

CITY OF DE PERE

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Wisconsin Commercial Building Code Helpful Hints

The Wisconsin Commercial Building Code 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 an apartment building conversion. Covered alterations include those affecting structural strength, fire hazard, and exiting. An existing building, save for a few exceptions, shall be maintained to meet the code under which it was approved.

1. SPS 361.20 (2) Design

- a. Pursuant to chapter 443 stats., a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under ss. 443.14 and 443.15 stats.
- b. Pursuant to chapter 443 stats., a component or a system, including an electrical system, fire protection system, heating ventilating and air conditioning system, or a plumbing system for a public building, structure or place of employment shall be designed by an architect, engineer or a designer of an engineering system.

2. SPS 361.40 Supervision by registered engineer, architect, or building designer. Wisconsin registered design professionals must be used whenever:

- a. The total completed building volume meets or exceeds 50,000 cubic feet. Volume is based on the actual cubic foot space within the exterior structure of the building including attics, basements, enclosed porches, and garages.
- b. The design professional must sign and seal each plan page or an indexed cover page listing all the sheets.
- c. A registered supervising professional shall also be retained from project start to completion and shall make periodic on-site observations to help ensure the building is constructed in accordance with the approved plans.
- d. SPS 361.40 (4) prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising professional, engineer or designer shall file a written statement with the authority that issued plan approval and a copy to the authority issuing the permit, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications.

3. **SPS 361.20 (1) Responsibilities (Owner)** Compliance with the Wisconsin Commercial Building Code does not relieve the owner of a public building or place of employment from compliance with the administrative rules established by other state jurisdictions. The Owner is ultimately responsible for:

- a. Obtaining plan review approval and local permits.
- b. Hiring registered designers and competent contractors.
- c. Providing accurate information to the designer including the building or structure's intended use and/or change of use.
- d. Provide the name of the supervising professional to monitor and oversee the project.
- e. Signing the plan approval application form when requesting permission to start foundation work before plan review.
- f. Correcting code non-compliance issues noted by inspectors or by the supervising professional.
- g. Maintaining the building or structure per all applicable codes.

4. **SPS 361.30 (1) Plan Review and Approval.** Plans for all new construction, alterations, additions and change-in-use to a public building or place of employment shall not commence unless plans for the project have been submitted to an approved department or its authorized representative. Plans exempt from plan review include:

Buildings containing less than 25,000 cubic feet in volume:

- a. Assembly Group A-2
- b. Business Group B
- c. Factory Group F
- d. Mercantile Group M
- e. Storage Group S
- f. Utility and Miscellaneous Group U

5. **SPS 361.36 (1) Plan approval expirations:** Where plan approval is required by this code, one set of plans bearing the stamp of conditional approval and a copy of the specifications shall be kept at the building site. The plans and specifications shall be open to inspection by the department or its authorized representative.

- a. **Building shell.** Plan approval by the department or its authorized representative for new buildings and additions shall expire 2 years after the approval date.
- b. **Occupancy.** For new buildings and additions shall expire 3 years after the approval date.
- c. **Alterations.** Interior building alterations shall expire 1 year after the approval date.
- d. **HVAC construction only.** Heating ventilating and air conditioning construction that does not include any associated building construction shall expire 1 year after the approval date.
- e. **Fire protection systems only.** Fire protection systems that do not include any associated building construction shall expire 2 years after the approval date.

6. **Existing buildings and structures.** An existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform to the building code requirements that applied when the building, structure, element, system or component was constructed, and to conform with the adopted IEBC International Existing Building Code, whenever applicable.

7. **Change of use or occupancy.** 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, unless the building, structure or space complies with the code's requirements for the new division or group of occupancies, as these requirements exist on one of the following dates:
 - a. The date when plans for the change in occupancy or use are approved by the department or authorized representative.
 - b. The date a local building permit is issued, if plan submittal and approval is not required under SPS 361.30.
 - c. The date construction is initiated.
 - d. The date an occupancy permit is issued.

De Pere Municipal Code Ordinance 14-26: Occupancy Certificates

1. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building, shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the Building Inspector. No change in 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.
 - a. *Application for occupancy certificate.* Every application for a building permit (or zoning certificate) shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Building Inspector.
 - b. *Issuance of occupancy certificate.* No occupancy certificate for a building, or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the zoning certificate was based. No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Building Inspector to be in compliance with all applicable performance standards.

Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises. The occupancy certificate shall be issued or written notice shall be given to the applicant

stating the reasons why a certificate cannot be issued not later than seven (7) days after the Building Inspector is notified in writing that the building or premises [are] is ready for occupancy.