

(2) **ALTERATIONS TO BUILDINGS.** The provisions of this code shall apply to all remodeling or alterations in any building or structure which affect the structural strength, fire hazard, exits, required natural lighting or replacement of major equipment. These provisions do not apply to minor repairs necessary for the maintenance of any building or structure nor to buildings exempt, as listed in s. ILHR 50.04.

(3) **CHANGE OF USE.** (a) If the use of an existing building or structure is changed in accordance with the definition of s. ILHR 51.01 (87), and the requirements for the new use are more stringent than those for the previous use, the building or structure shall be made to comply with the requirements for the new use as provided in this code.

1. Exception. Unless the requirements for the new use are modified subject to the written approval by the department.

2. Exception. An existing building undergoing a change of use will not be required to comply with the provisions of s. ILHR 52.04 — barrier-free environments, unless the building undergoes physical remodeling in accordance with the percentages established in s. ILHR 52.04 (6).

(b) If, upon inspection of an existing building or structure, it is found that its use has changed and that it does not comply with the requirements of the building code in effect at the time of change, it shall be made to comply with the code requirements in effect at the time of change in use.

(4) **REST ROOM PARITY.** Rest room parity applies to any facility where the public congregates which has a general capacity or seating capacity of 500 or more persons and meet the following conditions:

(a) A new structural facility;

(b) A new facility without a permanent structure;

(c) An existing structural facility with alterations that affect 50% or more of the square footage of the facility;

(d) An existing structural facility in which an addition has a square footage equal to or greater than 51% of the square footage of the existing structure; and

(e) An existing facility with no permanent structure with an addition of land to the facility equal to or greater than 51% of the existing facility acreage.

Note: The percentage requirements established in this subsection shall apply to the accumulative sum of any remodeling or additions, or both undertaken after March 1, 1994. The addition of land applies only to that portion of added land which is specified as the expansion of the facility or event on that parcel and may not mean the total added land area to an existing facility or event.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (2), Register, August, 1985, No. 356 eff. 1-1-86; cr. (4), Register, August, 1993, No. 452, eff. 3-1-94.

ILHR 50.04 Buildings exempt from code requirements. This code does not apply to the following types of buildings:

(1) One- and 2-family dwellings and outbuildings in connection therewith such as barns and private garages.

(2) Buildings used exclusively for farming purposes.

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Note: For a definition of "farming," see s. 102.04 (3), Stats.

(3) Buildings used primarily for housing livestock or for other agricultural purposes, located on research or laboratory farms of public universities or other state institutions.

(4) Temporary buildings, used exclusively for construction purposes, not exceeding 2 stories in height, and not used as living quarters.

(5) Buildings located on Indian reservation land held in trust by the United States.

(6) Buildings owned by the federal government. Buildings owned by other than the federal government and leased to the federal government are not exempt.

(7) Bed and breakfast establishments as defined in s. ILHR 51.01 (11a).

(8) Community-based residential facilities located in existing buildings and providing care, treatment and services to 3 to 8 unrelated adults.

(9) An adult family home certified under s. 50.032 (1) (b), Stats.

(10) A one- or 2- family dwelling in which a home occupation is located.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (2) and cr. (5), Register, December, 1977, No. 264, eff. 1-1-78; cr. (6) to (8), Register, August, 1985, No. 356 eff. 1-1-86; cr. (9) and (10), Register, March, 1991, No. 423, eff. 4-1-91.

ILHR 50.05 Existing buildings code. Buildings and structures erected prior to the effective date of the first building code (October 9, 1914) shall comply with the general orders on existing buildings, chs. Ind 160-164, issued by the department. Buildings and structures constructed after October 9, 1914, shall comply with the code in effect at the time.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

ILHR 50.06 Local regulations. (1) This code shall not limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this code, or with any other rule of the department, or law.

(2) Exception. Pursuant to s. 101.75 (2), Stats., all manufactured multi-family dwellings approved by the department shall be deemed to comply with the requirements of all building ordinances and regulations of any local government except those related to zoning and siting requirements including, but not limited to, building setback, side and rear yard requirements and property line requirements.

Note: This exception applies only to those building elements and building parts covered under the provisions of s. ILHR 50.125 Wisconsin Insignia. The exception does not apply to on-site constructed elements such as, but not limited to, footings, foundations, attached porches, steps, concrete floor slabs and on-site constructed mechanical systems.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; cr. (1), Register, May, 1980, No. 293, eff. 6-1-80.

Part III — Design and Supervision

ILHR 50.07 Design. Every new building, or alteration to a building, shall be designed in compliance with this code.

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(1) **BUILDINGS CONTAINING NOT MORE THAN 50,000 CUBIC FEET TOTAL VOLUME.** The plans and specifications for every new building, or alteration to a building, containing not more than 50,000 cubic feet total volume, or addition to a building in which the volume of the addition results in the entire building containing not more than 50,000 cubic feet total volume, may be prepared by a registered architect, engineer, designer, contractor or an authorized agent.

(2) **BUILDINGS CONTAINING MORE THAN 50,000 CUBIC FEET TOTAL VOLUME.** The plans and specifications for every new building, or alteration to a building, containing more than 50,000 cubic feet total volume, or addition to a building in which the volume of the addition results in the entire building containing more than 50,000 cubic feet total volume, shall be designed as follows:

(a) *Building or structural design.* The plans and specifications for the design of the building or structure shall be prepared, signed and sealed by a Wisconsin registered architect or engineer.

(b) *Heating, ventilating and air conditioning design.* The plans and specifications for the heating, ventilating and air conditioning system shall be