files for three and a half years. The State Historical Society (Tel. 608-264-6535) or the municipal building inspection department may have older records.

Submittal and Review of Plans

How is state plan review arranged?

The submitter must complete the electronic application process at esla.wi.gov. Hard copy submittals are not accepted. This process includes utilizing an eSLA account to supply contact information, answer technical questions about the project, upload applicable plan sets and documentation, and pay the review fees. Approximately 3 days after the application is submitted and paid for, an anticipated review date is assigned to the submittal.

The plans may be for the building, HVAC, fire systems and structural components (trusses, precast, etc.) either in combination or separately. See our website for more information on the plan review process