



2017 SENATE BILL 137

March 29, 2017 - Introduced by Senators MARKLEIN, LASEE, TESTIN, PETROWSKI, STROEBEL and WANGGAARD, cosponsored by Representatives TRANEL, NOVAK, RIPP, TAUCHEN, HUTTON, TITTL, TUSLER, E. BROOKS, BERNIER, KRUG and MACCO. Referred to Committee on Insurance, Housing and Trade.

1 **AN ACT** *to create* 101.05 (6) of the statutes; **relating to:** certain buildings used
2 for social events.

Analysis by the Legislative Reference Bureau

This bill provides an exemption from building code requirements applicable to public buildings and places of employment for buildings historically used for farming (barns) that were built before 1965 and that are used principally for wedding receptions and similar social events. Such a barn is exempt under the bill if certain requirements are satisfied, including all of the following:

1. If the barn is internally wired for electricity or contains an elevator or other conveyance, the wiring or the elevator or other conveyance complies with applicable law.
2. All areas of the barn used for wedding receptions or other social events satisfy applicable state accessibility requirements.
3. Each year, there is at least one period of 90 consecutive days in which the barn is used for no more than one social event.
4. Smoking and all open flames are prohibited in the barn and within 50 feet of the barn, except for certain catering services.
5. The barn satisfies certain fire protection and posting requirements.

The bill authorizes the Department of Safety and Professional Services to conduct inspections of barns that are subject to the bill's requirements. Additionally, under the bill, DSPS may, if it finds a structural analysis is necessary, conduct or have another person conduct a structural analysis of a barn to determine the barn's fitness for conducting wedding receptions and other social events. DSPS may require

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the owner of a barn to rectify any structural unsoundness that renders the barn unsafe for that use.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.05 (6) of the statutes is created to read:

2 101.05 (6) (a) No standard, rule, order, code, or regulation adopted,
3 promulgated, enforced, or administered by the department under this chapter that
4 applies to a public building or place of employment applies to a building if the initial
5 construction of the building was commenced before January 1, 1965, the building has
6 historically been used principally for farming, as defined in s. 102.04 (3), and all of
7 the following conditions are satisfied:

8 1. The building's principal use is for conducting wedding receptions and similar
9 social events.

10 2. If electrical wiring, as defined in s. 101.80 (1m), has been installed in the
11 interior of the building, the electrical wiring satisfies the state electrical wiring code,
12 as defined under s. 101.80 (4).

13 3. If the building contains a conveyance, as defined in s. 101.981 (1) (c), the
14 conveyance satisfies all applicable requirements under subch. VII.

15 4. All areas of the building used for wedding receptions and similar social
16 events satisfy all applicable state accessibility requirements.

17 5. There is at least one period of 90 consecutive days every 12 months in which
18 the building is used for no more than one social event.

19 6. Smoking is prohibited in the building and at any location that is 50 feet or
20 less from the building.

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1 7. All open flames shall be prohibited in the building and within 50 feet or less
2 from the building, except for flames used by a catering service for the purpose of
3 reheating or maintaining food temperatures and for which the heating source
4 requires no installation as part of the building construction.

5 8. The building has all of the following:

6 a. Smoke detectors.

7 b. The means of egress and escape in case of fire that applies to places of
8 employment of similar capacity and function.

9 c. Signs posted at or near the entrances to all areas of the building used for
10 social events that state: "This facility is subject to alternative commercial building
11 and public safety requirements as provided under section 101.05 (6) of the Wisconsin
12 Statutes."

13 (b) The department may inspect a building for which the exemption under par.
14 (a) is claimed for compliance with par. (a) 1. to 4. and for structural soundness for use
15 of the building to conduct social events. The department may perform or have
16 another person perform a structural analysis of the building only if the department
17 determines after inspection that a structural analysis is required. If the department
18 determines that a structural analysis is required, the department shall provide the
19 owner of the building a written determination detailing the reasons for the
20 department's determination. The department may require the owner of the building
21 to rectify any structural unsoundness that renders the building unsafe for wedding
22 receptions and similar social events.

23 (c) The owner of a building for which the exemption under par. (a) is claimed
24 may request a review of essential drawings, calculations, and specifications and a

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SECTION 1

1 statement of examination under s. 101.12 (1) and (2) for any planned alteration of
2 or addition to the building.

3 (END)