

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES
4822 MADISON YARDS WAY
MADISON WI 53705
Contact Through Relay
<http://dsps.wi.gov/programs/industry-services>
www.wisconsin.gov



Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

September 10, 2021

EVERMARK LLC

Keaton Schultz

1141 Main St

Stevens Point, WI 54481

SITE: Evermark Motel/Budget Inn

Evermark Motel/Budget Inn

1106 E Grand Av

Rothschild, WI 54474

ORDER 0007300

Regulated Objects:

Nature of Complaint Summary: Evermark Motel – Commercial building code inspection

Object Type: Complaint (21 COM 65)

Last Inspection Date: April 20, 2021

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 inspection on the above referenced site.

Wis. Admin. Code § SPS 361.01 SPS 361.01 Purpose of code.

Pursuant to various statutory provisions under subch. I of ch. 101, Stats., the purpose of chs. SPS 361 to 366 is to protect the health, safety, and welfare of the public and employees by establishing minimum standards for the design, construction, maintenance, and inspection of public buildings, including multifamily dwellings and places of employment.

Wis. Admin. Code § SPS 361.03 Application.

(1) Standards.

(a) The design and construction of public buildings and places of employment shall comply with s. SPS 361.05, except as otherwise provided in chs. SPS 361 to 366.

Wis. Admin. Code § SPS 361.05 Adoption of the International Codes.

(1) *Ibc.* The *International Building Code®* – 2015, subject to the modifications specified in this chapter and ch. SPS 362 is incorporated by reference into chs. SPS 361 to 366.

(2) *Iecc.* The *International Energy Conservation Code®* – 2015, subject to the modifications specified in this chapter and ch. SPS 363 is incorporated by reference into chs. SPS 361 to 366.

(3) *Imc.* The *International Mechanical Code®* – 2015, subject to the modifications specified in this chapter and ch. SPS 364 is incorporated by reference into chs. SPS 361 to 366.

(4) Ifgc. The *International Fuel Gas Code*® – 2015, subject to the modifications specified in this chapter and ch. SPS 365 is incorporated by reference into chs. SPS 361 to 366.

(5) Iebc. The *International Existing Building Code*® – 2015, subject to the modifications specified in this chapter and ch. SPS 366 is incorporated by reference into chs. SPS 361 to 366.

The following violations were revealed:

1. Violation: Stairways not code compliant.

IBC 1011.1 General. Stairways serving occupied portions of a building shall comply with the requirements of Sections 1011.2 through 1011.13. Alternating tread devices shall comply with Section 1011.14. Ship's ladders shall comply with Section 1011.15. Ladders shall comply with Section 1011.16.

Suggested Action: The altered stairways should meet requirements of the 1011.2 through 1011.13. Work with design professional to provide proper stairway construction.

2. Violation: Structural damage on site.

IEBC [BS] 606.2.2 Substantial structural damage to vertical elements of the lateral force-resisting system. A building that has sustained substantial structural damage to the vertical elements of its lateral force-resisting system shall be evaluated in accordance with Section 606.2.2.1, and either repaired in accordance with Section 606.2.2.2 or repaired and rehabilitated in accordance with Section 606.2.2.3, depending on the results of the evaluation.

Suggested Action: Provide evaluation from WI registered architect or engineer on the sinking foundation on each end of the building. Designer also to evaluate connections on second floor balcony/roof system.

3. Violation: Space heaters in violation of code.

IMC [BG] 309.1 Space-heating systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining an indoor temperature of not less than 68°F (20°C) at a point 3 feet (914 mm) above floor on the design heating day. The installation of portable space heaters shall not be used to achieve compliance with this section.

Suggested Action: Repair or replace all heating units to achieve compliance with this section.

4. Violation: Ventilation exhaust fans not compliant with code.

Wis. Admin. Code § SPS 364.0403 (5) VENTILATION RATE. Substitute the following wording for the requirements and exception in IMC section 403.3: (a) Ventilation rate determination. 1. Except as provided in sub. (1) (a) and s. SPS 364.0300, a mechanical ventilation system shall be designed to have the capacity to supply a minimum outdoor airflow rate of 7.5 cfm per person as determined in accordance with Table 364.0403 based on the occupancy of the space and the occupant load or other parameters stated therein. A mechanical ventilation system shall be designed to have the capacity to exhaust air as specified in Table 364.0403 except as provided in par. (c).

Suggested Action:

Repair/replace inoperable bathroom exhaust fans to meet the requirements of Table 364.0403.

5. Violation: Electrical work done without pulling permits/inspection.

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.

Suggested Action: Obtain electrical permit for branch circuits that were added in the rooms. Provide electrical permit number to DSPS. Inspections are required per SPS 316.013.

6. Violation: Outdoor electrical panel in violation of code.

NEC 408.37 Panelboards in Damp or wet locations

Panelboards in Damp or wet locations shall be installed to comply with NEC 312.2.

Suggested Action:

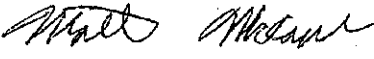
Repair or replace cover on outdoor electrical panel to maintain 3R outdoor rating.

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 Ryan Geiger at (608)235-7405

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: 4/20/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	9/10/2021	COMPLIANCE DATE: 12/20/2021

cc: Ryan Geiger

Lucas Dederich