



Toilet Facilities FAQs

1. SPS 362.1210, 362.2900, and 362.2902(6), IBC 2902.1, Table 2902.1, and 2902.3 – 9/1/2011

Q: In buildings or spaces that are required to provide toilet facilities, must the toilet rooms be available to the public when the building or space is not open for use?

A: No. Most buildings and spaces provide their services during their business hours or hours of operation and there is no requirement that the toilet rooms remain available to the public when the business is closed for the day. Not so obvious are those buildings or structures that provide some walk-in or drive-in services that are available 24/7 even though the rest of the building or space, including the toilets within, is closed to the public. The best example of this would be the service stations that include a convenience store that has toilet rooms that are open during the normal operating hours of the convenience store, but not at all times the gas pumps are available for use.

2. IBC 2902.1, Table 2902.1, 2902.3, and IBC Section 202 – 9/1/2011

Q: Are toilet rooms required for buildings or structures that are not designed to be normally occupied?

A: No. Many buildings and structures are not designed as an “occupiable space” and accordingly need not include toilet rooms within them or adjacent to them. Included are buildings like mini-storage buildings, parking garages, storage garages, or aircraft hangers. Some additional examples include those buildings or structures that provide a drive-in service like self-serve car washes or a walk-in service like ATM kiosks.

3. SPS 366.0912, IBC 2902.2 - Exception 2, and IEBC 910 – 9/1/2011

Q: If in a commercial building that predates SPS 360-366 there is an alteration or use change to a space having a single toilet room, can the single toilet room still be permitted if the total occupant load it is serving exceeds the 15-person limit as specified in the second exception of IBC section 2902.2?

A: Yes, some existing toilet rooms are allowed to use the 25-person limit previously assigned the single toilet room.

Since July 2002, the Wisconsin Commercial Building Code (WCBC) permits a single toilet room to serve spaces with a maximum employee load of 15 where the maximum total load (employees and customers) does not exceed 15 persons. In some ways this is more restrictive than in the past, but in other ways it is less restrictive. The current requirement is not retroactive, and the Department recognizes the validity of previous approvals.

When within a facility built under the pre-July 2002 edition of the WCBC, the Department will continue to recognize the capacity for which the single toilet room was originally designed, provided the use of the space served by the toilet room does not change, or changes only to another use that was permitted to utilize that exception. In previous commercial building codes, a single fixture toilet room was permitted in lieu of separate a toilet room for each sex, when serving a limited number of people within a limited number of uses.

The following is a list of those limited uses:

- a. Adult Day Care
- b. Factory
- c. Repair Garage
- d. Business
- e. Mercantile
- f. Small Assembly Spaces like Ice Cream Parlors or Coffee Shops
- g. Service Garage
- h. Child Day Care

- i. Occupied Storage Garage
- j. Warehousing/Storage

The people limitation referenced in the earlier versions of the WCBC was a 25-person total capacity.

In summary, when uses change between those listed above, or when people loads change slightly due to alterations or subtle use changes, the listed uses are not required to add a second toilet room, provided the total number of occupants does not exceed 25 persons and the building was constructed prior to July 1, 2002. An alteration to the single toilet room likewise does not trigger a requirement to add a second toilet room.