



To the Delegated Municipalities,

After recent inquiries regarding a municipality's ability to adopt an ordinance requiring accessory buildings to comply with the Uniform Dwelling Code, the Department of Safety & Professional Service is providing the following FAQ:

Question:

I am asking whether municipalities may require accessory buildings comply with the Uniform Dwelling Code?

Answer:

Accessory buildings, including detached garages, are exempted from the Uniform Dwelling Code. Wis. Admin. Code § SPS 320.05(4). An accessory building is defined as "a detached building, not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot." Wis. Admin. Code § SPS 320.07(1).

Wis. Admin. Code ch. SPS 320 to 325 Appendix A does provide a model ordinance that contains the option for a municipality to apply the Uniform Dwelling Code to detached garages. This provision is incorrect, and the Department of Safety and Professional Services is working to remove that provision.

Wis. Admin. Code § SPS 320.09(9)(a)3. states that dwelling contractor credentials are only required when a permit for work covered under Wis. Admin. Code chs. SPS 321 and 322 is required. As accessory buildings are exempted from the Uniform Dwelling Code, municipalities cannot require dwelling contractor or dwelling contractor qualifier credentials for the construction, addition, alteration or repair of accessory buildings.

The electrical code applies to all installations in private buildings, under Wis. Admin. Code § SPS 316.002(1)(a), and the plumbing code is intended to be uniform in application to all types of buildings, per Wis. Stat. § 145.02(2)(a). Accordingly, all rules and licensing requirements for electrical and plumbing apply to accessory buildings.

A municipality is able to adopt other regulations or portions of the Uniform Dwelling Code for accessory buildings.

This FAQ is meant to provide clarification on a specific question and should not be broadly construed to apply to other matters. Should you still have questions regarding the above FAQ please submit your questions to Laura Varriale, at DSPSDISLegal@wisconsin.gov.

