



## Before Issuing that Permit...

Division of Industry Services

Failure to comply with the following requirements may cause hazardous conditions, additional correction costs, legal action against the owner, delays, increased plan review fees, insurance or mortgage difficulties, etc.:

- State statutes require **any building** that uses a private sewage system to have a **sanitary permit** for such a system before any local permit is issued.
- Wisconsin law generally requires that **commercial or multi-family buildings** being built, added to or altered **receive state plan review approval** under the State Commercial Building Code (Wisconsin Administrative Code, Chapters SPS 361-366) **prior to construction or any local permit issuance.**

A commercial building is one that is used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or that the public or employees use or that has three or more residential units. For such buildings, look for a state plan review approval letter or permission to start letter from the Division of Industry Services before issuing a local permit. *Alternatively, the state has delegated limited plan approval authority to certain municipalities.*

The following are exempt from the State Commercial Building Code and do not require plan approval as commercial buildings (see sections SPS 361.02, 361.03 and chapter SPS 327; and subsections 101.61(3) & 101.05(4) statutes):

1. One & two family dwellings – if your municipality does not inspect them, then refer owners to the county or state – see our website under "Uniform Dwelling Code Program" for referral information.
2. Home-based occupation located in 1 & 2 family dwellings – this is limited to 25% of the habitable floor area, one non-family employee and no vehicle repair or fireworks.
3. The following uses serving 8 or fewer clients in a one or two family dwelling: community-based residential facilities (CBRF), daycares, foster homes, group homes.
4. Temporary buildings used only for construction purposes and not used as living quarters.
5. Farming operations, including sales of farm products raised there (public horse boarding stables & riding arenas are **not** exempt).
6. Federally-owned buildings.
7. Buildings on Indian reservations.
8. Bed & breakfast inns – if built prior to May 11, 1990 and is the owner's residence and has 8 or less rental rooms.
9. Camping units – if built after February 5, 2017 under chapter SPS 327 rules with a maximum of 400 square feet and placed by campground owner or operator in a fixed location in a licensed campground. If your community opted out of inspecting them, then refer campground owners or operators to the state.
10. Primitive rural hunting cabins – if built prior to December 31, 1997 or a replacement of or conversion of such a structure, is maximum 2 stories and used principally for recreational hunting and not a home nor residence.
11. Rural one classroom schools – if operated by and for members of a bona fide religious denomination where their religious teachings and beliefs prohibit the use of certain products, devices or designs necessary to comply with the building code.

The following are exceptions to the plan approval requirement. **The owner, however, is still required to comply with the State Commercial Building Code** (see sections SPS 361.03 & 361.30).

1. Except for residential, educational, institutional, hazardous, and Group A1, A-4, and A-5 occupancies; those commercial buildings of less than 25,000 total cubic feet volume (volume includes basements, crawl spaces, attics and projected volume of structures without walls).
2. Freestanding antennas, tents, outdoor theater screens, exterior bleachers of 5 rows or less, water tanks/towers, display signs, observation towers, docks, piers, wharves and other similar structures.
3. Temporary uses that have been approved by the local fire or building code official.
4. Repairs or replacements or minor alterations where the state building official (if in a delegated municipality, then the local building official) agrees plan approval is not necessary – e.g., one to one roofing or window replacement.