



DATE: June 2015 (updated: August 2018)

RE: Use and Occupancy of Repurposed Agriculture Buildings

TO: Owners of Repurposed Agriculture Buildings, Building Designers and Contractors and Municipal Fire and Code Officials

FROM: Wisconsin Department of Safety and Professional Services (DPS)

Over the course of the last few years, there has been a growing interest and desire on the part of many individuals throughout the state that own repurposed agriculture buildings to use these buildings for purposes such as hosting weddings or other public events.

There are many questions about what the Wisconsin Commercial Building Code (Wis. Admin. Code chs. SPS 361-366, hereinafter “Code”) allows for and requires in order for these buildings to be used for nonagricultural purposes. **Note: Other requirements may or may not apply. Please check with your local municipality on other requirements such as zoning, liquor license, etc.**

The following is a series of “If, then” statements designed to educate you as to the various situations that may exist:

- 1.) If a repurposed agriculture building is being used as a public building or place of employment, then the building must be brought into compliance with the Code.
- 2.) If a building owner wishes to use their building for public use or as a place of employment on a temporary basis, then they may pursue getting a temporary use permit from their local municipality as allowed by the Commercial Building and Fire Prevention Codes. (See Wis. Admin. Code §§ SPS 361.03(12) and SPS 314.01(5) for more details.) Municipalities are not required to issue a temporary use permit.
- 3.) If a repurposed agriculture building is only being used for personal use, then the building is not required to become compliant with the Code.
- 4.) If DPS has issued orders¹ against a building, then the municipality may not issue a temporary use permit that would conflict with the Department’s orders. Wis. Stat. § 101.02(7)(a).
- 5.) If a building owner or designer is not able to comply with the Code, then they may petition the Department for a variance to the Code pursuant to Wis. Admin. Code ch. SPS 303. Variances are only granted when the petitioned requirement is offset by an equivalency which meets the intent of the requirement being petitioned. (Click [here](#) to find the variance application.)

¹ Orders include corrective action pursuant to building plan approval as well as corrective action pursuant to building code violations.

6.) If a building owner would like to formally sit down with the Department and go through the specific Code requirements, they may e-mail the Department at DspsSbBuildingTech@wi.gov and ask for a preliminary review. (Note: Depending on the complexity of and time required to address your issue, a preliminary review fee may be charged.)