

# BUILDING A HOME IN WISCONSIN?

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## HERE IS IMPORTANT INFORMATION ON WISCONSIN'S UNIFORM DWELLING CODE

This brochure is meant to assist homeowners and builders in getting started in designing and building a code-complying home. If you will be actually designing and building a home, it will be necessary to purchase the proper codebooks.

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### WISCONSIN'S UNIFORM DWELLING CODE (UDC)

The statewide code for newer homes in Wisconsin is the Uniform Dwelling Code (UDC), Chs. Comm 20-25 of the Wisconsin Administrative Code and its adopted references. It is a uniform building code that applies across the state. Municipalities may not adopt a more or less stringent code. The UDC was developed and is updated with input from a citizens' Dwelling Code Council.

The UDC is principally enforced by municipal building inspection departments and state-contracted UDC inspection agencies. The Wisconsin Division of Safety and Buildings facilitates uniformity of its enforcement through code development, code interpretations, special investigations, inspector training and certification, processing of petitions for variance and monitoring manufactured dwelling firms.

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### PURPOSE AND SCOPE OF THE UDC

#### Q. What is the purpose of the UDC?

- A. The UDC is a uniform statewide code that sets minimum standards for fire safety; structural strength; energy conservation; erosion control; heating, plumbing and electrical systems; and general health and safety in new dwellings.

#### Q. What buildings are covered by the UDC?

- A. The UDC covers new one- and two-family dwellings built since June 1, 1980 and their additions and alterations. This includes:
- Seasonal and recreational dwellings (Electrical, heating or plumbing systems are not required, but if installed they shall comply with the applicable codes. If a home is heated, then it shall be insulated. Local sanitary requirements may require certain plumbing systems.)
  - One- and two-family condominium buildings.
  - A single-family residence connected to a commercial occupancy.
  - Community-based residential facilities with up to 8 residents.
  - Manufactured, modular or panelized dwellings regulated by the State (but not mobile or manufactured homes regulated by the Federal Government).
  - Additions to mobile or manufactured homes produced after June 1, 1980.
  - A non-residential building, such as a barn, that is converted to a dwelling.

#### Q. What structures are *not* covered by the UDC?

- A. The following are not covered:
- Dwellings built before June 1, 1980 or additions and alterations to such dwellings.
  - Mobile (manufactured) homes which are instead subject to Federal standards.
  - Multi-unit (three or more) residential buildings which are regulated by the State Commercial Building Codes.
  - Detached garages or accessory buildings.

#### Q. What about homes built before June 1, 1980?

- A. The State does not have a construction or heating code for additions or alterations to older homes or any accessory structures or outbuildings. However, the State Plumbing, Electrical and Smoke Detector codes do apply to all dwellings, regardless of age.

For construction and heating standards for older homes, municipalities may adopt any or no code. Many use the UDC. Others use the Wisconsin Uniform Building Code, which is not a State code but rather a regional code in southeastern Wisconsin.

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## UDC ENFORCEMENT

### Q. Who enforces the UDC?

- A. The UDC is primarily enforced by municipal or county building inspectors who must be state-certified. In lieu of local enforcement, municipalities have the option to have the state provide enforcement through state-certified inspection agencies for just new homes. To determine whether the municipality, county or state provides UDC enforcement, contact your municipality or the Division of Safety and Buildings (contact information at end of brochure). Note the option of no UDC enforcement for municipalities of less than 2500 population no longer exists as of January 1, 2005. Permit requirements for alterations and additions will vary by municipality. Regardless of permit requirements, state statutes require compliance with the UDC rules by owners and builders even if there is no enforcement.

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## BUILDING A UDC HOME

### Q. What are the typical steps in building, adding onto or altering a code-complying home?

- A. The steps to be taken by an owner or builder can be summarized as follows. (Some steps may not apply to alterations or additions):
- Make initial contact with local zoning and building inspection departments to get an Energy Worksheet, Building Permit Application, zoning rules and other basic information. Determine if your alteration requires a permit or if you need your property surveyed.
  - Design the home using standard design tables from the UDC or design a more customized home as long as it is demonstrated that the design meets the general engineering standards of the code. In addition to the UDC, the dwelling's design may also be subject to subdivision rules or restrictive covenants.
  - Obtain sanitary or well permits from the county or municipality if the home will use a private sewage system or well.
  - Obtain floodplain, zoning and land use approvals from the county and municipality having authority.
  - Obtain driveway or other local permits.
  - Obtain any necessary utility approvals.
  - Submit complete plans including plot, erosion control, foundation, floor layout(s), building cross-section(s) and exterior building wall views (elevations); Energy Worksheet; Permit Application; fees and copies of the above permits to the municipal inspection department.
  - Begin construction after plans are approved and building permit is issued and posted.
  - Install erosion control measures.
  - Call for inspections of each phase of construction at least 2 business days prior to when work is to be covered up (check the local inspector's instructions). Inspectors will check for compliance with the code. Cosmetic or non-code workmanship items will not normally be ordered corrected. However, inspectors may also check that the approved plans are being followed, including items above the code minimums. Deviations from the original plans may require submittal of revised plans.
  - Take occupancy after receiving a final inspection in which no major health or safety violations are found. (Some municipalities will issue occupancy permits.) Also, the dwelling's exterior must be completed within two years after permit issuance.
  - Correct any other code non-compliances, including stabilization by vegetation of any exposed soil.

### Q. Who may do the work?

- A. Following is a summary of applicable regulations:
- Anyone may design the home, other than for homes in a floodplain.
  - The construction and erosion control permits must be taken out by a state-certified contractor or by the owner who occupies the home currently or after completion. Note that State UDC Contractor Certification checks for general liability insurance only - it does not test the technical competency of the builder.
  - The plumbing work must be supervised by a master plumber and installed by licensed plumbers. (Only after the dwelling is occupied, may an owner install additional plumbing beyond the pre-requisite kitchen sink and full bathroom, unless prohibited by municipal ordinance.)
  - All heating contractors must be state-registered. Owners working on their own property are exempted.
  - Municipalities may have additional licensing requirements as well as bonding or insurance requirements for contractors.
- In any case, we suggest that you:
- Check your contractors for proper liability and worker's compensation insurance to minimize your liability for injuries and damages to, or caused by, contractors.
  - Check past customer references.
  - Have a written contract.
  - Obtain lien waivers from your subcontractors, so you are not financially responsible if your general contractor fails to pay them.

### Q. What could happen if the code is not followed?

- A. Failure to comply with the code could cause the following:
- Endangering the health and safety of self, family or guests.
  - Levying of fines and/or refusal to grant occupancy permit by local building inspection department.
  - Civil action by owners against builders.

- Difficulty in selling the home.
- Civil action by future owners or tenants against original owners or builders. (The average home is resold every 5 to 7 years.)
- Difficulty in obtaining mortgage loans or property insurance.
- Loss of building and community values.

**Q. What if I am not able to exactly follow the Code?**

- A.** If it would be difficult to comply with a particular code provision because of special site or design considerations or you have a better method of compliance, then you may submit a petition for variance with the required fees to the State. Your variance must show an equivalence to the code provision by different means. (Forms are available from your local building inspector or the Safety and Buildings Division.)

**Q. What if I have a problem with my home?**

- A.** Every situation is different, but possible actions include:
- Contact the responsible general contractor and/or subcontractor for resolution.
  - Contact your homeowner's warranty program, if applicable.
  - Contact the local building inspector if the problems are code-related. (Note that orders may be written against you as the owner.)
  - Use the local homebuilder association's arbitration services, if applicable.
  - Obtain a consulting engineer or private building inspector's report.
  - Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (1-800-422-7128) for alteration and addition problems.
  - Use the small claims court system.
  - Contact an independent mediation/arbitration service.
  - Obtain a lawyer.

**CODEBOOKS AND INFORMATION**

**Q. How do I get copies of the applicable codes?**

- A.** Local zoning codes may be obtained from local government offices. The following State codes are needed if you will be involved in the design and construction of a home:
- State Uniform Dwelling Code Chs. Comm 20-25
  - State Plumbing Code Chs. Comm 81-87
  - State Electrical Code Ch. Comm 16

These are available from:

State Document Sales  
P O Box 7840  
Madison, WI 53707

Before ordering, contact them at (608) 266-3358 to determine current fees which must be sent with your order. Telephone orders at 1-800-362-7253 are accepted when purchasing with a credit card. These codes are available for free on line at: [www.legis.state.wi.us/rsb/code](http://www.legis.state.wi.us/rsb/code)

In addition, the State Electrical Code adopts the National Electrical Code, available from:

National Fire Protection Association  
One Batterymark Park  
Quincy, MA 02269  
Tel. 1-800-344-3555  
[www.nfpa.org](http://www.nfpa.org)

**Q. If I have further questions, who should I contact?**

- A.** Again, the UDC is a locally enforced code, so contact the local municipal building inspection department where the home will be built.

Otherwise you may contact:

**Safety and Buildings Division**  
**P. O. Box 2658**  
**Madison, WI 53707**  
**(608) 267-5113**

or: [www.commerce.wi.gov/sb](http://www.commerce.wi.gov/sb)

An explanatory UDC Commentary is also available for free off of our website or for purchase from the Division.

The Division of Safety and Buildings does not discriminate on the basis of disability in the provision of services or in employment. If you need this printed material interpreted or in a different form, or if you need assistance in using this service, please contact us. Deaf, hearing or speech impaired callers may reach us through the Wisconsin Telecommunication Relay System (WI TRS).