

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Scott Walker, Governor
Laura Gutiérrez, Secretary

NOTICE OF VIOLATIONS AND ORDERS

October 11, 2018

CUST ID No.: 867804 TRANSACTION No.: 3060418

Site ID No.: 846411 Duane's Performance & Repair
SITE ADDRESS: 3241 Plover Rd
Wood County, City of Wisconsin Rapids
Site Contact: Greg Ellious

GREG ELLIOUS
937 SUSSEX CT.
NEKOOSA, WI 54457

0005916

Regulated Objects:

Nature of Complaint Summary: Commercial building with no water, bathroom, firewall, or proper vents.

Object Type: Complaint Regulated Object ID No.: 1746839 (17 COM 169)

Last Inspection Date: January 22, 2018

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection at the above referenced site.

The following violations were revealed:

2011 National Electrical Code (NEC) § 511.3(C)(1)(b) Area Classification, General. Where Class I liquids or gaseous fuels are stored, handled, or transferred, electrical wiring and electrical utilization equipment shall be designed in accordance with the requirement for Class I, Division 1 or 2 hazardous (classified) locations as classified in accordance with 500.5 and 500.6, and this article. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition that has no openings. **(C) Major Repair Garages.** Where flammable liquids having a flash point below 38 degrees Celsius (100 degrees F) such as gasoline, or gaseous fuels such as natural gas, hydrogen, or LPG, will not be dispensed, but repair activities that involve the transfer of such fluids or gases are performed, the classification rules in (1), (2), and (3).

(1) Floor Areas.

(b) Ventilation Not Provided. The entire floor area up to a level of 450 mm (18 in.) above the floor shall be classified as Class I, Division 2 if the ventilation does not comply with 511.3(C)(1)(a).

2011 NEC § 501.115(B) Switches, Circuit Breakers, Motor Controllers, and Fuses. (B) Class I, Division 2. Switches, circuit breakers, motor controllers, and fuses in Class I, Division 2 locations shall comply with 501.115(B)(1) through (b)(4).

2011 NEC § 501.125(B) Motors and Generators. (B) Class I, Division 2. In Class I, Division 2 locations, motors, generators, and other rotating electrical machinery in which are employed sliding contacts, centrifugal or other types of switching mechanism (including motor overcurrent, overloading, and overtemperatures devices), or integral resistance devices, either while starting or while running, shall be identified for Class I, Division 1 locations, unless such sliding contacts, switching mechanisms, and resistance devices are provided with enclosures identified for Class I, Division 2 locations in accordance with 501.105(B). The exposed surface of space heaters used to prevent condensation of moisture during shutdown periods shall not exceed 80 percent of the ignition temperature in degrees Celsius of the gas or vapor involved when operated at rated voltage, and the maximum space heater surface temperature [based on 40 degrees Celsius or higher marked ambient] shall be permanently marked on a visible nameplate mounted on the motor. Otherwise, space heaters shall be identified for Class I, Division 2 locations. In Class I, Division 2 locations, the installation of open or nonexplosion proof enclosed motors, such as squirrel-cage induction motors without brushes, switching mechanisms, or similar arc producing devices that are not identified for use in Class I, Division 2 location, shall be permitted.

2011 NEC § 501.135(B)(2) and (3) Utilization Equipment. (B) Class I, Division 2. In Class I, Division 2 locations, all utilization equipment shall comply with 501.135(B)(1) through B(3). **(2) Motors.** Motors of motor-driven utilization equipment shall comply with 501.125(B). **(3) Switches, Circuit Breakers, and Fuses.** Switches, circuit breakers, and fuses shall comply with 501.115(B).

Suggested Action: The entire floor area up to a level of eighteen (18) inches above the floor level is a Class I Division 2 location. The electrical equipment installed in this area shall be identified for use in such a location. Change out any electrical equipment not so identified.

2011 NEC § 511.3(E)(1) Area Classification, General. Where Class I liquids or gaseous fuels are stored, handled, or transferred, electrical wiring and electrical utilization equipment shall be designed in accordance with the requirement for Class I, Division 1 or 2 hazardous (classified) locations as classified in accordance with 500.5 and 500.6, and this article. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition that has no openings. **(E) Modifications to Classification. (1) Specific Areas Adjacent to Classified Locations.** Areas adjacent to classified locations in which flammable vapors are not likely to be released, such as stock rooms, switchboard rooms, and other similar locations, shall be unclassified where mechanically ventilated at a rate of four or more air changes per hour, or designed with positive air pressure, or where effectively cut off by walls or partitions.

Suggested Action: The areas adjacent to the classified area (such as the office) are not effectively cut off by walls or partitions, ventilated, or designed with positive air pressure. Install proper partitions.

2009 ANSI 117.1 § 502.7 Identification. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1. Signs identifying van parking spaces shall contain the designation "van accessible." Such signs shall be 60 inches (1525 mm) minimum above the floor of the parking space, measured to the bottom of the sign.

Suggested Action: No accessible parking spaces are currently provided at the business. Provide accessible parking signage.

2009 ANSI A117.1 § 404.2.6 Door Hardware. Handles, pulls, latches, locks, and other operable parts on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Operable parts of such hardware shall be 34 inches (865 mm) minimum and 48 inches (1220 mm) maximum above the floor. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides.

Suggested Action: Hardware currently installed on doors requires a twisting action to operate. Provide accessible door hardware on both exterior exit door as well as door leading from office to shop area.

2009 International Building Code (IBC) § 1006.1 Illumination required. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.

Suggested Action: Shop currently only has one exit sign above the exterior exit door and no egress illumination provided anywhere within the building. Provide egress lighting as required per 2009 IBC § 1006.1.

Wis. Admin. Code § SPS 382.10(2)(a) Basic plumbing principles (2) BASIC REQUIREMENTS. (a) Every building intended for human occupancy shall be provided with an adequate, safe and potable water supply.

2009 IBC § 2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the building official. The number of occupants shall be determined by the code. Occupancy classification shall be determined in accordance with Chapter 3.

2009 IBC § 2902.3 Required public toilet facilities. Customers, patrons, and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 2902.1 for all users. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall either be separate or combined employee and public facilities.

2009 IBC § 2902.3.1 Access. The route to the public facilities required by Section 2902.3 shall not pass through kitchens, storage rooms or closets. Access to the required facilities shall be from within the building or from the exterior of the building. All routes shall comply with the accessibility requirements of this code. The public shall have access to the required toilet facilities at all times the building is occupied.

Suggested Action: There is currently no water supply provided to the building. No toilet, wash sink, or any type of drinking fountain is currently provided in the building. Provide an adequate, safe and potable water supply as well as the required plumbing fixtures as required per 2009 IBC Chapter 29.

Wis. Admin. Code § SPS 382.34(4)(a)(1)(a.) Wastewater treatment and holding devices. (4) GARAGE FLOOR AREA WASTEWATER.
(a) Garages for public buildings and facilities. 1. Where a drain will be installed to receive the wastewater from floor areas of public buildings and facilities on which self-propelled land, air or water vehicles can be driven, the wastewater shall discharge using one of the following methods:

- a. In areas where vehicles will be serviced, the wastewater shall discharge through a garage catch basin or oil interceptor connected to a municipal sewer or holding tank approved to receive industrial wastewater.

Suggested Action: Install a garage catch basin or oil interceptor that is connected to a municipal sewer or holding tank for the wastewater received from floor areas of the public building.

2009 IBC § 406.6.3 Ventilation. Repair garages shall be mechanically ventilated in accordance with the International Mechanical Code. The ventilation system shall be controlled at the entrance to the garage.


Suggested Action: No ventilation system is currently provided in the building. Provide a ventilation system in accordance with the International Mechanical Code.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. § 101.02(13), with forfeitures ranging from \$10 to \$100 per day for each violation.

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Admin. Code § SPS 303.03 permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6)(e) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All petitions shall be received by the Department within 30 days of this Order.

ATTORNEY NAME: Matthew McCasland		INVESTIGATION DATE: 01/22/2018
PHONE/WORK HOURS: (608) 266-9814, 7:45 AM – 4:30 PM		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE: 	DATE: 10/11/18	INVESTIGATION SOURCE: Other
		COMPLIANCE DATE: 1/15/19

cc: Craig Mulder, Electrical Engineer, (608) 444-5701
 Lucas D. Dederich, Building Inspector, (608) 445-6558