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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

Dan Hereth, Secretary



NOTICE OF VIOLATIONS AND ORDERS

November 14, 2022

Lumberyard Lofts LLC

Jill Defoe

808 Carmichael Rd. Unit 251

Hudson WI 54016

SITE: 409 2nd Street

Village of Pepin

Parcel ID: 171000810001

Regulated Objects:

ORDER0008249

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

Object Type: Complaint (22 COM 119)

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: Orders were entered against this site on March 1, 2013 by Len Alexander, DSPS. Compliance with Alexander's Orders has never been gained. The property has changed ownership and also has changed use in the years since Alexander's Orders. Upon information and belief the property is now being classified as a hotel or tourist rooming house licensed by Wisconsin Department of Agriculture Trade and Consumer Protection. This is a change of use from its prior use as apartment units.

DSPS conducted an inspection of the site on January 24, 2020, and found numerous building code violations. That progress report is attached and incorporated into these orders. Each violation listed on that progress report must be addressed and abated. Each violation listed on that progress report is subject to the forfeiture penalties laid out in Wis. Stat. § 101.02(13).

DSPS suggests that the property owners hire an engineer or architect to draft building plans for the site and submit the plans to the Department. Doing this will capture all the outstanding code violations that are present in the building.

Therefore, per Department policy, this Notice of Violations and Order will focus solely on the submittal of plans to the Department.

The following violations were revealed:

Violation: The Department incorporates the violations listed in the January 30, 2020 progress report heretofore attached. The report lists 51 code violations. Each code violation in that report is subject to forfeitures pursuant to Wis. Stat. § 101.02(13) if compliance is not gained by the date listed at the end of this document minus any violations that have been abated or repeats/duplicates found in the report or in this Order.

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, HVAC, and fire suppression plans for review and approval of use of the site as a commercial building– OR – discontinue use of site and do not allow the public to enter or use that building.

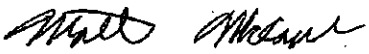
You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, 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 Joe Merchak at 715.821.1928.

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 | | |
| PHONE/WORK HOURS: (608) 266-9814 | | |
| E-MAIL: matthew.mccasland@wisconsin.gov | | INVESTIGATION TYPE: Requested |
| SIGNATURE: | DATE: | INVESTIGATION SOURCE: Other |
|  | 11/14/2022 | COMPLIANCE DATE: 1/27/2023 |
| | | |
| | | |

cc: Lucas Dederich

Joe Merchak

Brandon Prinsen – 205 5th Ave S Ste 600 La Crosse WI 54601

Enc: January 30, 2020 Merchak report



DIVISION OF INDUSTRY SERVICES
PO BOX 7302
MADISON WI 53707-7302
Contact Through Relay
<http://dsps.wi.gov/programs/Default.aspx>
www.wisconsin.gov

Tony Evers, Governor
Dawn B. Crim, Secretary

February 24, 2020

CUST ID No. 1286834

DUSTIN MUELLER
CONSTRUCTION INSTALL SERVICES INC
13224 AVENUE OF BALSAMS
MANITOWISH WATERS WI 54545

RE: ERRATUM TO 1/30/2020 INVESTIGATION PROGRESS REPORT

Transaction ID No. 3297462

FOR:

Facility: 780528 PEPIN 8 PLEX
409 2ND ST
PEPIN 54759

Erratum to January 30, 2020, Investigation Progress Report (Transaction ID №.: 3284705)

On page 6 after the text of item №. 40 insert the following:

- Mech Rm -- Integrity of fire-resistive membrane

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead. Please refer to Transaction ID No. referred to in the regarding line when making an inquiry or submitting additional information.

Sincerely,

Joe Merchak, Building Inspector
Division of Industry Services
(715) 821-1928
joe.merchak@wi.gov

cc: Village of Pepin - Municipal Clerk
Jill Defoe, Raspberry Rentals
Gregory Granlund, Lien & Peterson Architects Inc
Shawn Schmitt, Construction Install Services

**INVESTIGATION
PROGRESS REPORT**



Tony Evers, Governor
Dawn B. Crim, Secretary

January 30, 2020

CUST ID No.: 1286834
Phone: 715-559-9671

TRANSACTION No.: 3284705

Site ID No.: 801311 Pepin 8 Plex
SITE ADDRESS: 409 2ND St
Pepin County, Village of Pepin
Site Contact: Shawn Schmitt – Construction Install
Services
Contact Phone: 715-505-3053
Contact E-mail: shawns@constructioninstall.com

DUSTIN MUELLER
13224 AVENUE OF BALSAMS
MANITOWISH WATERS WI 54545

Regulated Objects:

Facility: 780528 PEPIN 8 PLEX
409 2ND ST
PEPIN 54759

Object Type: Building ICC **Regulated Object ID No.:** 1480504 **Code Applies Date:** 04/17/14
Alteration Level: 2; **Major Occupancy:** Residential; **Type VB Combustible Unprotected class of construction:** New
plan; 5,160 project sq ft; **Partially Sprinklered;** **Occupancy:** R-2 Apartments & Dormitories; **Sprinkler Design:**
NFPA-13R Residential

Object Type: Fire Suppression **Regulated Object ID No.:** 1744074 **Code Applies Date:** 01/22/18
Plan Type: Alteration; 18,360 sq ft Floor Area Protected; **System Type:** Complete; **Occupancy:** Residential;
Suppression Desc: Wet

Object Type: Fire Alarm **Regulated Object ID No.:** 1749701 **Code Applies Date:** 02/22/18
Plan Type: Alteration; 18,360 sq ft Floor Area Protected; **System Type:** Supplemental; **Occupancy:** Residential,
Storage; **Fire Alarm Type:** Automatic Detection

Last Inspection Date: January 24, 2020

INVESTIGATION PROGRESS NOTES: On January 24, 2020, I met with the property seller representative Shawn Schmitt of Construction Install Services and property buyer Jill Defoe of Raspberry Rentals and conducted an inspection of the above-referenced project. I advised the parties that my inspection would be [as per Wisconsin Administrative Code Section SPS 361.41] to determine whether or not construction conforms to the conditionally approved plans, the conditional approval letter, and the state commercial building code which in part is comprised of the 2009 edition of the International Existing Building Code [as amended by Ch. SPS 366]. My inspection did not cover the electrical and plumbing systems which are outside the scope of the commercial building code. Also, applicable — though not mentioned at the time of the inspection — are the administrative provisions §§SPS 361.03(7) to (11) and (13) pertaining to new or additions of buildings/structures, alterations, replacements, repairs, change of occupancy/use, and existing buildings/structures. The inspection of the property and subsequent review of department records found that the project has not been fully completed.

Part of the Department's Order of March 1, 2013 remains unabated:

- **Comm 61.30(3)** [since renumbered SPS 361.30] Submit prior to construction four sets of building plans, HVAC plans, ... along with a signed plans approval application form (SBD 118) and fees for review and approval.
1-30-2020 Comment: Plans for HVAC and structural details for the exterior canopy, decks and exterior stairways remain to be submitted to the department for review. Additional comments relating to this matter are found in the numbered items listed below.

As part of the completion of the above referenced project, the following code related matters need to be addressed:

1. SIGNAGE (Basement Sprinkler Control Room) – 2009 IFC §509.1. An approved durable permanent sign shall be provided identifying the sprinkler riser/control room.
2. KEY BOX (Main entrance) – 2009 IFC §506.1. Where immediate access is required for life-saving or fire-fighting purposes, a key box with necessary keys to gain necessary access shall be installed of a type and at a location as required by the fire code official.
3. ADDRESS IDENTIFICATION – 2009 IFC §501.2. Provide building address number that is visible from the street, contrasting with their background, minimum 4 inches high and minimum stroke width of ½ inch.
4. PORTABLE FIRE EXTINGUISHERS – 2009 IBC §906.1 Item 1 Exception. Provide each dwelling unit with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.
5. MECHANICAL ROOM ACCESS – §§704.05(2) and 704.17(2)(b) statutes. Because of the unusual configuration where the building's central mechanical room will have no access except through a dwelling unit — a situation which might be questioned by future tenants — it should be mentioned here that the building code is silent on such a situation. The landlord's tenancy of the storage garage that had in the past provided direct access to the central mechanical room will be changing. New ownership proposes that direct independent access to the central mechanical room will not be available because the garage will be part of the plan identified Unit 5 (viz., site addressed Unit 7) tenancy. This means that access to the central mechanical room through either plan identified Unit 5 (site addressed Unit 7) or through plan identified Unit 8 (site addressed Unit 6) might be impacted by tenant notification and lock changing provisions of the above cited statutes. Such impact might hinder ready access to the central mechanical room and/or potentially create a violation of IBC Section 1008.1.9.
6. OUTDOOR COMBUSTION AIR (furnace closet in Plan identified Unit 5 / Site addressed Unit 7) – 2009 IFGC §304.1. "... Where the requirements of Section 304.5 are not met, outdoor air shall be introduced in accordance with one of the methods prescribed in Sections 304.6 through 304.9..."
7. CORRIDOR DOOR CLOSERS – 2009 IEBC §705.5.1. "... All dwelling unit or sleeping unit corridor doors ... shall be equipped with approved door closers ..."

The following items identified in the September 4, 2019 Request for Additional Information letter (Transaction №.: 3165625) remain to be addressed or met:

8. IBC 1013.2/1607.7 - Provide guards that are at least 42 inches in height where there is a differential of more than 30" above the floor or grade below. *This applies to the partial wall around the opening in Unit 8 and the guard rails around the east deck. Heights were not specified on the plans.*
9. IBC 1203.5.1 – Where natural ventilation is provided, the minimum openable area to the outdoors shall be 4% of the floor area being ventilated. *Where natural ventilation is NOT provided, mechanical ventilation shall be provided per IMC 403. The mechanical ventilation shall provide at least the minimum required outside air quantities and shall be operational at all occupied times. A number of the bedrooms, kitchens and living rooms are not provided with exterior windows and shall be provided with mechanical ventilation per IMC 403.*

The following conditions identified in the October 30, 2019 Conditional [Plan] Approval letter (Transaction №.: 3165625) remain to be addressed or met:

10. **SPS 361.30(3)** - This approval does not include heating, ventilating or air conditioning. The owner should be reminded that HVAC alteration plans, calculations, and appropriate fees are required to be submitted for review and approval prior to installation. The HVAC plans shall be directed to the office where building plans were originally submitted and conditionally approved. Building Designer should coordinate with HVAC designer to avoid problems. The submitted HVAC plans and calculations shall match the approved building plans. Building Designer is requested to provide a complete set of plans, Energy Calculations and the Building Plan review Transaction I.D. number to the HVAC Designer to help coordinate review.

11. **IBC 1203.4/IMC 505/SPS Table 364.0403** – Provide minimum mechanical exhaust ventilation in the amount of 100 CFM intermittent or 20 CFM continuous for the private dwelling kitchens if 4% openables cannot be met.

1-30-2020 Comment: Inspection on 1-24-2020 found that plan identified Unit 6 (site addressed Unit 3) obviously fails to meet this requirement. For other units the adjoining space provisions of Section 1203.4.1.1 may be availed of in determining whether or not mechanical kitchen exhaust ventilation is required. Ventilation calculations for each private kitchen should be provided with the mechanical plan submittal.

12. **IBC 508.5** - "... the doors to the laundry room shall be self-closing and shall not be undercut or have transfer panels."

The following condition identified in the October 31, 2019 follow-up Communication Letter (Transaction №. 3165625) remains to be addressed:

13. **IEBC 605.1** – Alterations shall meet the accessibility requirements of this section or the IBC, unless technically infeasible.

1-30-2020 Comment: The cited provision will require in part providing an accessible main building entrance and its connecting accessible route to the common laundry room. If providing accessibility is disproportionate to the costs of these alterations and thus rendering them technically infeasible; then this should be documented by filing a completed form SBD-10219 as part of the required plan submittal with the Division of Industry Services office that conditionally approved the construction plans.

The following of the July 20, 2018 Investigation Progress Report's (Transaction №.: 2939143) partial list of identified building code violations remain unabated:

- Decks – Stairway non-conformity

1-30-2020 Comment:

14. **EXCESSIVE RISER HEIGHT** (Plan identified Unit 4 / Site addressed Unit 1) – 2009 IBC §1009.4.2 Exception 5. The bottom stair riser measured at 8¾ inches exceeds the maximum height of 7¾ inches allowed for stair risers accessory to a Group R-2 occupancy.

15. **OPENING BETWEEN TREADS** (Plan identified Unit 4 / Site addressed Unit 1 AND Plan identified Unit 5 / Site identified Unit 7) – 2009 IBC §1009.4.5 Exception 1. For stairways not required to comply with Section 1007.3, the opening between treads shall not permit the passage of a sphere with a diameter of 4 inches.

- Decks – Potential structural issues

1-30-2020 Comment:

16. *DECK CANOPY (Plan identified Unit 7 / Site addressed Unit 8) – 2009 IBC §1607.11.4. “Awnings and canopies shall be designed for uniform live loads as required in Table 1607.1 as well as for snow loads and wind loads as specified in Sections 1608 and 1609.” Note: Inspection on 1-24-2020 found in part inadequate attachment of ledger to wall and beams to posts. No plan details provided – The designer must specify type, number, size, and spacing etc. of fasteners required for these connections.*
17. *DECK ATTACHEMENT TO EXTERIOR WALLS (Plan identified Unit 4 / Site addressed Unit 1 AND Plan identified Unit 5 / Site addressed Unit 7) – 2009 IBC §1604.8.3. Deck attachment to exterior walls must be designed for vertical, cantilevered reaction, and lateral loads as applicable and such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Inspection on 1-24-2020 found inadequate attachment of ledger to wall. No plan details provided – The designer must specify type, number, sizing, spacing etc. of fasteners required for these connections.*
18. *DECK SUPPORT BEAM (Plan identified Unit 5 / Site Addressed Unit 7) – 2009 IBC §§1604.2 and 1604.3.1. The deck support beam must be designed to meet the minimum strength and maximum deflection for the loads and forces specified in the code. Inspection on 1-24-2020 found undersized beam. No plan details provided – Designer must specify the alterations needed to bring support beam into compliance with code.*
19. *STAIR ATTACHEMENT TO DECK (Plan identified Unit 5 / Site identified Unit 7) – No plan details provided – Therefore, unable to inspect for conformance to plans. Designer must verify or specify adequate support by deck of upper end of stairs including its attachment thereto and including number and type of fasteners used.*
20. *DECK SUPPORT POST TO BEAM CONNECTION (Plan identified Unit 4 / Site addressed Unit 1 AND Plan identified Unit 5 / Site addressed Unit 7) – 2009 IBC §1604.8.3. Deck support posts to beams connection must be designed and constructed to meet minimum vertical (including uplift) loads and lateral displacement. Inspection on 1-24-2020 found inadequate connection of deck support posts to deck beams (or rim joist in case of Unit 4). No plan details provided – designer must specify connection including types, size and number of fasteners for each connection.*

- Basement – Potential Section 420 violation

1-30-2020 Comment:

21. *HORIZONTAL SEPARATION (Basement ceiling) – 2009 IBC §§420.3 and 712.3. Floor assemblies separating dwelling units from other occupancies contiguous to them in the same building shall be constructed as 1-hour horizontal assemblies. Note: Architect to specify a specific tested assembly if protection is provided by other than a minimum 1-hour assembly that is listed in Table 720.1(3).*
22. *SEPARATION WALLS (Wall separating basement from space under dwelling units) – 2009 IBC §§420.2 and 709.4 Exception 1. A 1-hour rated fire-partition separating the basement and basement stairway from the dwelling units shall extend through the “crawl space” below the adjoining dwelling units. Note: The fire-resistive membrane shall also protect the box sill in the stairway.*

- Canopy – Structural issues

1-30-2020 Comment:

23. *STRUCTURAL DETAILS (Canopy) – §SPS 361.31(2)(e) and IBC §1607.11.4. Verify or provide that the canopy constructed along Second Street conforms to approved structural details and calculations that have been stamped, signed, and dated by the preparing professional and submitted for review and*

approval to the department. Note: Canopy structural construction concealed by soffit must be made visible for inspection. Awnings and canopies shall be designed for uniform live loads as required in Table 1607.1 as well as for snow loads and wind loads as specified in Sections 1608 and 1609.

- Handrails – Required on both sides on basement stairway

1-30-2020 Comment:

24. HANDRAIL RETURNS (Basement) – 2009 IBC §1012.6. The handrails shall return to a wall, guard or the walking surface.

25. HANDRAIL CONTINUITY (Basement) – 2009 IBC §1012.4. Handrails shall be continuous without interruption. Note: Infeasibility of compliance due to existing conditions would make it acceptable for the left side (descending) handrail to terminate a couple of steps short at the box sill.

- Handrails – Required on one side on all stairways within individual units

1-30-2020 Comment:

26. HANDRAILS (Plan identified Unit 1 / Site identified Unit 5) – 2009 IBC §1009.12 Exceptions 2 and 5. All stairs of four or more risers within a Group R-2 dwelling unit shall have a handrail on at least one side.

27. HANDRAIL RETURNS (Plan identified Unit 8 / Site addressed Unit 6 AND Plan identified Unit 6 / Site addressed Unit 3) – 2009 IBC §1012.6. Handrails shall return to a wall, guard or the walking surface.

28. HANDRAIL HEIGHT – (Plan identified Unit 8 / Site addressed Unit 6) – 2009 IBC §1012.2. Handrail height measured above stair tread nosings shall be uniform and not less than 34 inches and not more than 38 inches.

29. HANDRAIL EXTENSIONS – (Plan identified Unit 8 / Site addressed Unit 6 AND Plan identified Unit 6 / Site addressed Unit 3) – 2009 IBC §1012.6 Exception 1. Handrails within a dwelling unit need to extend from the top riser to the bottom riser.

- Handrails – Graspable handrail required on one side of deck stairways

1-30-2020 Comment:

30. HANDRAILS (Plan identified Unit 5 / Site addressed Unit 7 AND Plan identified Unit 7 / Site identified Unit 8) – 2009 IBC §1009.12 Exception 2. The deck stairway serving a dwelling unit shall have a handrail on at least one side.

31. HANDRAIL RETURNS (Plan identified Unit 4 / Site addressed Unit 1) – 2009 IBC §1012.6. The graspable handrail for the deck stairway shall return to a wall, guard or the walking surface.

- Laundry – Accessible compliant appliances

1-30-2020 Comment:

32. ACCESSIBLE WASHING MACHINE AND CLOTHES DRYER (Laundry Room) – 2003 ANSI A117.1 §611.1. At least one of the washing machines and clothes dryers must comply with Section 611. Section 611.3 – Operable parts, including doors, lint screens, bleach compartments, shall comply with Section 309. Section 611.4 Top loading machines shall have the door to the laundry compartment 36 inches maximum above the floor. Front loading machines shall have the bottom of the opening to the laundry compartment 15 inches minimum and 34 inches maximum above the floor.

- Laundry – ½ inch maximum threshold height allowed

1-30-2020 Comment:

33. THRESHOLD (Laundry Room) – 2009 IBC §1008.1.7 and 2003 ANSI A117.1 §404.2.4. Unless an exception applies, thresholds at doorways shall not exceed ½ inch.

- Corridor – Emergency egress lighting at exterior door landing

1-30-2020 Comment:

34. EMERGENCY LIGHTING (Corridor and exterior landing) – 2009 IBC §1006.3. “... In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas: ... 2. Corridors ... in buildings required to have two or more exits ... 5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings required to have two or more exits.”

- Corridor – Excessive height of step down to sidewalk

1-30-2020 Comment:

35. FLOOR ELEVATION (Exterior landing at corridor exit door) – 2009 IBC §§1008.1.5 and 1008.1.6. Unless an exception applies, there shall be a floor or landing at the same elevation on each side of the door (exterior landings can have a 2% slope away from building). Unless an exception applies, landings shall have a length measured in the direction of travel of not less than 44 inches. Note: The landing must also comply with the maneuvering clearance requirements of 2003 ANSI A117.1 §404.2.3. See also ramp landing requirements of 2003 ANSI A117.1 405.7 and 2009 IBC §1010.6. Inspection on 1-24-2020 found no code compliant exterior landing at corridor exit door.

36. HANDRAILS (Exterior stairs serving corridor exit door) – 2009 IBC §1009.12. Unless an exception applies, stairways shall have handrails on each side and shall comply with Section 1012.

- Garage – Integrity of fire-resistive membrane

1-30-2020 Comment:

37. INTEGRITY OF SEPARATION WALLS (Garage) – 2009 IBC §§420.2, 709.7, 709.8 and 709.9. Penetrations, joints, duct and transfer openings of fire partitions shall respectively comply with Sections 713, 714 and 716. Inspection on 1-24-2020 found the mechanical room wall had some holes, unprotected penetrations, and unprotected joints. Reminder: Furnace closet is to be on the dwelling side of the garage separation wall.

38. INTEGRITY OF HORIZONTAL SEPARATION (Garage ceiling) – 2009 IBC §§420.3, 712.5 and 715.6. Penetrations and joints in the ceiling membrane shall comply with Sections 713 and 714 respectively. Reminder: Floor-ceiling assemblies separating dwelling units from other occupancies contiguous to them in the same building shall be constructed as 1-hour horizontal assemblies. Note: Architect to specify a specific tested assembly if protection is provided by other than a minimum 1-hour assembly that is listed in Table 720.1(3).

39. DOOR CLOSERS (doors between garage and furnace closet or dwelling unit) – 2009 IBC §406.1.4. “... Doors shall be self-closing and self-latching...” Note: This provision provides that these door openings shall “be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1½ inches ... thick, or doors in compliance with Section 715.4.3.”

40. *DOOR CLOSER (between garage and service corridor) – 2009 IBC §§420.2 and 709.6. Openings in a fire partition shall be protected in accordance with Section 715. Inspection on 1-24-2020 found failure that to have fire door that was self- or automatic- closing and self latching respectively per Section 715.4.8 and 715.4.9. Reminder: Per UL 80 §6.4.4.1, "Only labeled locks and latches or labeled fire exit hardware (panic devices) meeting both the life safety requirements and fire protection requirements shall be used."*

1-30-2020 Comment:

41. *HORIZONTAL SEPARATION (Mechanical room ceiling) – 2009 IBC §§420.3 and 712.3. Floor assemblies separating dwelling units from other occupancies contiguous to them in the same building shall be constructed as 1-hour horizontal assemblies. Note: Architect to specify a specific tested assembly if protection is provided by other than a minimum 1-hour assembly that is listed in Table 720.1(3).*
42. *INTEGRITY OF SEPARATION WALL (Mechanical room) – 2009 IBC §§420.2, 709.7, 709.8 and 709.9. Penetrations, joints, duct and transfer openings of fire partitions shall respectively comply with Sections 713, 714 and 716. Inspection on 1-24-2020 found the mechanical room wall had numerous holes, unprotected penetrations, unprotected joints, an abandoned but open duct penetration, an exposed wooden bottom wall framing plate.*
43. *DOOR CLOSER – (Mechanical room) – 2009 IBC §§420.2 and 709.6. Openings in a fire partition shall be protected in accordance with Section 715. Inspection on 1-24-2020 found failure that required labeled fire door must be self- or automatic- closing and self latching respectively per Section 715.4.8 and 715.4.9. Reminder: Per UL 80 §6.4.4.1, "Only labeled locks and latches or labeled fire exit hardware (panic devices) meeting both the life safety requirements and fire protection requirements shall be used."*
44. *PROHIBITED WIRING USE (Mechanical room) – 2017 NEC §400.12 – Flexible cables shall not be run through doorways or similar openings. Inspection on 1-24-2020 found wiring run between the hinged edge of door its frame.*

- Unit 1 – Minimum 36-inch [sic] high guard rail on open stairs

1-30-2020 Comment:

45. *GUARDS (Plan identified Unit 1 / Site addressed Unit 5) – 2009 IBC §§1013.1 and 1013.2 Exception 1. "Guards shall be located along open-sided ... stairs ... and landings that are located more than 30 inches measured vertically to the floor or grade below ..." and "... within individual dwelling unit in occupancies in Group R-2, guards on the open sides of stairs shall have a height not less than 34 inches measured vertically from a line connecting the leading edges of the treads."*

- Unit 4 – Replace defective smoke detectors in great room

1-30-2020 Comment:

46. *SMOKE DETECTOR MAINTENANCE (Plan identified Unit 4 / Site addressed Unit 1) – §101.145(3)(c), statutes. "... a state ... employee charged under statute ... with powers or duties involving inspection of real or personal property, gives written notice to the owner that a smoke detector in the unit is not functional the owner shall provide within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional." Note: Inspection on 1-24-2020 found several smoke detectors in this unit disconnected.*

- Unit 5 – smoke detectors not interconnected

1-30-2020 Comment:

47. **SMOKE DETECTORS** (Plan identified Unit 5 / Site addressed Unit 7) – 2009 IBC §907.2.11.3. “Where more than one smoke alarm is required to be installed within an individual dwelling unit ... the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit...” Note: Inspection on 1-24-2020 found that smoke alarms in a lower bedroom, the upper hallway, and living room were not interconnected.

- Unit 7 – Smoke detector outside bedroom required (i.e., in living/dining area)

1-30-2020 Comment:

48. **SMOKE DETECTOR INSTALLATION** (Plan identified Unit 7 / Site addressed Unit 8) – 2009 IBC §907.2.11/2003 NFPA 72 §5.7.3.2.1. Spot-type smoke detectors shall be located ... if on a sidewall between 4 and 12 down from the ceiling to the top of the detector. Also, verify detector complies with the manufacturer's installation instructions with respect to the kitchen; typically, ionization type alarms must be at least 20 feet from cooking appliances (10 feet with silencing switch) and photoelectric alarms must be at least 6 feet from cooking appliances (3 feet with silencing switch). Note: Inspection on 1-24-2020 found detectors in this unit sidewall mounted and touching the ceiling.

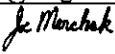
- “... fire-sprinkler and alarm work ...”

49. **2007 NFPA 13 §§6.3.1 and 6.3.3** – The installer shall complete and forward a copy to the authority having jurisdiction (state building inspector) of the “Contractor’s Material and Test Certificate for Aboveground Piping” shown in Figure 6.3.2.

50. **2007 NFPA 13 §10.10.1** – The installing contractor shall be responsible for completing and signing the “Contractor’s Material and Test Certificate for Underground Piping shown in Figure 10.10.1.

51. **2008 IBC §907.7** – A record of completion in accordance with NFPA 72 verifying that the fire alarm system has been installed and tested in accordance with the approved plans and specification shall be kept for the life of the system and be available to the authority having jurisdiction (state building inspector).

Per §SPS 303.03, any person affected by a rule of the department may 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.

| | |
|---|------------------------------|
| INSPECTOR NAME: Joe Merchak | INVESTIGATE DATE: 01/24/2020 |
| PHONE/OFFICE HOURS: (715) 821-1928 | |
| E-MAIL: joe.merchak@wi.gov | |
| SIGNATURE:  DATE: January 30, 2020 | |
| | LEFT COPY ON SITE: No |

cc: Village of Pepin - Municipal Clerk
Gregory Granlund, Lien & Peterson Architects Inc
Jill Defoe, Raspberry Rentals
Shawn Schmitt, Construction Install Services