

### 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.

### 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.

## Submittal and Review of Plans

### How is state plan review arranged?

The submitter must complete the electronic application process at [esla.wi.gov](http://esla.wi.gov). Hard copy submittals are not accepted. This process includes utilizing an eSLA account to provide contact information, answering technical questions about the project, uploading applicable plan sets and documentation, and paying review fees. Approximately 3 days after the application is submitted and paid for, an anticipated review date is assigned to the submittal. Plans may be submitted for the building, HVAC, fire systems and structural components (trusses, precast, etc.) either in combination or separately. See our website for more information.

<https://dsps.wi.gov/Pages/Programs/PlanReview/Default.aspx>

### Who pays for plan reviews and inspections?

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

### Are my plans approved?

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

- **Conditionally Approved** - 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** - 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** - 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.

### Are other plans or permits required for a project?

A building may be subject to DSPS plan review and/or registration of: the plumbing and private sewage systems under SPS 381-387; elevators or escalators under SPS 318; public swimming pools under SPS 390, 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 for storm water permits at <http://dnr.wi.gov/topic/stormwater/construction/>. Information on other potential water-related permits is available at <http://dnr.wi.gov/topic/Waterways/>. 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 need to be submitted 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. Generally, 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 at: <https://docsales.wi.gov/> [http://docs.legis.wisconsin.gov/code/admin\\_code](http://docs.legis.wisconsin.gov/code/admin_code) International Code Council (ICC) codes are available at: [www.iccsafe.org](http://www.iccsafe.org)

# Building Plan Review & Inspection

## Wisconsin's Commercial Building & Heating Codes



State of Wisconsin  
Department of Safety and Professional Services

### For more information:

[dsps.wi.gov](http://dsps.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 Wis. Admin. 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 are usually 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 SPS 361.02 for a complete list of exempted buildings.

### When does the current edition of the codes apply?

Whenever a covered building is built, added onto, altered, or when used for certain new purposes that have different applicable code requirements, such as 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?

Wis. Admin. Code requires various accessibility features for a building undergoing construction or a change of occupancy, 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 (other than 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 DSPS. The Wisconsin Department of Health Services at (608)266-8481 reviews hospitals, nursing homes, and CBRF's.

### 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 Permission to Start (PTS) options. In either case, the owner is at risk to correct any problems cited during full building plan review.

- **Foundation and Footing PTS** allows for the construction of footings and foundations only, upon submittal of a full set of building or footing and foundation plans to DSPS.
- **In-Floor Hydronic Heating PTS** allows for the installation of in- or under-slab piping from a point 5' outside of the building perimeter to, and including the, manifold system, insulation, and work necessary to provide for a system capable of being pressurized and tested prior to the pouring of the concrete slab. The following information must be submitted to DSPS:
  - Piping sizes and layout
  - Zones identified
  - Thermal break locations shown
  - Approximate manifold location shown
  - Insulation location, type, and R-value (perimeter edge)
  - Statement regarding intention to design system in compliance with IMC
  - Ch. 12 with pressurization during installation and testing provisions.

### 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 to carry 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 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 DSPS or delegated agent inspector for determination. All projects must comply with the current code, even for plans not submitted to DSPS. 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 DSPS. Contact DSPS or delegated agent inspector for determination.

### 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 cf. 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, it may be beneficial to also use a registered designer for smaller projects.

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.

### 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 several design tradeoff options through a point system described in chapter 14, which is similar to the former Comm 70, Historic Building Code.