

TEMPORARY USE PERMITS (SEASONAL USE)

Local authorities are able to issue a temporary permit which then does not require state approvals.

DSPS shared the framework for the option for Temporary Use permitting by local authorities at the Wedding Barns Session at the April 30, 2015 LUV-R-AG Tourism Conference. Questions can be directed to Kirsten Reader, Administrator, Division of Industry Services at the WI Department of Safety and Professional Services (608-267-9152). Follow the link below to the state code referenced at the meeting:

[http://docs.legis.wisconsin.gov/document/administrativecode/SPS%20361.03\(12\)](http://docs.legis.wisconsin.gov/document/administrativecode/SPS%20361.03(12))

SPS 361.03(12) TEMPORARY USE. A municipal fire or building code official may permit a building or structure to be used temporarily by the public, subject to all of the following provisions:

SPS 361.03(12)(a) **(a)** The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

SPS 361.03(12)(b) **(b)** Except as provided in par. (c), buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health and general welfare.

SPS 361.03(12)(c) **(c)** The official may require additional safety requirements for a temporary use as a tradeoff for any safety provisions that may be lacking.

SPS 361.03(12)(d) **(d)** The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

NOTE: If the state has written orders on your property the temporary option is not available to you.

Local officials cannot take action contrary to actions already taken by the department (DSPS) as outlined in Chapter 101.02(7)(a) of WI Statutes:

101.02(7)(a) Nothing contained in this subchapter may be construed to deprive the common council, the board of alderpersons, the board of trustees or the village board of any village or city, or a local board of health, as defined in s. 250.01 (3), of any power or jurisdiction over or relative to any place of employment or public building, provided that, whenever the department shall, by an order, fix a standard of safety or any hygienic condition for employment or places of employment or public buildings, the order shall, upon the filing by the department of a copy of the order with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by the order of the department. **Thereafter no local officer may make or enforce any order contrary to the order of the department.**