

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

June 7, 2021

April Dawn Fees
5716 County Road R
Manitowoc WI 54220

SITE: Bonkers Saloon
5716 County Road R
Town of Kossuth

ORDER 0007435

Regulated Objects:

Nature of Complaint Summary: Bonkers Saloon commercial code violations

Object Type: Complaint (19 COM 86)

Last Inspection Date: February 10, 2021

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, Bonkers Saloon 5716 County Road R, Town of Kossuth. 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:

1.) Violation: Electrical work has been completed without the required electrical permit.

Wis. Admin. Code § SPS 316.012 Permits. (1) (a) Except for an electrical wiring project described in s. 101.875 (2), Stats., and as provided in par. (b), no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the designated inspection agency if the project involves the installation of new or an addition to any electrical service, feeder, or branch circuit serving any of the following:

1. A farm.
2. A public building, structure, or premises.
3. A place of employment.
4. A campground.
5. A manufactured home community.
6. A public marina, pier, dock, or wharf.

7. A recreational vehicle park.

Required Action: *Obtain the required state electrical permit.*

2.) Violation: Electrical work is required to be inspected prior to concealment.

Wis. Admin. Code § SPS 316.013 Inspections. (1) Except as provided under s. 101.875 (2), Stats., electrical wiring installations shall be subject to inspection.

Required Action. *Schedule the required electrical inspection.*

3.) Violation: Alteration and use of a 2nd floor Non-Commercial Space that was previously a single apartment for a use under the scope of the Commercial Building Code without submitting the required plans for review and approval prior to the alteration and use of that portion of the building for commercial purposes.

Wis. Admin. Code § SPS 361.03(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.

Wis. Admin. Code § SPS 361.30(1) Plan review and approval. (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.

Suggested Action: Plans are required to be submitted showing how any / all of the structures being used for commercial purposes comply with the current commercial building code or will be modified / altered to bring into compliance with current commercial building codes. The new stairway has been built connecting the 2nd floor to the main floor of the saloon and the 2nd floor space is not being used as an extension of the first floor. Use for commercial purposes were not previously approved as commercial buildings.

Compliance with all codes (building, HVAC, plumbing and electrical) is required.

4.) Violation: A grease interceptor has been installed without the required plan approval and using improper materials and installation methods.

Wis. Admin. Code § SPS 382.20(1) GENERAL. Plans and specifications shall be submitted to the department or to an approved agent municipality for review in accordance with pars. (a) and (b).

(a) *Department review.* Plumbing plans and specifications for the types of plumbing installations, except direct replacements, listed in Table 382.20-1 Item 2 Grease interceptors to be installed for public buildings. shall be submitted to the department for review, regardless of where the installation is to be located. A municipality shall be designated as an agent municipality in accordance with sub. (2). Written approval for the plumbing plans shall be obtained prior to installation of the plumbing.

Suggested Action: *Submit the required grease interceptor plans and install using correct materials and methods.*

5.) Violation: The pull for the kitchen hood fire suppression system is too close to the cooking appliances.

IBC [F] 904.12.1 Manual system operation. A manual actuation device shall be located at or near a *means of egress* from the cooking area not less than 10 feet (3048 mm) and not more than 20 feet (6096 mm) from the kitchen exhaust system. The manual actuation device shall be installed not more than 48 inches (1200 mm) or less than 42 inches (1067 mm) above the floor and shall clearly identify the hazard protected. The manual actuation shall require a maximum force of 40 pounds (178 N) and a maximum movement of 14 inches (356 mm) to actuate the fire suppression system.

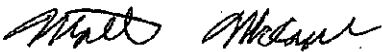
Suggested Action: *Relocate manual actuation device to comply with code.*

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), 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: 2/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	6/7/2021	COMPLIANCE DATE: 8/9/2021

cc: Brian Noe

Lucas Dederich