

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>
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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

August 3, 2022

Deer Valley Lodge Inc
PO Box 239
Prairie Du Chien WI 53821

SITE: DEER VALLEY LODGE ACTIVITY POOL
AND SLIDE
401 W INDUSTRIAL DR
BARNEVELD WI 53507

Regulated Objects:

Nature of Complaint Summary: Slide not structurally sound.

Object Type: Complaint (22 COM 51)

Last Inspection Date: May 2022

ORDER 0008750

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 two large slides located at Deer Valley Lodge in the pool area. A complaint was received that the slides were not structurally sound. The metal was spongy, the structure was viably swaying, and the I-beams were bubbly and rusted through.

The Department conducted an investigation and found the complaint had merit. The Department visited the site on June 3, 2022, and found that work had been performed which improved the structural integrity of the slides; however, plans had not been submitted so it was difficult for the Department to confirm structural integrity.

The following violations were revealed:

1. Violation: Slides constructed without Department approval. No approval letter from DSPS for slides.

Violation: Failure to submit plans for the slides.

Wis. Admin. Code § SPS 390.04(1)(a) - All designs under the scope of this chapter shall be submitted to the department for review and receive approval from the department prior to the start of construction in accordance with this section.

Wis. Admin. Code § SPS 390.02 Application.

(1) **Applicability.** This chapter applies to the design and construction of all public swimming pools, water attractions and associated slides, and to the reconstruction or alteration of all public swimming pools, water attractions and associated slides.

Wis. Admin. Code § SPS 390.07 Fines. Any person who violates this chapter or any plan or specification included as part of an approval that is issued under this chapter shall be fined pursuant to s. 145.26 (6), Stats., not less than \$100 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense.

2. Violation: Slides and platforms are structurally unsound, unsafe and have not been properly maintained.

Wis. Admin. Code § SPS 390.31 Slides. (1) **GENERAL.** All slides installed as an appurtenance to a public swimming pool or water attraction shall be designed, manufactured and permanently installed so as to provide a safe and healthy environment for the rider and other occupants of the facility.

Wis. Admin. Code § SPS 390.31 Slides. (2) **DESIGN AND MANUFACTURING**

(e) Pool slides, drop slides and waterslides shall be designed to support the intended use.

(f) On-site constructed towers, stairs, platforms and elevated decks providing access to slides shall conform to chs. SPS 361 and 362.

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.

§ IBC Table 1607.1 - Stairways, ramps, platforms, and passageways shall be designed to support a load of at least 100 lbs/sq ft (psf)

§ SPS 361.03 (10) REPAIRS.

All portions, elements, systems or components of existing buildings and structures repaired shall conform and be maintained in accordance with the rules of chs. SPS 361 to 366 as the rules exist on one of the following:

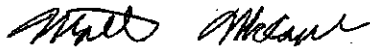
- (a) The date plans for that portion, element, system or component was approved by the department or authorized representative.
- (b) The date the local building permit was issued for that portion, element, system or component, if plan submission and approval was not required.
- (c) The date construction was initiated for that portion, element, system or component, where pars. (a) and (b) do not apply.
- (d) The date repair is initiated.

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. Every day that the site is used after being put on notice of these violations constitutes a new violation. 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 Thomas Steiner at 608-235 0579.

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: 10/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	08/3/2022	COMPLIANCE DATE: September 9, 2022

cc: Lucas Dederich

Thomas Steiner