

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

February 3, 2022

JEFFREY BOE
8315 STATE ROAD 76
NEENAH WI 54956

SITE: FAIRVIEW AUTO
Parcel Number: 05981001
Municipality: TOWN OF CLAYTON
Location Address: 8315 STATE ROAD 76

Regulated Objects:

Nature of Complaint Summary: Property has building code violations.

Object Type: Complaint (21 COM 113)

ORDER 0007811

INVESTIGATION NOTES: The Department received a complaint alleging that a commercial building contained commercial building code violations. This order stems from that investigation. It is your responsibility to hire the appropriate licensed individuals to perform the work necessary to gain compliance with this Order.

Electrical

Wis. Admin. Code § 316.007 Adoption of standards by reference.

(1) Primary Standards. The following standards are incorporated by reference into this chapter, subject to the modifications specified in this chapter:

(a) Except as provided under par. (am), National Fire Protection Association (NFPA), NFPA 70 National Electrical Code, (NEC) – 2017.

(1) Violation: NEC 300.15 – Open splices/no boxes for the lights.

(2) Violation: The area where vehicles are being spray painted shall comply with Article 516 of NEC.

(3) Violation: NEC 210.8(B)(8) – No GFCI protection for the receptacles in the area used for servicing vehicles.

(4) Violation: NEC 110.12(A) – Breaker openings in the panel not properly closed.

(5) Violation: NEC 400.12(1) – Cord for the sign in front window is hardwired into a box. A flexible cord cannot be used as a permanent wiring method.

Plumbing¹

(6) Violation: Sink has been installed without the proper venting and has an illegal s-gap.

Wis. Admin. Code § SPS 382.31 Vents and venting systems (3) GENERAL.(a) Vents. Every trap and trapped plumbing fixture shall be provided with an individual vent, except as otherwise permitted in this chapter. Vents and venting systems shall be designed and installed so that the water seal of a trap shall be subject to a maximum pneumatic pressure differential equal to one inch of water column.

Wis. Admin. Code § SPS 382.32 Traps and direct fixture connections. (3) (f) Prohibited traps. The installation of the types of traps listed in subds. 1. to 6. shall be prohibited:

3. S-traps which are not integral parts of fixtures;

(7) Violation: Water heater has been installed without any discharge piping for the T&P relief valve.

Wis. Admin. Code § SPS 382.40 Water supply systems. (5) HOT WATER SUPPLY SYSTEMS (d) Safety devices 5. Every relief valve which is designed to discharge water or steam shall be connected to a discharge pipe. a. The discharge pipe and fittings shall be made of a material acceptable for water distribution piping in accordance with s. SPS 384.30 (4) (e) 1. b. The discharge pipe and fittings shall have a diameter not less than the diameter of the relief valve outlet. c. The discharge pipe may not be trapped. d. No valve may be installed in the discharge pipe. e. The discharge pipe shall be installed to drain by gravity flow to a floor served by a floor drain or to a receptor in accordance with s. SPS 382.33 (8). The outlet of the discharge pipe shall terminate within 6" over the floor or receptor, but not less than a distance equal to twice the diameter of the outlet pipe. The outlet of the discharge pipe may not be threaded.

Building

(8) Violation: Structural columns supporting the roof have been removed without any plans or installation of larger beams to allow the columns to be removed. **Plan submittal required.**

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.

(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.

¹ Noe possesses a commercial plumbing inspector credential and is qualified to determine code violations.

(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.

(9) Violation: The use of the space has been changed to include auto repair and painting. There is currently no ventilation system for the repair garage / spray painting area. A code compliant ventilation system is required to be installed and plans are required to be submitted for approval of this system. **Plan submittal required.**

Wis. Admin. Code § SPS 364.0401(2) Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403.

IBC 416.2.2 Ventilation. Mechanical ventilation and interlocks with the spraying operation shall be in accordance with the International Mechanical Code.

Wis. Admin. Code § SPS 361.30 (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:

2. Heating, ventilating and air conditioning systems.

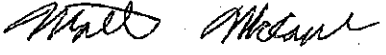
You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations Brian Noe and I must be notified. If you 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. You are put on notice that the Department found nine (9) violations and will pursue forfeitures based on that finding.

If you have any questions regarding this matter, please contact 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: 9/2021
PHONE/WORK HOURS: (608) 266-9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 02/03/2022	INVESTIGATION SOURCE: Other
	COMPLIANCE DATE: 4/15/2022

cc:Brian Noe

Lucas Dederich