

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Tony Evers, Governor  
Dawn B. Crim, Secretary

## NOTICE OF VIOLATIONS AND ORDERS

October 17, 2019

CUST ID No.: 1489273      TRANSACTION No.: 3274978  
Phone: (608)475-2362

Site ID No.: 859946 Campbell Apartments  
SITE ADDRESS: 223 W Exchange St  
Vernon County, Village of Viola  
Site Contact: Dan Campbell  
Contact Phone: (608) 475-2362

DAN CAMPBELL  
PO BOX 244  
VIOLA WI 54664

**ORDER 0006512**

### Regulated Objects:

Nature of Complaint Summary: CHANGE OF USE AND ALTERATIONS WITHOUT PLAN SUBMITTAL  
Object Type: Complaint    Regulated Object ID No.: 1835503 (19 COM 94)  
Last Inspection Date: July 19, 2019

### INVESTIGATION NOTES:

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

The following violations were revealed:

**Violation:** Change of use and alterations from business to commercial residential without plan approval and inspections.

**Wis. Admin. Code § SPS 361.03(8) Alterations.** All portions, elements, systems or components of existing buildings and structures to be altered or modified, where the alteration or the modification affects a building element or component relating to subject matters regulated by chs. SPS 361 to 366, shall be designed, constructed, and maintained in accordance with the rules of chs. SPS 361 to 366 as the rules exist on one of the following:

- (a) Pursuant to s. SPS 361.30, the date plans for the alteration or modification are approved by the department or authorized representative.
- (b) The date the local building permit is issued, if plan submission and approval is not required under s. SPS 361.30.
- (c) The date the alteration is initiated, where pars. (a) and (b) do not apply.

**Wis. Admin. Code § SPS 361.03(11) Change of occupancy or use.** Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with the requirements of chs. SPS 361 to 366 for the new division or group of occupancies, as these requirements exist on one of the following dates:

- (a) Pursuant to s. SPS 361.30, the date when plans for the change in occupancy or use are approved by the department or authorized representative.
- (b) The date a local building permit is issued, if plan submittal and approval is not required under s. SPS 361.30.
- (c) The date construction is initiated, where pars. (a) and (b) do not apply.
- (d) The date an occupancy permit is issued, where pars. (a) to (c) do not apply.

**Wis. Admin. Code § SPS 361.30 Plan review and approval.** (1) Types of buildings.

- (a) Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.

**Wis. Admin. Code § SPS 361.31 Plans.** (1) Signing and sealing.

- (a) Except as provided in par. (b), construction documents submitted to the department or its authorized representative for review shall be prepared, signed and sealed in accordance with ch. 443, Stats., and s. A-E 2.02.

**Suggested Action:** Submit plans to DSPS.

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), Stats., 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 or Bret Radke at the numbers 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) 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 requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.**

ATTORNEY NAME: Matthew McCasland	INVESTIGATION DATE: 07/19/2019
PHONE: 608.266.9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE: 	INVESTIGATION SOURCE: Other
DATE: 10/17/19	COMPLIANCE DATE: 1/29/2020

cc: Bret J Radke, State Building Inspector, (608) 386-1301