**EXISTING BUILDING CHANGE OF USE & OCCUPANCY INSPECTION PROGRAM**

**Purpose:** In the City of De Pere, all existing commercial buildings that change ownership or if a business moves into a building or space, it may be considered a change in use or occupancy group, thus prompting an application, permit and occupancy certificate. In cooperation with the City of De Pere Fire, Health and Building Inspection Departments, a pre-occupancy inspection can help the business owner or tenant understand the state, municipal codes and zoning requirements that may apply. The Occupancy Inspection Program will assure the business is in accordance with the municipal zoning permitted use; the building meets the minimum life/safety applied codes; minimum accessibility standards and that it is maintained in accordance with the City’s Building and Property Maintenance code minimum standards.

**Occupancy Inspection Program:** If there is no alteration, or addition taking place in the building or space that would warrant a building, electrical, plumbing or HVAC permit, then a Change of Use/Occupancy permit would be required, followed by an inspection. The program would involve an inspection to the building by the Commercial Building Inspector, Fire Chief and City Health Inspector to ascertain if the minimum accessibility and life safety code standards are met. Moreover, the building owner or occupant may have questions related to the building and/or possible future alterations to the space. Alarm systems, fire suppression systems, ADA accessibility, HVAC systems, building structure, electrical systems, plumbing systems, signage and zoning code uses and limitations can all impact the time and expense business and building owners could incur when opening a new business in the City. An occupancy inspection can provide the business or building owner with valuable information when utilizing the building or tenant space within the commercial building.

**Codification:** Pursuant to De Pere Municipal Codes Section **14-26. - Occupancy certificates. (**1) No change in a use shall be made until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this ordinance. **Section 54-4 (e) *Change of Occupancy or Use.*** Pursuant to SPS 361.03(c) (11), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies. **Section 54-4 Commercial Buildings** and the adoption of the **International Existing Building Code IEBC.**

**SPS 366.1001 Change of Occupancy:** 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.

**IEBC Section 202 *Definition - change of Occupancy*:** A change in the use of the building or a portion of the building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification.

**Occupancy Inspection Process:** For new businesses, new building owners and/or tenant leased spaces that do not include any alteration/renovation, additions that would require a building permit, a certificate of occupancy permit application shall be obtained from the Building Inspector:

* Application completed by the building owner and/or tenant.
* Zoning Administrator shall review for permitted use.
* Commercial Building Inspector reviews the application and an occupancy permit is processed.
* Pre-occupancy inspection is performed by staff.
* Inspection report is prepared and provided to the building owner.
* If no code violations exist, a Certificate of Occupancy is provided.

The use of the building or space will be evaluated for zoning use, building type, occupancy classification, occupant load, and fire protection systems. An example of what we would commonly look at and may inquire: Hours of operation, how many employees/customers, what type of equipment will be used within the space and what type of materials or merchandise will be stored and/or sold. Staff will perform a zoning check. The use of the building is regulated by the City’s zoning code and building code. Zoning staff will verify that the use is permitted or conditional use allowed. The Building Inspection Division shall review, inspect and process a change of use/occupancy permit and a certificate of occupancy issued to the building owner and/or tenant.