

This pamphlet is intended to help building owners, designers and builders better understand why and how the state reviews building and heating plans and inspects the construction of commercial, and multi-unit residential buildings. It also outlines the role of City officials.

## **SOME BASIC INFORMATION**

### **WHAT CODES APPLY?**

The primary applicable code is the State Building and Heating, Ventilating and Air Conditioning Code, which is contained in Chs. ILHR 50-64 of the State's Administrative Code. It is also known as the Commercial Building Code. Most of the information covered here is contained in Ch. ILHR 50, which explains in greater detail how the Code is administered and enforced. Also applicable are the Uniform Multi-Family Code, Ch. ILHR 66, for apartment buildings and the Barrier-Free Design code, Ch. ILHR 69. Buildings originally built before 1914 that have not been changed are subject to the Existing Buildings Code, Chs. ILHR 160-164.

### **WHAT IS THE PURPOSE OF THESE CODES?**

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 and structural soundness.

These codes are part of the State Administrative Code and have the effect of law. Changes usually are recommended by agency-appointed citizen code committees, endorsed by the agency, and given legislative review before they take effect.

To make sure the Code is followed, the State requires anyone constructing or remodeling most buildings to submit their building plans and heating, ventilating and air conditioning (HVAC) 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.

### **WHO PAYS FOR PLAN REVIEWS AND INSPECTIONS?**

The submitter of the required plans pays fees to the State and/or the City for the cost of these activities. General Taxpayer revenues are not used for this purpose.

### **WHAT KINDS OF CONSTRUCTION IS COVERED BY THE CODES?**

All public buildings, multi-unit residences and places of employment are covered whenever built, added onto, altered, or when used for certain new purposes, as for example, a warehouse to apartment building conversion. Buildings must also be maintained to the code requirements in effect at the time of construction.

### **WHAT'S NOT COVERED BY THESE CODES?**

Farm buildings, buildings located on Indian reservations, federally-owned government buildings, and one-and two-family dwellings are exempted. (One- and two-family dwelling construction is covered by the State's Uniform Dwelling Code. Chapters ILHR 20-25, which is enforced locally.) See ILHR 50.04 for a complete list of exempted buildings.

### **WHO ADMINISTERS THE COMMERCIAL BUILDING CODE?**

The Wisconsin Department of Commerce (S&BD) administers the Code, with a few exceptions. The cities of Milwaukee and Madison conduct plan reviews and inspections of projects within their boundaries except for state projects. Some other municipalities also have been certified by the state to conduct plan reviews and inspections of new buildings of less than 50,000 cubic feet volume, and alterations of less than 100,000 cubic feet. S&BD or your local building inspector can tell you what municipalities are certified.

The Wisconsin Division of Health reviews hospitals and nursing homes.

### **WHEN MUST I SUBMIT CONSTRUCTION PLANS TO S&BD FOR REVIEW?**

You must submit plans for all new construction, alterations, additions and changes-in-use, except for simple repairs that replace worn-out or deteriorated components or assemblies with like replacement or for offices, warehouses, mercantile buildings and storage garages of less than 25,000 cubic feet total volume. These projects still are covered by the Code, even though plans don't have to be submitted to the State. A local permit is still required. This plan review exemption does not apply to other occupancies such as repair garages, apartment buildings or theaters, churches or restaurants holding over 100 people. Heating equipment replacement only requires a letter to S&BD.

### **WHEN MUST I USE A REGISTERED ENGINEER, ARCHITECT OR BUILDING DESIGNER?**

Wisconsin-registered design professionals must be used whenever the building exceeds 50,000 cubic feet, or the alteration or addition will increase the total volume of the building to over 50,000 cubic feet when completed. 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.

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?**

The volume is based on the actual cubic space enclosed within the outer surfaces of

the enclosing walls, and between the outer surfaces of the roof and the underside of the lowest floor. Attics, basements, enclosed porches, garages, and vaults are included.

## **SUBMITTAL AND REVIEW OF PLANS**

### **WHAT HAPPENS TO PLANS WHEN S&BD GETS THEM?**

Complete building and/or HVAC plan submittals are reviewed, in order of receipt or by appointment, by plan examiners. The plan examiners review the plans for completeness and compliance with the applicable codes. After review, 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. S&BD will return all but one set of plans to the owner (or designer, if requested). Approval expires three years after the date of approval. In addition, local approvals are usually necessary. State statutes allow local governments to condemn a project on which no work has taken place for two years.

**Withheld** means that the plans significantly conflict with the codes and must be corrected before S&BD will approve them. Changes, signed and sealed by the registered design professional if necessary, must be submitted to S&BD.

**Returned Without Action** 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 are reviewed within 15 business days. However, delays can occur when plan submittals are incomplete or incorrect.

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## 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), in the following ways:

**Plan Review By Appointment** provides for review at a future date, subject to the current workload, at no additional charge. This procedure may also be used to expedite review of withheld plans.

**Permission to Start** allows for the construction of footings and foundations only, after a preliminary, cursory review of the building plans.

**Footing and Foundation Approval** provides for approval when only the footings and foundations plans are submitted.

## WHAT IF MY PROJECT CAN'T COMPLY WITH THE CODE BECAUSE OF SPECIAL CIRCUMSTANCES?

Please discuss this with S&BD staff as soon as possible through our Preliminary Review service. If code compliance cannot be achieved, the owner may request to substitute other measures designed to ensure equivalent compliance with the intent of that section. This is done through a Petition for Variance.

## WHAT IF I WANT TO USE ALTERNATIVE MATERIALS?

These codes are performance oriented so materials, equipment and devices not specifically mentioned in the Code may be permitted by S&BD after evidence has been submitted showing their equivalency to the standards. These material approvals may be for a single project or a five-year blanket approval. A fee is charged for the latter.

## WHAT IF I WANT TO PRESERVE THE CHARACTER OF A HISTORIC BUILDING WHICH I AM REMODELING?

An owner may elect to use the Historic Building Code, Ch. ILHR 70, in the case of a registered historic building. The Code offers a number of design tradeoff options through a point system.

## AFTER PLANS ARE APPROVED

A local permit is necessary. To obtain a local permit you need to submit:

- A State approved plan.
- A statement indicating how the building is used and any intended uses for the building.

## HOW DO INSPECTIONS WORK ONCE CONSTRUCTION STARTS?

A State and/or local building inspector will make periodic inspections of the construction site to determine if the actual project is conforming to the approved plans, any conditions of approval, and the codes.

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 Building Inspection Report and Orders are sent to the owner. If these deficiencies are not corrected by a specified time, S&BD will pursue legal action.

Before building occupancy, the supervising professional must submit to S&BD and the municipality a Compliance Statement to verify that the building was built to the approved plans and the Code.

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

After occupancy, a local fire inspector will periodically inspect the building to ensure continued code compliance. (Note that in

general, new codes are not retroactively applied to new buildings.)

## WHAT IS THE OWNER'S RESPONSIBILITY?

The owner is responsible for:

- Getting 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 S&BD the name of a supervising professional to monitor the project.

## IMPORTANT

Do not rely on this pamphlet as an explanation of all the requirements of the Codes, but rather consult the most recent edition of the printed Codes, which are available from:

State Document Sales  
P.O. Box 7840 (or 202 S. Thornton Ave.)  
Madison, WI 53707  
Telephone (608)266-3358

Applications, fee schedules, selected code/commentary publications and general assistance are available from:

Safety and Buildings Division  
P.O. Box 7969  
201 E. Washington Avenue  
Madison, WI 53707  
Telephone (608)266-3151

We can also refer you to our field plan review offices where appropriate.

If you are not sure of your particular situation, please contact:

Local Building Inspector  
381 E. Main St.  
Stoughton, WI 53589  
(608)873-7626

Local Fire Inspector  
381 E. Main St.  
Stoughton, WI 53589  
(608)873-7218

# Commercial Building Information

