

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES

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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

December 7, 2021

NORTH CENTRAL WISCONSIN ANTIQUE

STEAM AND GAS ENGINE CLUB INC

PO BOX 272

EDGAR WI 54426

SITE: NORTH CENTRAL WISCONSIN ANTIQUE
STEAM AND GAS ENGINE CLUB

Parcel No. 084-2804-232-0995

223755 STEAM HILL DR

TOWN OF WIEN

ORDER 0007716

Regulated Objects:

Nature of Complaint Summary: Change of use to building without submitting building plans to the Department.

Object Type: Complaint (21 COM 138)

Last Inspection Date: October 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.

INVESTIGATION NOTES: This Order concerns the agricultural barn building that was converted to an assembly usage. The Department of Safety and Professional Services found the barn has been converted to a commercial assembly building without going through the proper plan submittal process. The Department reserves the right to enter Orders addressing any specific building code violations found and/or enter Stop Use Orders to force the property owner to correct all building code violations.

Upon information and belief the property owner is working with the local officials in obtaining a temporary use permit as allowed by Wis. Admin. Code § SPS 361.03(12). As per administrative rule the Department does not consider a temporary use permit to be permanent in nature nor eligible for renewal ad infinitum. Temporary use permits are to assist property owners as they work toward gaining compliance with the Wisconsin commercial building code.

The following violations were revealed:

Violation: Change of use to the site without proper plan review submittal.

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.

(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.

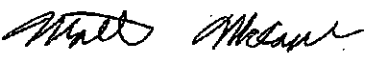
Required Action: Submit building plan for review and approval of use of the barn as a commercial building open to the public – OR – discontinue use of the barn as a commercial building and do not allow the public to enter or use that building.

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 at the number listed below or Jon Molledahl at 608-225-6520.

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
	12/07/2021	COMPLIANCE DATE: 3/3/2022

cc: Lucas Dederich

Jon Molledahl