

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES

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[www.wisconsin.gov](http://www.wisconsin.gov)



Tony Evers, Governor

Dawn B. Crim, Secretary

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**NOTICE OF VIOLATIONS AND ORDERS**

April 9, 2021

JEROME OLKIEWICZ

3082 LIBERTY ST

OMRO WI 54963

**SITE:**

3083 County Road E

Town of Rushford, WI

**ORDER 0007304**

**Regulated Objects:**

Nature of Complaint Summary: Bill and Stels Carryout – Addition and alteration without proper plan submittal

Object Type: Complaint (21 COM 51)

Last Inspection Date: March 24, 2021

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**INVESTIGATION NOTES:**

**NOTE: Due to the uncertainty caused by COVID-19 the Department will extend compliance dates so long as work is being made on gaining compliance with orders or if the site is not being used due to restrictions.**

This DEPARTMENT ORDER is issued as a result of an outside inspection on the above referenced site, 3083 County Road E, Town of Rushford. Violations identified in this order are not all encompassing. Continued work without submittal and approval of buildings plans could add to the list of violations and the overall expense of the project. The property owner shall not conceal any work that has not been inspected and approved.

The following violations were revealed:

Violation: Addition and alteration to a commercial building without submitting the necessary plans.

**Wis. Admin. Code § SPS 361.03 (7)&(8) EXISTING BUILDINGS AND STRUCTURES**

**(7) New buildings and structures.** All buildings, structures and additions to buildings, structures, and components, to be constructed or erected 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 building, structure or addition 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 construction is initiated, where pars. (a) and (b) do not apply.

**(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.

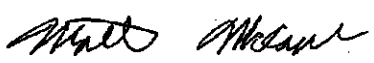
**Wis. Admin. Code § SPS 361.30 Plan review and approval.** (1) TYPES OF BUILDINGS. (a) Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have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

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 Brian Noe.

**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: 3/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	4/5/2021	COMPLIANCE DATE: 6/1/2021

cc: Brian Noe