



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

June 1, 2017

**Senate Committee on Insurance, Housing & Trade
Testimony on Senate Bill (SB) 137**

Good morning!

Thank you Chair Lasee and members of the committee for the opportunity to testify in favor of Senate Bill 137 (SB 137), which allows certain historic barns to be used to host wedding receptions and similar social events.

Wisconsin has a rich farming heritage and agriculture contributes over \$88 billion to our state's economy. Similar to many other industries, technology has changed the way farmers operate their businesses. This has led to a growing interest in preserving Wisconsin barns and historic farm buildings for other uses.

As Wisconsin moved from wheat growing to dairy farming in the late 1800s and early 1900s, the style of barns changed. Little log barns, so prevalent during the settlement years, were either torn down, remodeled or forgotten as new, larger barns appeared. Three-bay, frame barns became places to store hay and house dairy cattle. At the time, these new dairy barns were built often a 100 feet long and longer.

Today's modern dairy farms use a different style of barn, and often utilize a milking parlor. The novelty of these structures built before 1965, coupled with an aging farm population, (the average age for a principal farm operator is 56.5 years old) has inspired some farm operators to repurpose these historic barns. Converting the barn to a facility that may host wedding receptions or other social gatherings is a way for these farm operators to diversify.

As they phase out of day-to-day operation of the farm, repurposing buildings allows farmers to supplement their income without having to sell-off all of their buildings. Our intention with this legislation is to maintain basic safety requirements, while providing regulatory certainty for these individuals.

Thank you again for allowing me the opportunity to testify in support of this bill, and I welcome any questions.



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Senate Bill 137

Relating to: the use of historical barns for social purposes

Senate Committee on Insurance, Housing and Trade

June 1, 2017

Good Morning Chairman Lasee and Members of the Committee,

Thank you for allowing me to testify on behalf of SB 137/AB 187. I appreciate your consideration of this proposed legislation. Additionally, I am grateful to Senator Marklein for co-authoring this bill with me.

Wisconsin's proud agricultural heritage is one of our state's greatest strengths. My ancestors, and I am sure many of yours, came to this state and helped build it into what it is today through their dedication to family, commitment to their communities, and dogged perseverance.

Although we have fewer family farms and the means of production have changed drastically over the decades, the many historic barns that dot the country side remain as a reminder of our state's agrarian roots. Unfortunately, many of these barns have outlived their useful agricultural purpose, and because of this are at risk of falling into disrepair and eventually demolition. The loss of these buildings represents a loss of our heritage that I think should be preserved for our children and grandchildren.

Fortunately, there is a possibility of a second life for some of these historic barns. In recent years, these buildings have grown in popularity as venues for weddings, fundraisers, and other social events. Not only does this help to ensure these buildings exist into the future, but it can also provide secondary income streams to family farms.

Unfortunately, a patchwork of inconsistent rules and cost prohibitive state regulations have made it difficult to utilize historic barns for new purposes. Senate Bill 137 aims to create a statewide set of standards governing the use of these types of buildings for social functions.

This bill establishes a set of basic safety and accessibility standards for the use of barns built prior to 1965. We worked with the Department of Safety and



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Professional Services when creating this legislation and we sincerely appreciate their input.

The requirements this bill sets forth are as follows:

- To be used for an event, it must meet state accessibility requirements.
- Any barn that is wired must have wiring that is up to code
- Creates a seasonal operation requirement and prevents year round operation of the venue
- Smoking and open flames are prohibited in the barns or within 50 feet of the barn, except for certain catering requirements.
- The barns shall be equipped with smoke detectors and have means of egress and escape that are similar to other buildings of that size and purpose
- Additionally, it shall be posted that the building is subject to alternative requirements.
- Finally, the barn must be structurally sound and subject to DSPS inspection to determine this.

It is important to also note what this bill does not do:

- This bill does not change any local zoning requirements
- It does not alter any requirements for liquor licensing or food production requirements

I hope that you will support this unique opportunity to preserve our farming heritage and grow economic opportunities in our rural areas.

I am open to any suggested improvements that would make this a better bill. I appreciate the constructive input that I have received from the Tavern League, the Hotels and Lodging Association, Citizens for a Scenic Wisconsin, WATA, and from the many folks from across the state who contacted my office.

Thank you for your time and I would be happy to respond to your questions.

To the Senate Committee on Insurance, Housing and Trade. Assembly Bill 137

My name is Meghan Busa and I am a resident of Stevens Point, WI. My husband and I own a 17 acre farm which has a few out buildings and a barn which was built in 1929. I am writing in support of bill 137 because building codes and regulations has greatly affected my barn buildings and my business called Mill Creek Acres. If this bill if passed it would allow me to own and operate Mill Creek Acres which I describe below. Barn owners throughout Wisconsin are probably facing many of the same issues as I and I hope this bills helps farmers and everyday people like myself use our buildings to generate extra income in a safe manner.

The barn that I have on my property has been used for storage in the past but in 2016 I decided to restore the barn to last another 100 years. My husband and I put in a great deal of time and money restoring the structure. We decided to go forward with the restoration to preserve the structure but also so we could take advantage of the space (3000 sq ft), we even added a few personal touches such as a walking ramp into the barn and exterior decking.

After allowing a close friend to use our property for a wedding ceremony the backdrop of the barn was so appealing to the locals that I had complete strangers calling me asking to use my property! There was nothing like my barn in the surrounding area. Every venue in my surrounding area is a hotel or golf course, these locations have a big price tag and many limitations. They also are located in town and not in the countryside surrounded by the beautiful Wisconsin backdrop. This is where I came up with the idea to rent out my barn for private gatherings a few times a year.

My business plan was to open during the summer months only. This is because my barn was built in 1929 and there is no heating or cooling, no bathrooms or water. My property is a beautiful farm but it is just that. A farm. I don't have the money nor the desire to change my structure by adding heating and cooling systems. I rented out my property to those that were okay with the idea of a rustic country setting, people that were okay using portable bathrooms and bottled water because I didn't have those amenities. It was a hit and I was very excited to be a small business owner and to bring in extra income for my family and my property. Little did I know that building codes and restrictions would put an end to my business and my dream of ever using my barn for a gatherings again.

I had my barn structure looked at and restored by engineers and made sure there was access for elderly and handicap, however this was not enough. I was told by the local fire department that they required me to put in a fire suppression sprinkler system and a water holding tank that would hold enough water for 20 mins. After getting quotes for such a system I was told I would owe over \$70,000 for such a system due to the size of my barn and the modifications that would need to be made to make such systems operate in a building that was built in 1929.

Bill 137 would ensure that my building is a safe gathering place for all to use but would not put such restrictions on a building or business that is unrealistic on a monetary standpoint. I fully support the regulations that keep the public safe but some building requirements are

unrealistic for any small business owner or building that is a certain age. This bill would allow me to operate my business in my barn and ensure that I have a safe venue for the public to use.

Thank you,

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2017 SENATE BILL 137
TESTIMONIAL
CURT TIMLIN

Drafted by: Attorney Michael J. Olds, Kopp McKichan, LLP, PO Box 253, 44 E. Main Street, Platteville, WI 53818, michaelo@kopplaw.net, 608-348-2615

The Person: Curt Timlin is the owner of several small businesses in the Platteville area. Curt is highly active in fund raising and other charities in and around Platteville. Additionally, Curt very active in our local government and civic affairs including the Platteville Area Chamber of Commerce.

The Facility: Several years ago, Curt and one (1) his business partners, Brandon Lipska, saw a clear need in the Platteville area concerning the lack of space for large social gathering events such as fundraising, annual club meetings, weddings and conferences. In response, Curt and Brandon revitalized an old barn located at 6935 Mound View Rd, Platteville, WI 53818. The property is owned by TREES 4 U, LLC, one of Curt's businesses. The facility is called The BARn and operated by T & L BarN, LLC, a business owned by Curt and Brandon.

The *primary use and purpose* of The BARn is and always has been for charity and other fundraisers. It has had limited use for receptions and other gatherings. However, the BARn is used for these events as well. Since it began operation, the BARn has opened its doors to several charities and other honorable non-profits including as follows: (1) Wisconsin Badger Camp; (2) Local VFW & National Veterans Affairs; (3) Veterans Memorial; (4) Elks Lodge; (5) WGLR Charities; (6) Platteville Youth Basketball; (6) Platteville Jaycees; (7) Platteville Driftbusters; (8) Platteville Alumni Basketball; and, (9) Potosi Brewery Foundation. In all, the foregoing has grossed several hundred thousand of dollars from fundraising events at the BARn. One classic example of which was a Packer Tailgate Tour event providing \$80,000 to the Wisconsin Badger Camp with a promise from the Packers that the Tour would return to the BARn in the future. In fact, many of the events have been for and on behalf of fundraising for the Wisconsin Badger Camp. In fact, Curt received the Wisconsin Badger Camp Spirit of Volunteerism Award in 2009 which is an "acknowledgment of a person or organization that has given an extraordinary amount of time, talent and treasure to the Wisconsin Badger Camp", and also, he received the Platteville Area Chamber of Commerce Community Service Award in 2010.

It is important to emphasize that The BARn does not charge rent for qualifying fundraisers because Curt and Brandon do not desire such events to be a for profit adventure for them. In fact, for many fundraisers, Curt and Brandon work alongside volunteers that both of them, on behalf of the benefitted, have organized to assist with such efforts.

In approximately 2011, what is now the Department of Safety and Professional Services, caused The BARn to shut its doors. The basis for the closure concerned the reality that The BARn had been transformed from agricultural to commercial, and as such, the Department required that it abide by all of the then applicable commercial building codes. The owners did in fact comply with most of these. The owners added additional ingress and egress at various points in the building. The owners sought out and received advice, counsel, and suggestions from both the local fire inspector and fire chief for the local district, being Platteville, to improve safety. The owners, to the inspector and chief's satisfaction and comfort, complied and implemented those suggestions and improvements.

However, not all requirements demanded from the Department were either economically feasible nor safe. These requirements included installing an HVAC system. Another requirement was adding a sprinkler system which the local fire inspector opined would have little impact in the event of a true fire event due to the old barn wood. Likewise, such a system would cost tens of thousands of dollars. Additionally problematic was the Department's requirement that the owners add insulated walls and cover up the historical barn wood that provides the essence of the location. Obviously, such a requirement substantially reduces the barn ambiance, and additionally, is of dubious safety value in light of the fact that the local inspector had opined such walls could make it more difficult to spot hot spots.

For background, the Department focused on Curt because a local complaint was made. To be sure, there other like barns currently operating in Wisconsin which have far less safety features including as it relates to fire retardation, and most importantly, for a like facility, ingress and egress points for those in attendance. The Department did not pursue these facilities because it operates on a complaint basis. It was from this situation that this bill arose. Apparently, with the exception of our local building inspector's complaint, there have been few or no other complaints as to the existence and operation of such facilities. Interestingly, you now have a "few" fire chiefs that have expressed concern. However, there has never been a wholesale onslaught of complaints on these facilities. Why?

The answer I believe is simple. These are barns. The arguments by a few fire chiefs, with all due respect, as to the departments' ability to access, stage and fight a barn fire is misplaced. Like any other barn, a major fire event will result in the barn being destroyed. Other than forbidding the use of them entirely for the gatherings to which this bill relates, which to be clear there is a demand for these facilities and a desire for historic preservation, the focus is on ensuring that systems are in place (1) to deal with minor fire events; and (2) to allow safe and quick egress for those in the building. In fact, I believe their arguments to be incongruous with the very element that seek which is safety. Mostly, these event barns are well maintained and preserved by the very owners that offer them. When presented to the public, the vast number of these barns are in better shape and safer than many buildings that are arguably "up to code." Those that aren't can be closed pursuant to this bill.

One fire chief presents two (2) incidents both of which have no relation back to these barns. The Station Night club incident concerned the blockage of egress points and other exits. The "Ghost Ship" Fire concerned a facility that was never inspected, maintained or otherwise in any way protected from such an event.

Moreover, there is an inherent matter of responsibility in all of this. Both from the perspective of the person who owns the facility and individuals who are patrons or guests. One fire chief mentioned weight "loads". If you understand barns, you understand the weight loads that facilities like this can handle. That said, again, the owners are the ones that hold the liability. The owners are the ones that are responsible.

To the Department's credit, it has recognized that there is a need to protect our heritage and to allow the utilization of substantially similar facilities as The BARn. The Department has sought balance in reasonable safety measures to protect patrons and guests without preempting the use of these barns to preserve them. To be sure, there is a going business concern for other gatherings which is necessary to the operation and maintenance of a facility like this. The substantial costs that Curt and Brandon have contributed require some return which is necessary for a small business. This bill enables the Department's continued supervision of such facilities while not unduly burdening the ability for such barns to be utilized in a way which is the most effective in maintaining them.

This bill presents a balance between the old and the new and for historic preservation and function. The bill takes into account a realistic and common sense approach to the supervision of such like barns to which without the bill, the Department has really no flexibility under the current law. This allows for the Department to do its job by promoting safety, but to not get in the way of a true benefit to communities throughout Wisconsin.

In conclusion, we wish to thank Rep. Travis Tranel and Sen. Howard Marklein on their extraordinary efforts to put this legislation at the beginning and now the end of this process. A special thanks to the Department for its cooperation, assistance and willingness to work through a very real problem.



DATE: June 1, 2017

TO: Members, Senate Committee on Insurance, Housing and Trade
The Honorable Frank Lasee, Chair

FROM: Nate Yahn, Legislative Advisor
Wisconsin Department of Safety and Professional Services

SUBJECT: Senate Bill 137 (certain buildings used for social events)

Chairman Lasee and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information to committee members as you consider 2017 Wisconsin Senate Bill 137 (SB 137). SB 137 proposes to provide an exemption from the state's existing commercial building code requirements for buildings historically used for farming (i.e. barns), built before 1965, and used principally for wedding receptions and similar social events.

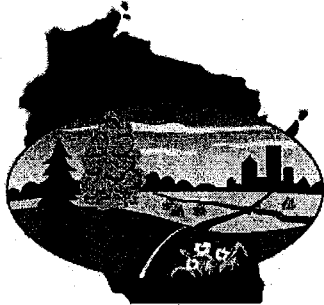
DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. To help protect the health, safety and welfare of individuals across the state, the Wisconsin Commercial Building Code establishes minimum standards for the design, construction, maintenance and inspection of public buildings and places of employment. With limited exceptions, state law requires all buildings into which the public or employees enter to be in compliance with existing building code requirements. It is important to note that repurposed agriculture buildings (e.g., barns) being used only for personal use are *not* required to become compliant with the commercial building code. If a building owner wishes to use their building for public use or as a place of employment on a temporary basis, they may also pursue obtaining a temporary use permit from their local municipality.

Wisconsin has a long and proud farming history. While we certainly understand the desire of repurposing one of the many historical barns located throughout our state, for use in wedding receptions or similar social events, the Department has some concerns on the bill as it relates to the following three areas:

- 1) The requirement in the bill for a building to have smoke detectors does not specify the locations within the building where a smoke detector must be installed, nor does it specify that they must be functional or provide any sort of audible and/or visual occupant notification, which are standard fire protection provisions required for buildings containing similar types of occupancies.
- 2) Under the bill, the Department would be responsible for covering all costs associated with performing any structural analysis deemed necessary following a building inspection. These costs, however, are currently covered by the building's owner and are representative of typical business practice.
- 3) Currently, under the Wisconsin Commercial Building Code, all plans for building alterations or additions, that meet a certain square footage, are required to be submitted for review, in order to ensure that the plans are compliant with existing health and safety standards. The bill, as introduced, would exempt barns from this requirement – a requirement that would still apply to all other commercial buildings.

DSPS recognizes the significance of Wisconsin's rich and historic agricultural heritage, and remains dedicated to working with the many individuals interested in using a barn for conducting wedding receptions and similar social events. To maintain public safety, it is important to achieve an appropriate balance between an individual's desire to repurpose their barn building for use in social events and the need and responsibility of the Department to protect the safety and welfare of Wisconsin's public.

If you have any questions, please contact me at (608) 267-9794.



Scenic Wisconsin

Citizens for a Scenic Wisconsin

To: Members, State Senate Committee on Insurance, Housing and Trade
Senator Frank Lasee, Chair

From: Gary R. Goyke, President, Citizens for a Scenic Wisconsin, Inc.

Date: June 1, 2017

Re: Support for SB 137, relating to Barns Used for Social Events

Chairman Lasee, thank you for holding this public hearing and thank you and the members of the Committee for giving us this opportunity to speak with you today.

Citizens for a Scenic Wisconsin is a proud affiliate of Scenic America. In fulfillment of our mission statement we are actively involved in the promotion of and growth of the Rustic Road program in our state, we actively support the Wisconsin Department of Transportation Scenic Byway system, we believe in the preservation efforts for rural historic barns, support and enhance agricultural tourism and often join in the battle to fight the proliferation of billboards in our state and our Interstate highway thoroughfares. and carefully monitor state legislation.

Our Board of Directors went to Platteville to interview several people involved in the issues included in SB 137. We met with the local media, and with the Assembly author of the bill. I am happy to say our Board voted unamamiously to support this legislation. I am also leaving the Committee a book on barns that we use to promote this type of cultural preservation and rural tourism. We urge the Committee to adopt the bill.

Thank you for your time and attention. We view this matter very seriously.

Citizens for a Scenic Wisconsin (CSW) is a 501(c) 3 organization, dedicated to preserving and enhancing the scenic character of Wisconsin communities.



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June 1, 2017

TO: Senate Committee on Insurance, Housing and Trade
Senator Frank Lasee, Chair
FROM: Trisha Pugal, CAE
President, CEO
RE: SB 137 Historic Barn Rentals – Modifications for Consideration

On behalf of over 750 lodging properties around the state, we would like your consideration of some modifications to SB 137 that we feel only reinforces the intent of the legislation and does not change the benefit it provides, which is why we are speaking for information only today.

SB 137, as explained to us, simplifies the requirements for a historic barn that is rented to the public for events. It does not prohibit newer or enhanced barns from operating commercially in renting space to the public, but simply saves the simplified requirements for barns that are of historic nature, once used as a backbone of a farm.

We ask that you consider the following to further clarify eligibility for the lesser requirements:

1. To ensure that a barn is truly historic as a farm barn, adding a condition that it was located on A-1 (agricultural use) zoned land for at least 35 years since it's construction should make this clarification – again, only reinforcing what we understand is the intent of the legislation.
2. A barn that has been expanded by 25% or more of the total square footage should not be eligible, as, if the owners are in a position to make this investment, they should be able to comply with the same regulations as others renting to the public.
3. While this may appear obvious, a simple stipulation that the barn could not have been physically moved from its original site could also reinforce the historic and special nature of the exceptions enabled in this bill.

There are many businesses providing special event space rentals, including many lodging properties. We understand the historic exception sought here and support the concept, however the above clarifications could help to ensure that commercial operators not vested in historic barn preservation are not provided exceptions to general regulations that others must follow.

We appreciate your consideration in the above suggested modifications adhering to the intent expressed in this legislation.

PERMIT NO. 597

TOWN OF GLENMORE

This is to certify that a

BUILDING PERMIT

has been issued to:

Name Cornigan's Date 8-04-05

Project Remodel Benn.

Location 5324 Drecksien Rd.

Chiff Hays

Authorized Signature

