

BUILDING PLAN REVIEW & INSPECTION

UNDER WISCONSIN'S COMMERCIAL BUILDING & HEATING CODES

An Overview of the Wisconsin Commercial Building Approval Process

This paper is intended to help building owners, designers and builders better understand when a commercial or multi-family building requires state building plan review prior to construction, and how that review and follow-up inspection works. Be aware that state building plan approval is separate from local permits.

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. Comm 50-64 of the state's Administrative Code. It is also known as the Commercial Building Code. Most of the information covered here is detailed in Ch. Comm 50, Administration & Enforcement. Also applicable are the Uniform Multi-Family Code, Ch. Comm 66, for apartment buildings and the Barrier-Free Design code, Ch. Comm 69. Buildings originally built before 1914 that have not been changed are subject to the Existing Buildings Code, Chs. Comm 75-79.

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 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 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 erosion control and 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 Construction Are Covered By The Codes?

All public buildings, multi-unit (3 units or more) residences and places of employment are covered.

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 Comm 20-25, which is enforced locally) buildings located on Indian reservations, daycares and CBRFs serving 8 or less clients, some bed & breakfast inns and some farm buildings are exempted.

The code **does apply** to buildings for agricultural-related activities that involve animals or plant products that are not raised by the building owner or tenant, such as horse boarding stables, some farm markets, and commercial grain elevators. The code also applies to horse riding arenas because the activity is public horse-riding, not horse raising.

Also exempted are home occupations, other than those involving explosives, fireworks or repair of motor vehicles, that use no more than 25% of the habitable area of a one- or 2-family dwelling and have no more than one non-family employee. See s. Comm 50.04 for a complete list of exempted buildings.

When Does The Current Edition Of The Codes Apply?

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. Covered alterations include those affecting structural strength, fire hazard, and exiting. Otherwise, with 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, based on federal requirements, for a building undergoing construction work, so that it is generally usable by people with disabilities. Depending on the size and use of the buildings, an elevator 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 may also have requirements for the removal of accessibility barriers in existing commercial buildings. For further information, contact the U.S. Dept. of Justice at 800-514-0301.

Who Administers The Commercial Building Code?

The Wisconsin Safety and Buildings Division (S&BD), in the Department of Commerce, administers the Code, with a few exceptions. The cities of Milwaukee, Madison and Janesville 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 5,000 square feet area, certain small additions, and alterations of less than 10,000 square feet. S&BD or your local building inspector can tell you what municipalities are certified. The Wisconsin Department of Health and Family Services at (608)266-3878 reviews hospitals and nursing homes.

What Is The Owner's Responsibility?

The owner is responsible for:

- Signing the plan approval application
- 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 S&BD the name of a supervising professional to monitor the project.
- Correcting code non-compliances
- Maintaining building per applicable codes.

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 offices, storage buildings, mercantile buildings, greenhouses and storage garages of less than 25,000 cubic feet total volume. All of these projects still are covered by 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 repair garages, apartment buildings or to theaters, churches or restaurants serving over 100 people.

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.

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.

In lieu of submitting plans to the state, an owner may optionally have a registered design professional prepare plans for certain smaller projects.

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, enclosed porches, and garages.

Who Has Records For My Existing Building That I Am Altering?

S&BD only keeps plan review files for 4 years. The State Historical Society (Tel. 608-264-6455) or the municipal building inspection department may have older records.

Submittal And Review Of Plans

How Is State Plan Review Arranged For?

The designer sets up an appointment when the plans are expected to be completed and delivered to the State. The plans may be for the building, HVAC, erosion control, fire systems and structural components (trusses, precast) either in combination or separately.

What Happens To Plans When S&BD Gets Them?

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. In addition, local approvals are usually necessary.
- **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.
- **Denied 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 must be acted upon within 15 business days of receipt of all required data. Normally though, review will be completed within several days.

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:

- **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 review when only the footings and foundations 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 S&BD 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 the Historic Building Code, Ch. Comm 70, in the case of a registered historic building. The Code offers a number of design tradeoff options through a point system.

Are Other Plans Or Permits Required For A Project?

A building may be subject to state plan reviews of: the plumbing and private sewage systems under Chs. Comm 81-85; any elevators or escalators under Ch. Comm 18; and any tank storage of 5,000 gallons or more of flammable or combustible liquids under Ch. Comm 10. If you will be disturbing 5 acres or more of land, you must have erosion control and storm water management plans prepared and then file a Notice of Intent with S&BD. There is no state electrical plan review. Contact S&BD for individual submittal requirements.

For licensing of hotels, motels, restaurants, pools, campgrounds and bed & breakfast establishments contact the WI Environmental Sanitation Section at (608)266-2835. The Wisconsin Permit Center at 1-800-435-7287 may be able to help you with other state permit requirements. 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. 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 with the approved plans, any conditions of approval, and the codes. 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 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 stating the building was built to the approved plans and Code.

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.

IMPORTANT - For full details, consult the most recent edition of the printed Codes, available from:

State Document Sales

P.O. Box 7840 (or 202 S. Thornton Ave.)

Madison, WI 53707

Telephone (608) 266-3358

Or online at: www.legis.state.wi.us/rsb/code

For applications, fees, selected code & commentary publications and general assistance contact:

Safety and Buildings Division

P.O. Box 2509

201 W. Washington Ave.

Madison, WI 53703

Telephone (608) 266-3151

Or online at: www.commerce.state.wi.us

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