

The following pages are intended to be inserted into the printed 3-ring binder copy of the 2021 International Existing Building Code, First Printing: December 2020. The code pages between which these pages are to be inserted may vary for subsequent printings.

It is recommended that these pages be printed on paper of a contrasting color from those found in the standard code.

SPS 366.0001 Purpose and scope.

(1) Purpose. The purpose of ch. SPS 366 is to establish minimum requirements to safeguard public health, safety and welfare insofar as existing public buildings and place of employment are affected by the repair, alteration, change of occupancy, addition or relocation.

(2) Scope. The scope of ch. SPS 366 is as specified in s. SPS 361.02.

(3) Intent. The intent of this chapter is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

SPS 366.0100 Changes, additions or omissions to IEBC. Changes, additions or omissions to the IEBC are specified in this subchapter and are rules of the department and are not requirements of the IEBC.

Note: The requirements of s. 101.132, Stats., may be more restrictive than the administrative rules when a project involves the remodeling of housing. The term “remodeled” has the meaning given in s. 101.132 (1) (h), Stats., and the term “housing” has the meaning given in s. 106.50 (1m) (L), Stats. Section 101.132 (2) (b), Stats., regarding remodeling percentages, reads:

1. If more than 50 percent of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.
2. If 25 percent to 50 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.
3. If less than 25 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. (a) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. (a) regardless of when the housing was first intended for occupancy.

Note: Section 101.126, Stats., requires the owner of a building to provide a separate room or designated space within or adjacent to the building for the separation, temporary storage and collection of recyclable materials that are likely to be generated by the building occupants, if there is an increase in the size of the building by 50% or more or an alteration of 50% or more of the existing area of a building that is 10,000 square feet or more in area. See Appendix B for guidelines for recommended designated areas.

SPS 366.0101 Administration. Except for IEBC section 102.4, substitute the following wording for the requirements in IEBC chapter 1:

(1) Application. The provisions of the IEBC shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the IBC, IMC, IPC, and IRC as applicable shall be considered in compliance with the provisions of chs. SPS 361 to 366.

(2) Change of occupancy to a public building occupancy.

(a) Except as provided in par. (b), where a building or portion of a building that has not been previously occupied or used as a public building or place of employment is to be changed to an occupancy or use that constitutes a public building or place of employment, the building or portion of a building shall comply with the IBC for new construction.

(b)

1. Under par. (a) the IBC rules for new construction do apply to the properties of existing building materials.

2. An alteration or a change of occupancy in a qualified historic building which has not been previously occupied or used as a public building or place of employment may utilize the provisions of the IEBC as modified by this subchapter.

(3) Temporary use.

(a) A municipal fire or building code official may allow an existing building or a portion of an existing building to be used temporarily in a manner that differs from the approved use for the building or space subject to all of the following provisions:

1. The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.
 2. Except as provided in subd. 3., buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health, and general welfare.
 3. The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.
 4. 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.
- (b) A temporary use permit issued by a local authority may not supersede a state corrective building order.

(4) Compliance method.

- (a) The repair, alteration, change of occupancy, addition, or relocation of all existing buildings shall comply with one of the methods listed in par. (b) or (c) as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work by the code official. Paragraphs (b) and (c) shall not be applied in combination with each other.
- (b) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IEBC chapters 3, 4, 6 to 12, and 14 shall be considered in compliance with the provisions of chs. SPS 361 to 366.
- (c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC chapter 13 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

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IEBC Chapter 2, Insert 2A, Page 1 of 2

Insert between pages 1-12 and 2-1

SPS 366.0202 General definitions.

(1) Additions. This is a department definition for this chapter in addition to the definitions in IEBC section 202: “Exhibit building” means a qualified historic building that is open to the general public only for display or tours.

(2) Substitutions.

(a) Substitute the following definition for the corresponding definition in IEBC section 202: “Historic building” means a “qualified historic building” as defined under s. 101.121 (2) (c), Stats.

Note: Section 101.121 (2) (c) of the Statutes reads as follows: “Qualified historic building” means a historic building which:

1. Is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places;
2. Is included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district;
- 2m. Is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places;
3. Is listed on a certified local register of historic property; or
4. Is included in a district which is listed on a certified local register of historic property, and has been determined by the city, village, town or county to contribute to the historic significance of the district.

Note: Form SBD-7728 may be utilized to provide the status on a historic commercial building. This form is available on the department’s website at dsps.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53707-7302, or call (608) 266-2112.

(b) Substitute the following definition for the corresponding definition in IEBC section 202: “Unsafe” means buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “dangerous,” or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe.

(c) Substitute the following definition for the corresponding definition in IEBC section 202: “Work area” means that portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by chs. SPS 361 to 366. The work area is the area reconfigured with full height walls or the area that has its required egress reconfigured.

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IEBC Chapter 3, Insert 3A, Page 1 of 1

Insert between pages 3-2 and 3-3

SPS 366.0303 Storm shelters. The requirements in IEBC section 303 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 3, Insert 3B, Page 1 of 1

Insert between pages 3-2 and 3-3

SPS 366.0306 Accessibility. This is a department informational note to be used under IEBC section 306.

Note: See s. 101.132, Stats., for additional accessibility requirements.

IEBC Chapter 3, Insert 3C, Page 1 of 1

Insert between pages 3-4 and 3-5

SPS 366.0307 Smoke alarms. These are department rules in addition to the requirements in IEBC section 603:

- (1)** No smoke alarm, including an alarm that exists on September 1, 2011, may remain in service for more than that specified by the manufacturer.
- (2)** The replacement of a smoke alarm that uses a battery as its primary power source shall be a new smoke alarm that complies with UL 217 and either of the following:
 - (a)** The alarm is hardwired in accordance with IBC section 907.2.11.4 and has backup power in accordance with that section.
 - (b)** The alarm uses, as its primary power source, a non-replaceable, non-removable battery that is capable of powering the alarm for at least 10 years.

IEBC Chapter 3, Insert 3D, Page 1 of 2

Insert between pages 3-6 and 4-1

SPS 366.0308 Carbon monoxide alarms for CBRF's accommodating fewer than 20 residents. These are department rules in addition to the requirements in IEBC section 308 and are established under the authority of s. 101.127, Stats.:

(1)

(a) Existing buildings converted to be community-based residential facilities accommodating fewer than 20 residents shall be provided with carbon monoxide alarms by July 1, 2013, when either one of the following conditions exists:

1. The building contains fuel-burning appliances.
2. The building has an attached garage.

(b) This section applies to community-based residential facilities described under par. (a) in existence prior to January 1, 2005.

Note: Pursuant to s. 101.01 (12), Stats., an existing building converted to be community-based residential facility accommodating fewer than 20 residents is not defined to be a “public building.” See also s. SPS 361.02 (4).

(2) Carbon monoxide alarms shall be listed and labeled to be in conformance with one of the following standards:

- (a)** UL 2034.
- (b)** UL 2075.

(3)

(a) A carbon monoxide alarm shall be installed in accordance with the instructions of its manufacturer.

(b) A carbon monoxide alarm shall be provided on each floor level of an existing building accommodating a community-based residential facility described under sub. (1) (a), if the building contains fuel-burning appliances.

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(c) A carbon monoxide alarm shall be provided on each floor level where sleeping units are located in an existing building accommodating a community-based residential facility described under sub. (1) (a), if the building has an attached garage and no fuel-burning appliances.

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IEBC Chapter 4, Insert 4A, Page 1 of 1

Insert between pages 3-6 and 4-1

SPS 366.0405 Structural evaluation. The requirements in IEBC sections 405.2 to 405.2.6 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 4, Insert 4B, Page 1 of 1

Insert between pages 4-2 and 4-3

SPS 366.0408 Repairs — plumbing. The requirements in IEBC section 408 are not included as part of chs. SPS 361 to 366.

Note: See the Wisconsin Uniform Plumbing Code, chs. SPS 382 to 387, for plumbing and water conservation provisions.

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IEBC Chapter 5, Insert 5A, Page 1 of 1

Insert between pages 4-4 and 5-1

SPS 366.0500 Prescriptive compliance method. The requirements in IEBC chapter 5 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 7, Insert 7A, Page 1 of 1

Insert between pages 6-2 and 7-1

SPS 366.0701 Alterations. Substitute the following wording for the requirements in IEBC section 701.2 but not the exception: Conformance. An existing building or portion thereof may not be altered such that the building becomes less safe than was required in its existing condition.

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IEBC Chapter 7, Insert 7B, Page 1 of 1

Insert between pages 6-2 and 7-1

SPS 366.0702 Building elements and materials.

(1) Materials and methods. Substitute the following wording for the requirements in IEBC section 702.7: All new work shall comply with materials and methods requirements in the IBC, IECC, IFGC, IMC, and IPC, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(2) International fuel gas code. The requirements in IEBC section 702.7.1 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 7, Insert 7C, Page 1 of 1

Insert between pages 7-2 and 7-3

SPS 366.0704 Means of egress.

(1) Alterations. Substitute the following wording for the requirements in IEBC section 704.1: Alterations shall be done in a manner that maintains the level of protection required for the means of egress prior to the alteration.

(2) Stairway width. This is a department rule in addition to the requirements in IEBC section 704: Where installing an inclined platform lift or stairway chairlift, the clear-passage width shall be provided with the lift in the unfolded, usable position—except where an existing, previously approved lift is being replaced, the clear-passage width may remain as it was with the original lift in place, but it may not be reduced by the replacement.

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IEBC Chapter 8, Insert 8A, Page 1 of 1

Insert between pages 8-2 and 8-3

SPS 366.0803 Automatic sprinkler systems. This is a department exception to the requirement in IEBC section 803.2: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings. This exclusion is also applicable to sprinkler systems triggered by changes of use or additions.

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IEBC Chapter 8, Insert 8B, Page 1 of 1

Insert between pages 8-10 and 8-11

SPS 366.0807 Altered existing mechanical systems. The exception to the requirements in IEBC section 807.1 and the requirements in IEBC section 807.2 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 8, Insert 8C, Page 1 of 1

Insert between pages 8-10 and 8-11

SPS 366.0808 Minimum plumbing fixtures. This is a department requirement in addition to IEBC section 808. Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

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IEBC Chapter 9, Insert 9A, Page 1 of 1

Insert between pages 8-12 and 9-1

SPS 366.0902 Special use and occupancy - boiler and furnace equipment rooms. Substitute the following wording for the requirements, but not the exceptions, in IEBC section 902.2: Boiler and furnace equipment rooms. Boiler and furnace equipment rooms adjacent to or within Groups I-1, I-2, I-4, R-1, R-2, and R-4 occupancies shall be enclosed in compliance with IBC 509 heating equipment enclosure requirements.

SPS 366.0908 Level 3 alterations plumbing. These are department rules in addition to the requirements in IEBC chapter 9:

(1) Pursuant to s. 101.128, Stats., level 3 alterations within an existing facility where the public congregates shall necessitate that plumbing fixtures serving the work area be provided in a ratio of at least 2 water closets for females as to each water closet and urinal for the males.

(2)

(a) Under this section “facility where the public congregates” has the meaning has given in s. 101.128 (1) (b), Stats.

Note: Section 101.128 (1) (b), Stats., reads: “Facility where the public congregates” means any of the following that has a general capacity or a seating capacity of 500 or more persons:

1. An amusement facility.
2. A convention or trade hall or center.
3. A specialty event center.
4. A sports or entertainment arena, center or building.
5. A stadium.
6. An airport, bus terminal, train station or other transportation center.

(b) Under this section “alterations” has the meaning has given in s. 101.128 (1) (d), Stats., for “renovation”.

Note: Section 101.128 (1) (d), Stats., reads: “Renovation” means any structural remodeling, improvement or alteration of an existing facility where the public congregates. “Renovation” does not include any of the following:

1. Reroofing.
2. Cosmetic remodeling, including painting or the installation of wall covering, of paneling, of floor covering or of suspended ceilings.
3. An alteration to an electrical or mechanical system.

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IEBC Chapter 10, Insert 10A, Page 1 of 1

Insert between pages 9-4 and 10-1

SPS 366.1001 Change of occupancy.

(1) Change of occupancy approval. Substitute the following wording for the requirements in IEBC section 1001.2: A change of occupancy or a change of occupancy within a space where there is a different fire protection system threshold requirement in IBC chapter 9 may not be made to any structure without the approval of the code official. An increased occupant load may trigger additional means of egress or fire protection requirements.

(2) Change of occupancy classification. This is a department rule in addition to the requirements in IEBC section 1001.2.2: Buildings undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with the IECC.

(3) Certification of occupancy required. The requirements in IEBC section 1001.3 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 10, Insert 10B, Page 1 of 1

Insert between pages 10-2 and 10-3

SPS 366.1009 Change of occupancy plumbing. Substitute the following wording for the requirements in IEBC section 1009: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

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IEBC Chapter 10, Insert 10C, Page 1 of 1

Insert between pages 10-2 and 10-3

SPS 366.1010 Other requirements.

(1) Elevator recall. This is a department rule in addition to the requirements in IEBC section 1010: At least one existing elevator shall be provided with emergency recall operation and emergency in-car operation complying with ch. SPS 318 when an existing building or structure that is greater than 60 feet in height is changed to include a Group R-1 or R-2 occupancy.

(2) Carbon monoxide alarms. This is a department rule in addition to the requirements in IEBC section 1010: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with IBC section 915.

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IEBC Chapter 10, Insert 10D, Page 1 of 1

Insert between pages 10-2 and 10-3

SPS 366.1011 Standpipe systems. This is a department rule in addition to the requirements in IEBC section 1011.2: Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with IBC chapter 9 when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R-1 or R-2 occupancy.

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IEBC Chapter 11, Insert 11A, Page 1 of 1

Insert between pages 10-6 and 11-1

SPS 366.1102 Heights and areas.

(1) Area limitations. This is a department exception in addition to the exception in IEBC section 1102.2: Buildings meeting the legacy Wisconsin unlimited area provisions are allowed to have unlimited area additions per the current code without a separating firewall.

(2) Fire protection systems. This is a department exception to the requirements in IEBC section 1102.3: An automatic sprinkler system is not required for additions to individual dwelling units within existing townhouses that are not already protected with an automatic sprinkler system.

IEBC Chapter 12, Insert 12A, Page 1 of 1

Insert between pages 11-2 and 12-1

SPS 366.1201 Historic buildings.

(1) Scope. This is a department rule in addition to the requirements in IEBC section 1201.1: Any historic building is exempt from the energy requirements of chs. SPS 361 to 366 except as follows:

(a) Existing ceiling, wall, or floor cavities exposed during alterations shall be filled with insulation.

(b) All replacement skylight, window, or door assemblies shall meet the minimum code requirements of the IECC unless specifically designed to address unique aesthetics associated with the historic nature of the building. Glass only replacements in an existing sash and frame are exempt from the application of the IECC.

(c) Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing so as to meet the minimum insulation required by the IECC or shall provide insulation to the greatest extent possible.

(2) Report. The requirements in IEBC section 1201.2 are not included as part of chs. SPS 361 to 366.

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IEBC Chapter 12, Insert 12B, Page 1 of 2

Insert between pages 12-2 and 12-3

SPS 366.1204 Exhibit buildings. These are department rules in addition to the requirements in IEBC section 1204: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

- (1) The building shall be open to the public only under the supervision of a tour guide.
- (2) The building may not be lived in, slept in or worked in, except for the purpose of demonstrating to the public how people lived in a particular era.
- (3) Smoking is prohibited in the building.
- (4) Open flame equipment may not be used in the building, except for fire places and other mechanical equipment original to the building.
- (5) Fire extinguishers shall be installed in exhibit buildings and may be located in a nonconspicuous location but accessible to the occupants.
- (6)
 - (a) At least one smoke detector shall be provided for each 1,200 square feet of floor area with a minimum of one smoke detector per floor level.
 - (b)
 1. Except as specified in subd. 2., where electricity is provided in the exhibit building, the smoke detectors shall be connected to the electrical power.
 2. Where no electrical power is provided to an exhibit building, the smoke detectors shall be of a battery type.
 3. Smoke detectors shall be tested weekly.
- (7) Exhibit buildings provided with only one means of egress shall be restricted to a total capacity of 12 people, and not more than 6 people may be located above or below the first floor at any one time.
- (8) Stairways without 6-foot, 4-inch vertical headroom clearance shall have signs posted warning occupants of the headroom clearance available.

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(9) Exit signs shall be provided in accordance with the prevailing code in exhibit buildings occupied prior to ½-hour before sunrise and ½-hour after sunset and in all areas not provided with natural lighting.

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IEBC Chapter 13, Insert 13A, Page 1 of 1

Insert between pages 12-4 and 13-1

SPS 366.1301 Performance compliance methods.

(1) Applicability. Substitute the following wording for the requirements in IEBC section 1301.2: The provisions of sections 1301.2.1 through 1301.2.6 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions may not apply to buildings with occupancies in Group H or Group I.

(3) Other codes. The requirements in IEBC section 1301.3.2 are not included as part of chs. SPS 361 to 366.

(4) Minimum plumbing fixtures. This is a department rule in addition to the requirements in IEBC section 1301.2: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

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IEBC Chapter 15, Insert 15A, Page 1 of 1

Insert between pages 14-2 and 15-1

SPS 366.1500 Construction safeguards. The requirements in IEBC chapter 15 are not included as part of chs. SPS 361 to 366.