

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES

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Contact Through Relay

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**Tony Evers, Governor**

**Dan Hereth, Secretary**



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**NOTICE OF VIOLATIONS AND ORDERS**

November 22, 2023

Lake Holcombe School District

ATTN: Kurt Lindau

27331 262nd Ave,

Holcombe, WI 54745

SITE: 27331 262<sup>nd</sup> Ave

Holcombe, WI 54745

Town of Lake Holcombe

Tax Parcel ID: 23206-2834-50060550

**Regulated Objects:**

Nature of Complaint Summary: Building code violations at the school.

Object Type: Complaint (23 COM 147)

**ORDER 000887 4**

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**INVESTIGATION NOTES:** The Department performed an inspection of the site to determine if there were building code violations present. The Department sent 4 deputies to the site: commercial building, commercial electrical, public sector safety, and fire safety. This Notice of Violations and Orders reflects their findings. Each section provides rule authority concerning the violations. The school district shall work with properly licensed individuals to bring the site into compliance and shall notify the Department immediately when compliance has been gained.

The following violations were revealed:

**Commercial Building Code Violations – Radke**

**Wis. Admin. Code § SPS 361.03(13) Existing buildings and structures.**

(a) Unless otherwise specifically stated in chs. SPS 361 to 366, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the Wisconsin administrative building code provisions that applied when the building, structure, element, system, or component was constructed, or altered except when required by subsequent editions of the building code.

**Wis. Admin. Code § 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.

**1. Violation Identified:** Door hold-open in place at interior door through rated wall of Hydroponic Classroom.

**2015 IBC: 703.2. 3 Door operation.**

Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

**Action Required:** Remove door hold open. Fire rated doors must remain closed or be held by an electronic strike tied to the fire alarm system.

**2. Violation Identified:** Open louver above exit stair door adjacent to metals room.

**1962-1999 Commercial Building Code: (WI Adopted Code for the 1964 Building and 1972 addition)**

**Ind 55.08** Type of Exits. (3) Stairway exits shall be interior stairways, or smokeproof towers as specified in section Ind. 51.17.

**Ind 51.17** Smokeproof Stair Tower. (1) A smokeproof stair tower shall be an enclosed stairway which is entirely cut off from the building and which is reached by a means of open balconies or platforms. The stairways, landings, platforms and balconies shall be of incombustible materials throughout.

**Current Code Language: 2015 IBC: 1023.3.1 Extension.**

Where interior exit stairways and ramps are extended to an exit discharge or a public way by an exit passageway, the interior exit stairway and ramp shall be separated from the exit passageway by a fire barrier constructed in accordance with Section 707 or a horizontal assembly constructed in accordance with Section 711, or both. The fire-resistance rating shall be not less than that required for the interior exit stairway and ramp. A fire door assembly complying with Section 716.5 shall be installed in the fire barrier to provide a means of egress from the interior exit stairway and ramp to the exit passageway. Openings in the fire barrier other than the fire door assembly are prohibited. Penetrations of the fire barrier are prohibited.

**Action Required:** Replace louver with solid material which will not allow the passage of smoke per the original building design.

### **Electrical – Demers**

Any electrical work performed to correct the below violations shall require a permit pursuant to **Wis. Admin. Code § SPS 316.012**.

**Wis. Admin. Code § SPS 316.001(1) Purpose.** Practical safeguarding. Pursuant to ss. 101.02 (1), 101.63 (1), 101.73 (1), and 101.82 (1), Stats., the purpose of this chapter is the practical safeguarding of persons and property from hazards arising from the installation and use of electricity.

**Wis. Admin. Code § SPS 316.003 Application.**

- (1) Types of installations. The provisions of this chapter apply to all new installations, reconstructions, alterations and extensions.
- (2) Testing. Rooms which are used exclusively for routine or special electrical test work and are under the supervision of a qualified person, shall comply with this chapter where practicable for the character of the testing done.
- (3) Existing installations. Existing electrical installations shall conform to the electrical code that applied when the installations were installed. An existing electrical installation may be required to be brought into compliance with the current code's requirements by the department and within the time period determined by the department when a hazard to life, health or property exists or is created by the installation.
- (4) Repairs. Repairs to electrical installations shall conform to the electrical code that applied when the installations were installed. A repair may be required to be brought into compliance with the current code's

requirements by the department and within the time period determined by the department when a hazard to life, health or property exists or is created by the repair.

(5) Differing rules.

(a) Where any department rule in this chapter differs from a requirement within a standard referenced in this chapter, the department rule shall govern.

(b) Where a provision of this chapter prescribes a general requirement and another provision of this chapter prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

(c) Where different sections of this chapter specify conflicting requirements, the most restrictive requirement, as determined by the department, shall govern, except as provided in pars. (a) and (b).

(6) Additions and alterations. Additions and alterations to electrical systems covered by this chapter shall comply with all provisions of this chapter at the time of permit application or, if no permit is required, the beginning of the project.

**Wis. Admin. Code § SPS 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), One Batterymarch Park, Quincy, MA 02169-7471, telephone 800-344-3555, [www.nfpa.org](http://www.nfpa.org): NFPA 70 National Electrical Code, (NEC) – 2017.

**3. Violation Identified:** NM cable installed in plenum ceiling space.

**2017 NEC 300.22(C)(1) – Wiring in Ducts Not Used for Air Handling, Fabricated Ducts for Environmental Air, and Other Spaces for Environmental Air (Plenums) – Wiring Methods**

**Action Required:** Alter the installation such that the NM cable is not installed in plenum ceiling space.

**4. Violation Identified:** NM & Communication cables supported by grid ceiling supports.

**2017 NEC 300.11(B)(2) Securing and Supporting – Wiring Systems Installed Above Suspended Ceilings – Non-Fire Rated Assemblies**

**Action Required:** Alter the installation such that the NM & Communication cables are not supported by grid ceiling supports.

**5. Violation Identified:** Communication cables are not supported properly.

**2017 NEC 800.24—Mechanical Execution of Work**

**Action Required:** Alter the installation such that the communications cables are supported independent of the grid supports; and by using listed cable management materials.

**6. Violation Identified:** NM cable supported by grid ceiling supports.

**2017 NEC 300.11(B)(2) Securing and Supporting – Wiring Systems Installed Above Suspended Ceilings – Non-Fire Rated Assemblies**

**Action Required:** Alter the installation such that the NM cables are not supported by grid ceiling supports.

**7. Violation Identified:** NM cable has been installed Type I or II construction without a protective raceway.

**2017 NEC 334.10(5) – Installation – Uses Permitted**

**Action Required:** Install protective raceway.

**8. Violation Identified:** Materials stacked on and in front of electrical panelboard working space in the Woodworking Classroom.

**2017 NEC 110.26(A)(1) & (2) – Spaces About Electrical Equipment – Working Space**

**Action Required:** Move materials.

**9. Violation Identified:** Metallic flexible conduit dangling at head height.

**2017 NEC 110.12(A) – Mechanical Execution of Work – Unused Openings**

**Action Required:** Remove or fix metallic flexible conduit.

**10. Violation Identified:** Opening in junction boxes.

**2017 NEC 110.12(A) - Mechanical Execution of Work – Unused Openings**

**Action Required:** Close or plug junction boxes.

**11. Violation Identified:** Working clearance in front of 1964 Main Switch gear must be maintained.

**2017 NEC 110.26(A)(1) – Spaces About Electrical Equipment – Working Space**

**Action Required:** Move materials from work space.

**12. Violation Identified:** An electrical permit is required for the 2021 HVAC DDC controls upgrade. One is not on file as of this report.

**Wis. Admin. Code § SPS 316.012(1) Permits**

**Action Required:** Retroactively pull permit for work performed.

**Public Sector Safety - Dienger**

**Wis. Admin. Code § SPS 332.15 OSHA Safety and health standards.** Except as provided in s. SPS 332.16 and subch. IV, all places of employment and public buildings of a public employer shall comply with the federal Occupational Safety and Health Administration (OSHA) requirements adopted under s. SPS 332.50.

**13. Violation Identified:** Room 220: power strips were used on two laser engravers.

**29 CFR 1910.305(a)(2)(i)** Temporary electrical power and lighting installations of 600 volts, nominal, or less may be used only as follows:

- (A) During and for remodeling, maintenance, or repair of buildings, structures, or equipment, and similar activities;
- (B) For a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes; or
- (C) For experimental or development work, and during emergencies.

**Action Required:** Remove temporary wiring.

**14. Violation Identified:** Room 108 Mechanical: items stored within 3 feet of the electrical panels.

**29 CFR 1910.303(g)(1)** Sufficient access and working space shall be provided and maintained about all electrical equipment to permit ready and safe operation and maintenance of such equipment. A minimum of 3 feet is required in front of the equipment, with a minimum width of 30 inches or the width of the equipment.

**Action Required:** The electrical panels shall remain unobstructed for the proper distances.

**15. Violation Identified:** Mechanical Room 108 was cluttered with cardboard and other combustible materials. A flammable storage cabinet was next to the mechanical equipment.

**Wis. Admin. Code § SPS 314.001 Adoption and application.**

**(1) NFPA 1.**

(a) *Adoption of model fire code.* NFPA 1, *Fire Code* — 2012, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

**NFPA 1 10.19.5.1** Combustible material shall not be stored in boiler rooms, mechanical rooms, or electrical equipment rooms.

**Action Required:** Remove all combustible material storage that are not materials and supplies for the operation and maintenance of the equipment from mechanical and boiler rooms.

**16. Violation Identified:** Storage of cleaning supplies and floor scrubbers under the stairways.

**NFPA 1 10.19.4 Means of Egress.** Combustible material shall not be stored in exits.

**10.19.6 Attic, Under-Floor, and Concealed Spaces.** Attic, under-floor, and concealed spaces used for storage of combustible materials shall comply with the protection from hazards requirements for storage rooms in NFPA 101.

**Action Required:** Do not store items under stairways.

**Fire Code - Sommerfeld**

**Wis. Admin. Code § SPS 314.001 Adoption and application.**

**(1) NFPA 1.**

(a) *Adoption of model fire code.* NFPA 1, *Fire Code* — 2012, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

**17. Violation Identified:** Fire doors in hallway between building areas not latching.

**NFPA 1 12.4.6.9.2** As a minimum, the following items shall be verified:

(6) The self-closing device is operational; that is, the active door completely closes when operated from the full open position.

**Action Required:** Adjust/replace/repair doors or hardware as needed to assure doors completely close.

**18. Violation Identified:** Door handle/hardware missing on mechanical room door.

**NFPA 1 12.4.6.6.1** Fire door assemblies shall be inspected and tested not less than annually, and a written record of the inspection shall be signed and kept for inspection by the AHJ. [80:5.2.1]

(4) No parts are missing or broken.

**Action Required:** Replace door handle and any missing hardware.

**19. Violation Identified:** Door at bottom of stairs from room 208 does is difficult to open and does not latch unless forced.

**NFPA 1 14.5.3.4.1** Where a door assembly is required to be equipped with panic or fire exit hardware, such hardware shall meet all of the following criteria:

(3) It shall be constructed so that a horizontal force not to exceed 15 lbf (66 N) actuates the cross bar or push pad and latches. [101:7.2.1.7.1]

**Action Required:** Adjust/repair/replace door assembly so that horizontal force to open does not exceed 15lbf and so that closure is able to close door to latching position.

**20. Violation Identified:** Items stored in egress pathway outside of mechanical room.

**NFPA 1 14.4.1 General.** Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency. [101:7.1.10.1]

**Action Required:** Remove items from egress pathway outside of mechanical room.

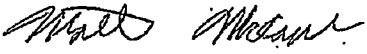
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You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations please notify Bret Radke at 608-386-1301. 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 Bret Radke at 608-386-1301.

**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
	November 22, 2023	<b>COMPLIANCE DATE: 2/19/2024</b>

cc: Lucas Dederich  
 Kirk Ruetten  
 Jane Dienger  
 Scott Demers  
 Rick Sommerfeld  
 Bret Radke