

This information is intended to help building owners, designers and contractors better understand the building plan approval and inspection requirements for commercial and multi-family dwellings. Be aware that state building plan approval is separate from local permitting. You may find it advantageous to work with an architect or engineer early in the building planning and design process.

## **Some Basic Information**

### **What codes apply?**

The primary code is the Wisconsin Commercial Building Code, which is contained in Chs. SPS 361-366 of the state's Administrative Code. Most of the information covered here is detailed in Ch. SPS 361, Administration & Enforcement. The other chapters contain mainly technical amendments to some of the International Code Council 2009 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 3 units or more.

### **What's not covered by these codes?**

Federally-owned buildings, 1- and 2-family dwellings (newer dwelling construction is covered by the state's Uniform Dwelling Code, Chapters SPS 320-325, which is

enforced locally), buildings located on Indian reservations, day cares and CBRF's serving 8 or less clients in a 1- or 2-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 & 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 1- or 2-family dwelling 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. Dept. 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 2nd 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 submittal per the local building inspector's 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.

### **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.

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

DSPS only keeps plan review files for 3 1/2 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 designer generally sets up a review date on our website, or in limited cases, by fax or e-mail, for two days after when the plans are expected to be completed and delivered to the State. The plans may be for the building, HVAC, fire systems and structural components (trusses, precast, etc.) either in combination or separately. Plans mailed in or dropped off without an appointment are scheduled into the next open time. See our website for what needs to be included in the planset.

### 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 DSPTS will approve them. Changes, signed and sealed by the registered design professional if necessary, must be submitted to DSPTS.
- **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 will be acted upon within 15 business days of the scheduled appointment date. Normally though, review will be completed within several days of the appointment date.

### 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 on-site 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 DSPTS 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 if I want to preserve the character of a historic building which I am altering?

An owner may elect to use Ch. 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 13 – 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 Chs. SPS 381-387; any elevators or escalators under Ch. SPS 318; any public swimming pools under Ch. SPS 390, any boilers under Ch. SPS 341, certain refrigeration system under Ch. 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 WI 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 DSPTS for individual submittal requirements.

For licensing of hotels, motels, restaurants, pools, campgrounds, bed & breakfast inns, daycares and CBRF's, contact the WI Department of Health Services at (608) 266-1865. Also, always check with the local municipality and county for their requirements.

### After Plans Are Approved

#### Who may do the construction work?

The following construction work must be done by state-credentialed contractors: HVAC, fire sprinklers, plumbing, and structural welding. Other local licensing requirements may also apply.

### How do inspections work when construction starts?

A state and/or 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, DSPTS will pursue legal action.

Before occupancy of larger buildings, the supervising professional must submit to DSPTS 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

2310 Darwin Rd.  
Madison, WI 53704-3108  
Telephone (608) 266-3358

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

Or online at:

[http://docs.legis.wisconsin.gov/code/admin\\_code](http://docs.legis.wisconsin.gov/code/admin_code)

**International Code Council (ICC)** codes are available from:

Tel. (800) 786-4452  
Or online at [www.iccsafe.org](http://www.iccsafe.org)

For applications, fees and general assistance contact:

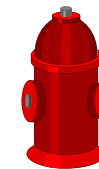
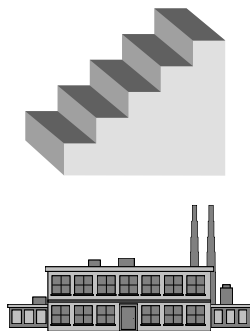
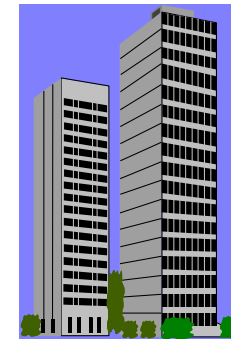
#### DSPTS – Division of Industry Services

P.O. Box 7302  
1400 E. Washington Ave.  
Madison, WI 53703  
Telephone (608) 266-2112

Or online at: [www.dsps.wi.gov](http://www.dsps.wi.gov)



## BUILDING PLAN REVIEW & INSPECTION



## UNDER WISCONSIN'S COMMERCIAL BUILDING & HEATING CODES

The WI Division of Industry Services does not discriminate on the basis of disability in the provision of services or in employment. If you need this printed material interpreted or in a different form or if you need assistance in using this service, please contact us. Deaf, hearing or speech impaired callers may reach us through the Wisconsin Telecommunications Relay System (WI TRS).