

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



**Tony Evers, Governor**  
**Dawn B. Crim, Secretary**

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## NOTICE OF VIOLATIONS AND ORDERS

September 10, 2021

Lauritzen Inc.  
W5539 County Road K  
Wild Rose, WI 54984

**SITE:**  
**W5539 County Road K**  
**WILD ROSE, WI 54984**  
**Town of Springwater**

**ORDER 0007601**

### Regulated Objects:

Nature of Complaint Summary: Failure to submit building plans for a change of use/construction of CBD manufacturing facility.

Object Type: Complaint (21 COM 20)

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**INVESTIGATION NOTES:** DSPS was made aware of this site after David Dewhurst contacted the Department to determine if the site was subject to the commercial building code. Dewhurst indicated to the Department that his involvement as sprinkler system designer was cancelled. Upon information and belief this was done because the property owners erroneously believe the site is agricultural in nature and therefore not subject to the commercial building code. Brian Noe conducted an inspection on April 19, 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.

**If electrical work is performed a permit and inspections are required pursuant to Wis. Admin. Code §§ SPS 316.012 & .013.**

The following violations were revealed at the site:

**1. Violation:** Upon information and belief a building at the above site was constructed or changed use for the purposes of manufacturing Cannabidiol (CBD). Sites that manufacture CBD are considered commercial buildings subject to the commercial building code. Plans were never submitted for this building.

The Department does not find that the manufacturing of CBD constitutes farming as defined by Wis. Stat. § 102.04(3) and thus not exempt from the commercial building code under Wis. Stat. § 101.01(11). Farming is defined as the "operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their

products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon.”

**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.

(b) The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

(c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. SPS 362.3600 (2), in lieu of corresponding, otherwise applicable requirements of chs. SPS 361 to 366.

**(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.

**(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.

SPS 361.03(11)(c)(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.

**(3) Types Of Building Components.**

(a) Except as provided in sub. (4), building component or system plans shall be submitted to and approved by the department or authorized representative prior to installation of the component or system, for each of the following type components or systems:

1. Pre-manufactured and pre-engineered structural components.
2. Heating, ventilating and air conditioning systems.
3. Fire protection systems.

**Required action: submit building, fire protection and HVAC plans (as applicable) to DSPS.**

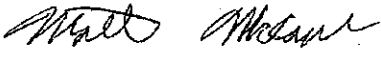
You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations Brian Noe and I must be notified. If you 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 contact commercial building inspector for the area Brian Noe at (920) 420-4796.

**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
	9/10/2021	<b>COMPLIANCE DATE: 12/21/2021</b>

cc: Brian Noe

Lucas Dederich