DATCP Docket No. 17-R-07 **Final Draft Rule**
Rules Clearinghouse No. 18-109 **December 20, 2018**

ORDER OF THE WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION ADOPTING RULES

The Wisconsin department of agriculture, trade and consumer protection proposes the following order ***to repeal*** ATCP 21 Appendix A; 76 Table of Contents Note 2, 91.03(3) (L) and 99.22(2); ***to amend*** ATCP 21.16(1); 21.21 (1) (c) 1. and (Note); 40.04 (1) and (4) (b) and (c); 40.06 (1), (2) (f) and (5); 40.08(8) and (Note); 40.10 (4) (b) 2. and (Note); 40.12 (2) (c) 1. and (Note); 40.16(2) and (Note); 40.18 (2) and (Note); 40.20 (1); 40.22 (1), (1) (a), and (4); 40.26 (5) and (Note); 40.28 (2) (g) 1. and (Note); 42.06 (3); 42.16 (1) (b) and (2) (b); 42.32 (2) (b); 42.40 (4) (b); 42.44 (6) (a) and (b); 42.48 (2) (a) 6.; 42.54 (1) (a); 65.23 (1) (a), (2) (a) and (2) (b); 71.02 (11) (a), (b) and (c); 72 Table of Contents; 72.03 (1), (8) and (13); 72.04; 72.05; 72.06 (1) (b) 4. and (2) (b); 72.07; 72.08 (1) (a) and (e) and (3); 72.09; 72.12 (1); 73 Table of Contents; 73.03 (1); 73.04; 73.05; 73.06 (1) (b) 4. and (2) (b); 73.07; 73.08 (1) (a) and (3); 76 Table of Contents, Subchapter I; 76.04 (4); 76.05; 76.06; 76.07(1) (b) 4. and (2) (b); 76.08; 76.09 (1) (a) and (e) and (3); 76.10; 78 Table of Contents; 78.03 (3), (5) (a), (11) and (16); 78.05; 78.06; 78.07 (1) (b) 4 and (2) (b); 78.08; 78.09 (1) (a) and (e) and (3); 78.10; 78.18 (6); 79 Table of Contents; 79.03 (1) and (24); 79.05; 79.06; 79.07 (1) (b) 4., (2) (b) 1. and (4) (b); 79.08; 79.09 (1) (a) and (e) and (3); 79.10; 79.13 (2) (b), (3) (a) 2 and (3) (d); 90.01 (15g) and (Note) and (15r) and (Note); 90.03 (1) (b); 90.04 (7) (Note); 91.01 (4) and (Note) ; 92.01 (10h) and (Note), (10p) and (Note), and (10t) and (Note); 92.30 (9) and (Note); 94.200 (1); 118.02 (2) (b); 118.12 (2) (a) and (c); and ***to create*** 105.23 (2) (bm), ***relating to*** various minor and technical rule changes.

Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

This rule makes minor and technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection ("Department" or "DATCP").

Statutes Interpreted

Statutes Interpreted: Wis. Stat. chs. 93, 94, 97, 98, 126, and 168.

Statutory Authority

Statutory Authority:

- Wis. Stat. § 93.07 (1), Department Duties: Regulations
- Wis. Stat. § 93.07 (24), Department Duties: Enforcement of Laws
- Wis. Stat. § 93.07 (12), Plant Pests
- Wis. Stat. § 93.12 (7), Fees
- Wis. Stat. § 94.64 (9), Fertilizer
- Wis. Stat. § 94.72 (13), Commercial Feed
- Wis. Stat. § 97.20 (4), Dairy Plants
- Wis. Stat. § 97.27 (5), Food Warehouses
- Wis. Stat. § 97.625 (1), Local Health Departments
- Wis. Stat. § 97.67 (1) and (2m), Recreational Licenses and Fees
- Wis. Stat. § 97.09, Food, Lodging and Recreation
- Wis. Stat. § 98.03 (2), Weights and Measures
- Wis. Stat. § 126.81, Agricultural Producer Security
- Wis. Stat. § 168.16, Petroleum Products and Dangerous Substances

Explanation of Statutory Authority

The Department has general authority, under Wis. Stat. § 93.07(1), to adopt rules to interpret laws under its jurisdiction. It also has specific rule-making authority under Wis. Stat. § 93.07(12) to make, modify, and enforce reasonable rules needed to prevent the dissemination of pests and to declare and manage emergencies relating to the detection and control of pests injurious to plants. The Department has specific authority under Wis. Stat. § 94.72(13) to proscribe and enforce administrative rules and regulations relating to commercial feed. The Department has specific authority under Wis. Stat. § 97.67 to regulate campgrounds and camping resorts, recreational and educational camps, and public swimming pools. The Department has specific authority under Wis. Stat. § 168.16 to promulgate reasonable rules relating to the administration and enforcement of petroleum products.

This rule makes minor and technical changes to a number of different rules administered by the Department. The changes are adopted under the same authority used to adopt the original rules.

Related Rules or Statutes

This rule is not substantially affected by statutes or rules other than those identified in this rule.

Plain Language Analysis

This proposed rule makes minor or technical changes to a number of current Department rules, specifically:

Plant Inspection and Pest Control

The proposed rule adds the state of Maryland to the section specific to the thousand cankers disease of walnut trees infested area. The rule repeals Appendix A, Areas Infested by Hemlock Woolly Adelgid, and amends the rule to clarify which geographic areas are subject to import controls for this disease.

Fertilizer and Related Products

The proposed rule changes the expiration date of a license to a later date, lowers the fee for the agricultural chemical cleanup surcharge, and updates referenced publications to the most recent versions.

Commercial Feed

Updates the referenced publications and technical standards to the most recent versions.

Milk and Milk Products

Corrects references to federal regulations.

Food Warehouses and Milk Distributors

Corrects references to federal regulations.

Hotels, Motels and Tourist Rooming Houses

The proposed rule replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Bed and Breakfast Establishments

The rule replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Safety, Maintenance, and Operation of Public Pools and Water Attractions

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Recreational and Educational Camps

Replaces a specific term to make the language of the rule consistent with the Department's use of the terms "permit" and "license." This rule was previously under the Department of Health Services (DHS).

Campgrounds

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products

- Corrects small grammatical errors.
- Updates the technical references so as to cite the current NIST Handbook and ASTM fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

Sales Below Cost

Adds a provision allowing for electronic notice.

Car Rentals; Customer Notices

Grammatical corrections.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The technical rule changes proposed in this rule will not create any disparities between Wisconsin rules and federal statutes and regulations.

Comparison with Rules in Adjacent States

The technical rule changes proposed in this rule will not create any disparities between Wisconsin and any adjacent states.

Summary of Factual Data and Analytical Methodologies

This rule does not depend on any complex analysis of data. This rule merely makes minor or technical changes to current rules.

Analysis and Supporting Documents Used to Determine Effect on Small Business

Because this rule makes minor technical changes, no significant analysis or documentation was required to determine that the proposed rule will have no impact on small businesses.

Effect on Business Impact

This rule will not have any impact on small businesses or other businesses. This rule makes minor technical changes that will not have an impact on business standards, costs, or operations. See the *Initial Regulatory Flexibility Analysis* that accompanies this rule.

Environmental Impact

Since this rule only makes minor or technical changes, this rule will have no significant impact on the environment.

Agency Contact

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SECTION 1. ATCP 21.16(1) is amended to read:

(1) HEMLOCK IMPORTS RESTRICTED. Except as provided in sub. (2), no person may import any of the following items to this state from California, Connecticut, Delaware, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, the District of Columbia, British Columbia, Nova Scotia, and any ~~of the infested areas identified in *Appendix A*~~ state or country, or any delineated area within a state or country, which the responsible state agency has declared to be infested with hemlock woolly adelgid:

SECTION 2. ATCP 21.21 (1) (c) 1. and (Note) are amended to read:

1. The states of Arizona, California, Colorado, Idaho, Maryland, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington.

Note: Information on areas with confirmed populations by the USDA can be found at: ~~http://www.thousandcankerdisease.com/~~ http://thousandcankers.com.

SECTION 3. ATCP 21 Appendix A is repealed.

SECTION 4. ATCP 40.04(1) is amended to read:

(1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person may manufacture or distribute a fertilizer in this state without an annual license from the department. A separate license is required for each business location or mobile unit at which a person manufactures fertilizer in this state. A license is not transferable between persons or locations. A license expires on ~~August 14~~ September 30 of each year.

SECTION 5. ATCP 40.04 (4) (b) and (c) are amended to read:

(b) Except as adjusted under 94.73(15), a $~~11.~~20 agricultural chemical cleanup surcharge for each business location and each mobile unit at which the applicant proposes to manufacture fertilizer in this state, other than a business location or mobile unit licensed under s. 94.685 or s. 94.703, Stats. If the applicant distributes but does not manufacture fertilizer in this state, the applicant shall pay a single agricultural chemical cleanup surcharge of $~~11.~~20.

(c) A late renewal fee equal to 20% of the combined license fees and surcharges required under pars. (a) and (b), ~~whichever is greater,~~ if the applicant fails to apply for a renewal license before the prior year's license expires.

SECTION 6. ATCP 40.06(1) is amended to read:

(1) ANNUAL TONNAGE REPORT AND FEE PAYMENT. By ~~August 14~~ September 30 of each year, a person required to hold a fertilizer license under s. ATCP 40.04 shall do all of the following:

SECTION 7. ATCP 40.06 (2) (f) is amended to read:

(f) An agricultural chemical cleanup surcharge of ~~44~~ 11 cents per ton, or the adjusted amount under s. 94.73(15).

SECTION 8. ATCP 40.06 (5) is amended to read

(5) PENALTIES FOR LATE FILING. A person who fails to comply with sub. (1) by ~~August 14~~ September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than $10.

SECTION 9. ATCP 40.08 (8) and (Note) are amended to read:

(8) TERMS AND DEFINITIONS. Terms used in fertilizer labeling shall be consistent with the fertilizer terms and definitions contained in the *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~2018).

Note: The *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~2018) is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at http://www.aapfco.org.

SECTION 10. ATCP 40.10 (4) (b) 2. and (Note) are amended to read:

2. Identify the source of each plant nutrient, using only terms defined in the *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~2018).

Note: The *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~2018) is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at http://www.aapfco.org.

SECTION 11. ATCP 40.12 (2) (c) 1. and (Note) are amended to read:

1. The source material is accurately described by a term defined in the *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~ 2018).

Note: The *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~2018) is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at http://www.aapfco.org.

SECTION 12. ATCP 40.16 (2) and (Note) are amended to read:

(2) TEST METHODS. The department may test official fertilizer samples to determine compliance with nutrient guarantees. The department shall test official samples using applicable methods from the "Official Methods of Analysis of AOAC International," ~~volume I, 17~~ 20th edition ~~as updated by the 2nd revision~~ (~~2003~~ 2016).

Note: The ~~"~~*Official Methods of Analysis of AOAC International*,~~"~~ ~~volume I, 17~~ 20th edition ~~as updated by the 2nd revision~~ (~~2003~~ 2016) is on file with the department and the legislative reference bureau. Copies are available from AOAC International at 481 N. Frederick Ave., Suite 500, Gaithersburg, MD 20877-2417.

SECTION 13. ATCP 40.18 (2) and (Note) are amended to read:

(2) No fertilizer may contain a metal in a concentration that exceeds the maximum allowable concentration specified for that metal in the *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (2018), statement of uniform interpretation and policy number 25~~, (2015)~~.

Note: ~~Statement of uniform interpretation and policy number 25, from the~~ The *Official Publication of the Association of American Plant Food Control Officials, No.* ~~*68*~~ *71* (~~2015~~2018), which contains the statement of uniform interpretation and policy number 25, is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at http://www.aapfco.org.

SECTION 14. ATCP 40.20 (1) is amended to read:

(1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person may manufacture or distribute a soil or plant additive in this state without an annual license from the

department. A license is not transferable between persons. A license expires on ~~March 31~~ September 30 of each year.

SECTION 15. ATCP 40.22 (1) and (1) (a) are amended to read:

(1) ANNUAL TONNAGE REPORT AND FEE PAYMENT. By ~~March 31~~ September 30 of each year, a person required to hold a license under s. ATCP 40.20 shall do all of the following:

(a) Report to the department the number of tons of each soil or plant additive the person distributed in this state ~~in the preceding calendar year~~ from July 1 to June 30 of the preceding year. The person shall file the report in writing, on a form provided by the department.

SECTION 16. ATCP 40.22 (4) is amended to read:

(4) PENALTIES FOR LATE FILING. A person who fails to comply with sub. (1) by ~~March 31~~ September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than $10.

SECTION 17. ATCP 40.26 (5) and (Note) are amended to read:

(5) INGREDIENT IDENTIFICATION. Except as provided in sub. (3) (b), the guaranteed analysis shall identify each ingredient by its common name, if any, followed in parentheses by its chemical name as stated in the Merck Index, ~~12th~~ 15th edition (~~1996~~ 2013). If an ingredient is not sufficiently defined in the Merck Index, the department may approve an additional or alternative name for the ingredient.

Note: The Merck Index, ~~12th~~ 15th edition (~~1996~~2013) is on file with the department and the legislative reference bureau.

SECTION 18. ATCP 40.28 (2) (g)1. and (Note) are amended to read:

1. A method contained in the "Official Methods of Analysis of AOAC International", ~~volume I, 17th~~ 20th edition~~, as updated by the 2nd revision~~ (200~~3~~16).

Note: The "Official Methods of Analysis of AOAC International", ", ~~volume I, 17th~~ 20th edition~~, as updated by the 2nd revision~~ (20~~03~~2016) is on file with the department and the legislative reference bureau.

SECTION 19. ATCP 42.06 (3) is amended to read:

(3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient commercial feeds shall be consistent with the feed ingredient definitions specified in the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials*.

SECTION 20. ATCP 42.16 (1) (b) is amended to read:

(b) Paragraph (a) does not apply to a commercial feed which is defined as a single ingredient feed product by the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials.*

SECTION 21. ATCP 42.16 (2) (b) is amended to read:

(b) The official name of that ingredient as stated in the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials*.

SECTION 22. ATCP 42.32 (2) (b) is amended to read:

(b) The official name of that ingredient as stated in the ~~2015~~ 2018 O*fficial Publication of the Association of American Feed Control Officials*.

SECTION 23. ATCP 42.40 (4) (b) is amended to read:

(b) By a testing procedure published in the ~~2015~~ 2018 O*fficial Publication of the Association of American Feed Control Officials*.

SECTION 24. ATCP 42.44 (6) (a) and (b) are amended to read:

(a) The dog or cat food, when fed in recommended amounts, meets all nutrient requirements established in applicable pet nutrient profiles specified in the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials*.

(b) The dog or cat food is adequate as a sole source of nourishment for dogs or cats when fed according to label directions and according to feeding protocols for dogs and cats specified in the ~~2015~~ 2018 O*fficial Publication of the Association of American Feed Control Officials*.

SECTION 25. ATCP 42.48 (2) (a) 6. is amended to read:

6. *Nutrient Requirements of Beef Cattle* (~~7th~~ 8th revised edition, ~~1996, update 2000~~ 2016).

SECTION 26. ATCP 42.54 (1) (a) is amended to read:

(a) The non-protein nitrogen ingredients are identified in the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials*.

SECTION 26. ATCP 65.23 (1) (a) is amended to read:

(a) A grade A dairy plant that is a qualified facility shall comply with the requirements of 21 CFR 117 Subparts A, B and E, and 21 CFR 117.201.

SECTION 27. ATCP 65.23 (2) (a) and (b) are amended to read:

(a) A grade B dairy plant that is a qualified facility shall comply with the requirements of 21 CFR 117 Subparts A, B, E and F, and 21 CFR 117.201.

(b) A grade B dairy plant that is a facility shall comply with the requirements of 21 CFR 117 Subparts A, B, C, F, and G.

SECTION 28. ATCP 71.02 (11) (a), (b) and (c) are amended to read:

(a) A food warehouse which is also a qualified facility shall comply with the requirements of this chapter and 21 CFR 117 Subparts A, B, E, and F, and 21 CFR 117.5(a).

(b) A food warehouse that is a facility, but is not a qualified facility, and only stores unexposed packaged potentially hazardous food shall comply with the requirements of this chapter, and 21 CFR ~~117.7~~ 117 Subparts A, B, E, and F and 117.206.

(c) A food warehouse that is a facility, but is not a qualified facility, and stores exposed food shall comply with the requirements of this chapter and 21 CFR 117, Subparts A, B, C, F, and G.

SECTION 29. ATCP 72, TABLE OF CONTENTS, is amended to read:

HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

ATCP 72.01 Authority and purpose.

ATCP 72.02 Scope of rules.

ATCP 72.03 Definitions.

ATCP 72.04 ~~Permits~~ Licenses.

ATCP 72.05 Department fees.

ATCP 72.06 Enforcement.

ATCP 72.07 Suspension or revocation of ~~permit~~ licenses.

ATCP 72.08 Appeals of actions by the department.

ATCP 72.09 Appeals of actions by agent health departments.

ATCP 72.10 Water supply and waste disposal.

ATCP 72.11 Furnishings, equipment and utensils.

ATCP 72.12 Food.

ATCP 72.13 Employee health.

ATCP 72.14 Building structure and safety.

ATCP 72.145 Carbon monoxide detectors.

ATCP 72.15 Maintenance.

ATCP 72.16 Registration of guests.

Note: Chapter HSS 195 as it existed on June 30, 1985, was repealed and a new chapter HSS 195 was created effective July 1, 1985. Chapter HSS 195 was renumbered chapter HFS 195

under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HFS 195 was renumbered chapter DHS 195 effective February 1, 2009, under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 195 was renumbered chapter ATCP 72 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

~~**Note:** Effective 7-1-16, 2015 Wis. Act 55 amended the word "permit" in ch. 254, stats., to become "license" in ch. 97, stats., and all references in this chapter to "permit" mean "license" for the purpose of licensing, regulation, and enforcement of this chapter by the department.~~

SECTION 30. ATCP 72.03 (1) is amended to read:

(1) "Agent" means the city or county designated by the department to issue ~~permits~~ licenses to and make investigations or inspections of hotels, motels, or tourist rooming houses.

SECTION 31. ATCP 72.03 (8) is amended to read:

(8) "Existing," in reference to a hotel, motel or tourist rooming house, means operating with a ~~permit~~ license from the department before the adoption of this chapter.

SECTION 32. ATCP 72.03 (13) is amended to read:

(13) "New," in reference to a hotel, motel, or tourist rooming house, means operating with a ~~permit~~ license from the department for the first time on or after the effective date of this chapter.

SECTION 33. ATCP 72.04 is amended to read:

ATCP 72.04 ~~Permits~~ Licenses.

(1) ~~PERMIT~~ LICENSE REQUIRED.

(a) No hotel, motel, or tourist rooming house may be opened to the public until the operator of the facility has obtained a ~~permit~~ license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified in s. ATCP 72.05. A separate ~~permit~~ license is required for each hotel, motel, or tourist rooming house.

(b) If any ~~permit~~ license holder sells or otherwise transfers ownership or operation of a hotel, motel, or tourist rooming house to another person, except as provided in sub. (3), a new initial ~~permit~~ license is required, and the hotel, motel, or tourist rooming house may not be opened to the public until the department has issued a new initial ~~permit~~ license.

(2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL.

(a) Each ~~permit~~ license issued under this chapter expires on June 30, except that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

(b) Each ~~permit~~ license shall be renewed annually as provided in sub. (4) (b).

(3) TRANSFERABILITY OF ~~PERMITS~~ LICENSES. An individual may transfer a ~~permit~~ license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the hotel, motel, or tourist rooming house. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a ~~permit~~ license to the newly formed business entity or sole proprietorship if the hotel, motel, or tourist rooming house remains at the location for which the ~~permit~~ license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the ~~permit~~ license was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no ~~permit~~ license issued under this chapter is transferable from one premise to another or from one person or entity to another.

Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 179.70 (1), Stats., a "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102

(8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

(4) ~~PERMIT~~ LICENSE APPLICATION.

(a) *Initial ~~permit~~ license.* Application for an initial or new ~~permit~~ license shall be made on an application form furnished by the department or its agent and shall be accompanied by all of the following:

1. The applicable fees specified under s. ATCP 72.05 and any fees previously due to the department or its agent.

2. Information, as determined by the department or its agent, indicating that the hotel, motel, and tourist rooming house will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the hotel, motel, and tourist rooming house that will protect the health, safety, and welfare of the public.

Note: To obtain a copy of the hotel, motel or tourist rooming house operator license application form, or to determine which agent to contact for an application form, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(b) *Renewal ~~permit~~ license.* To renew the ~~permit~~ license of a facility, the operator shall pay the department, the applicable establishment ~~permit~~ license fee specified under s. ATCP 72.05 before the permit expires. If the payment to renew the ~~permit~~ license of an establishment is not made to the department before the expiration date of the establishment ~~permit~~ license, the late fee specified under s. ATCP 72.05 (2) (c) shall be paid in addition to the license fee.

Note: Local health department that are agents for the department have authority under s. 97.41 (4) (a), Stats., to establish and collect fees for licenses issued by the local health department. If ~~your~~ the establishment was licensed by a local health department, contact the local health department for its license fee schedule.

(5) DEPARTMENT OR AGENT ACTION ON ~~PERMIT~~ LICENSE APPLICATION

(a) The department or its agent shall issue or deny a ~~permit~~ license within 30 days after receiving a complete application, all applicable fees, and the other information required under sub. (4).

(b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a ~~permit~~ license issued under this subsection may be conditioned upon the requirement that the ~~permit~~ license holder correct a violation of this chapter, s. 97.605, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not met within the specified time or after an extension of time as approved by the department, the ~~permit~~ license is void. No person may operate a hotel, motel, or tourist rooming house after a ~~permit~~ license has been voided under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats. An operator whose ~~permit~~ license is voided under this paragraph may appeal the decision under s. ATCP 72.08.

(c) The department or its agent may refuse to issue or renew a ~~permit~~ license to operate a hotel, motel or tourist rooming house under any of the following circumstances:

1. The department or its agent has not conducted a preinspection of a hotel, motel, or tourist rooming house for which an initial or new ~~permit~~ license is required under sub. (1).

2. The operator of a hotel, motel, or tourist rooming house has not corrected a condition for which the department or agent has issued a written a health or safety–related order.

3. All applicable fees under s. ATCP 72.05 have not been paid, including the ~~permit~~ license fee, preinspection fee, reinspection fee, or other applicable fees.

4. The operator has modified, repaired or maintained the hotel, motel, or tourist rooming house in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.

5. The operator, applicant, or permit holder has failed to provide the department or its agent with information required under sub. (4).

6. The operator or applicant has violated ch. 97, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of the hotel, motel, or tourist rooming house.

(d) If the department or its agent denies an application for a ~~permit~~ license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights under s. ATCP 72.08.

(6) VOIDED ~~PERMIT~~ LICENSE FOR FAILURE TO PAY FEES. If an applicant or operator fails to pay all applicable fees, late fees and processing charges under s. ATCP 72.05 within 15 days after the applicant or operator receives notice of an insufficiency under s. ATCP 72.05, or within 45 days after the expiration of the ~~permit~~ license, whichever occurs first, the ~~permit~~ license is void. An operator whose ~~permit~~ license is voided under this subsection may appeal the decision under s. ATCP 72.08. In an appeal concerning a voided ~~permit~~ license under this subsection, the burden is on the ~~permit~~ license applicant or operator to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the hotel, motel, or tourist rooming house is deemed to be operation without a ~~permit~~ license and is subject to the fees under s. ATCP 72.05 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

(7) ~~PERMIT~~ LICENSE POSTING. A current ~~permit~~ license issued by the department shall be posted in a place visible to the public. A ~~permit~~ license may not be altered or defaced.

SECTION 34. ATCP 72.05 is amended to read:

ATCP 72.05 Department fees.

(1) FEE SCHEDULES. The fees listed in Table ATCP 72.05 A shall apply to ~~permits~~ licenses issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 72.05 B shall apply to ~~permits~~ licenses issued on or after April 1, 2011.

(2) TYPES OF FEES.

(a) *Preinspection fee.* The operator of a hotel, motel or tourist rooming house shall, pursuant to sub. (1), pay the applicable preinspection fee listed in Table ATCP 72.05 A or B to the department before an initial or new ~~permit~~ license is issued under s. ATCP 72.04.

(b) ~~*Permit*~~ *License fee.* The operator of a hotel, motel, or tourist rooming house shall, pursuant to sub. (1), pay the applicable ~~permit~~ license fee listed in Table ATCP 72.05 A or B to the department for each hotel, motel, or tourist rooming house that the operator applies for a ~~permit~~ license to operate under s. ATCP 72.04 (1) or (2).

(c) *Late fee.* If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the expiration date of the ~~permit~~ license, the operator of the hotel, motel, or tourist rooming house shall pay to the department a late fee of $85.00 in addition to the renewal ~~permit~~ license fee.

(d) *Reinspection fee.* If the department conducts a reinspection of a hotel, motel, or tourist rooming house under s. ATCP 72.06 (1) (b), the operator shall, pursuant to sub. (1), pay to the department the applicable reinspection fee listed in Table ATCP 72.05 A or B. The department shall assess an additional reinspection fee as listed in Table ATCP 72.05 A or B, whichever is applicable, for any additional reinspection conducted under s. ATCP 72.06 (1) (b) 4.

(e) *Fees for operating without a ~~permit~~ license.* Any hotel, motel, or tourist rooming house found to be operating without a ~~permit~~ license shall pay to the department an amount of $749.00, in addition to all applicable fees and any processing charges under s. ATCP 72.04 (6).

Note: Anyone operating a hotel, motel, or tourist rooming house without a ~~permit~~ license is also subject to a fine of not less than $100 nor more than $1,000 under s. 97.72, Stats.

(f) *Duplicate ~~permit~~ license.* The department shall charge the operator of a hotel, motel, or tourist rooming house $15 for a duplicate ~~permit~~ license.

(g) *Fees for special condition inspections.* For inspection or consultation activities that are not directly related to the department's ~~permitting and~~ licensing responsibilities, the department shall charge the operator or the entity requesting the inspection or consultation $175.00.

(3) METHOD OF PAYMENT. If the payment for an initial or renewal ~~permit~~ license is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash.

SECTION 35. ATCP 72.06 (1) (b) 4. is amended to read:

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess the operator an additional reinspection fee according to Table ATCP 72.05 and the department may order the operator to show just cause why the ~~permit~~ license should not be suspended or revoked under s. ATCP 72.07.

SECTION 36. ATCP 72.06 (2) (b) is amended to read

(b) If the order to correct violations is not carried out by the expiration of the time period stated in the order, or any extension of time granted for compliance, the department or agent may

issue an order under s. ATCP 72.07 to suspend or revoke the ~~permit~~ license to operate the hotel, motel, or tourist rooming house.

SECTION 37. ATCP 72.07 is amended to read:

ATCP 72.07 Suspension or revocation of permit. The department may, after a hearing under s. ATCP 72.08, suspend or revoke a ~~permit~~ license for violation of subch. III of ch. 97, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 72.08 (1).

SECTION 38. ATCP 72.08 (1) (a) is amended to read:

(1) (a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a permit, a voided ~~permit~~ license, suspension, revocation, forfeiture, or an order given under s. ATCP 72.06 (1) (b) 4. or (2) shall be submitted in writing to the department of administration's division of hearings and appeals within 15 days after receipt of the notice of the department's action.

SECTION 39. ATCP 72.08 (1) (e) is amended to read:

(e) As a condition for requesting a hearing under this subsection to appeal the voiding of a ~~permit~~ license, an applicant or operator shall comply with sub. (3). In an appeal concerning voiding a permit, the burden is on the applicant or operator to show that the entire applicable fees, late fees and processing charges have been paid.

SECTION 40. ATCP 72.08 (3) is amended to read:

(3) If the department voids a ~~permit~~ license under s. ATCP 72.04 (6), the operator shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

SECTION 41. ATCP 72.09 is amended to read:

ATCP 72.09 Appeals of actions by agent health departments. If an agent issues a ~~permit~~ license under this chapter, the agent shall create enforcement and appeal procedures under ss. 66.0417 and 97.615 (2) (g), Stats.

SECTION 42. ATCP 72.12 (1) is amended to read:

(1) ~~PERMIT~~ LICENSE. Any hotel, motel, or tourist rooming house operator who prepares, sells or serves lunches or meals shall meet the requirements of subch. III of ch. ATCP 75 and obtain a retail food establishment - restaurant ~~permit~~ license.

SECTION 43. ATCP 73, TABLE OF CONTENTS, is amended to read:

BED AND BREAKFAST ESTABLISHMENTS

ATCP 73.01 Authority and purpose.

ATCP 73.02 Scope.

ATCP 73.03 Definitions.

ATCP 73.04 ~~Permits~~ Licenses.

ATCP 73.05 Department fees.

ATCP 73.06 Enforcement.

ATCP 73.07 Suspension or revocation of ~~permit~~ license.

ATCP 73.08 Appeals of actions by the department.

ATCP 73.09 Appeals of actions by agent health departments.

ATCP 73.10 Water supply and waste disposal.

ATCP 73.11 Toilet, handwashing and bathing facilities.

ATCP 73.12 Furnishings, equipment and utensils.

ATCP 73.13 Food.

ATCP 73.14 Building safety.

ATCP 73.145 Carbon monoxide detectors.

ATCP 73.15 Maintenance.

Note: Chapter HSS 197 was renumbered chapter HFS 197 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HFS 197 was renumbered chapter DHS 197 effective February 1, 2009, and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. **Chapter DHS 197 was renumbered chapter ATCP 73 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.**

~~**Note:** Effective 7-1-16, 2015 Wis. Act 55 amended the word "permit" in ch. 254, stats., to become "license" in ch. 97, stats., and all references in this chapter to "permit" mean "license" for the purpose of licensing, regulation, and enforcement of this chapter by the department.~~

SECTION 44. ATCP 73.03 (1) is amended to read:

ATCP 73.03 (1) "Agent" means the city or county designated by the department to issue ~~permits~~ licenses to and make investigations or inspections of bed and breakfast establishments.

SECTION 45. ATCP 73.04 is amended to read

ATCP 73.04 **~~Permits~~ Licenses.**

(1) ~~PERMIT~~ LICENSE REQUIRED.

(a) No bed and breakfast establishment may be opened to the public until the operator of the bed and breakfast establishment has obtained a ~~permit~~ license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified in s. ATCP 73.05. A separate ~~permit~~ license is required for each bed and breakfast establishment.

(b) A new initial ~~permit~~ license is required if a ~~permit~~ license holder sells or otherwise transfers ownership or operation of a bed and breakfast establishment to another person, except as provided in sub. (3).

(2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL.

(a) Each ~~permit~~ license issued under this chapter expires on June 30, except that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

(b) Each ~~permit~~ license shall be renewed annually as provided in sub. (4) (b).

(3) TRANSFERABILITY OF ~~PERMITS~~ LICENSES. An individual may transfer a ~~permit~~ license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the bed and breakfast establishment. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a ~~permit~~ license to the newly formed business entity or sole proprietorship if the bed and breakfast establishment remains at the location for which the ~~permit~~ license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the ~~permit~~ license was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no ~~permit~~ license issued under this chapter is transferable from one premise to another or from one person or entity to another.

Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 179.70 (1), Stats., a "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

(4) ~~PERMIT~~ LICENSE APPLICATION.

(a) *Initial ~~permit~~ license*. Application for an initial or new ~~permit~~ license shall be made on an application form furnished by the department or its agent and shall be accompanied by all of the following:

1. The applicable fees specified under s. ATCP 73.05 and any fees previously due to the department or its agent.

2. Documentation that the department of safety and professional services has approved plans and specifications for the bed and breakfast, if required.

3. Information, as determined by the department or its agent, indicating that the bed and breakfast establishment will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the bed and breakfast establishment that will protect the health, safety, and welfare of the public.

Note: To obtain a copy of the a bed and breakfast establishment operator license application form, or to determine which agent to contact for an application form, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(b) *Renewal ~~permit~~ license*. To renew the ~~permit~~ license of the bed and breakfast establishment, the operator shall pay the department, the applicable establishment ~~permit~~ license fee specified under s. ATCP 73.05 before the ~~permit~~ license expires. If the payment to renew the ~~permit~~ license of a bread and breakfast establishment is not made to the department before the expiration date of the establishment ~~permit~~ license, the late fee specified under s. ATCP 73.05 shall be paid in addition to the ~~permit~~ license fee.

Note: Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for ~~permit~~ license issued by the local health department. If your establishment was permitted by a local health department, contact the local health department for its ~~permit~~ license fee schedule.

(5) DEPARTMENT ACTION ON ~~PERMIT~~ LICENSE APPLICATION.

(a) The department or its agent shall issue or deny a ~~permit~~ license within 30 days after receiving a complete application, all applicable fees, and the other information required under sub. (4).

(b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a ~~permit~~ license issued under this subsection may be conditioned upon the requirement that the ~~permit~~ license holder correct a violation of this chapter, ss. 97.603 to 97.65, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not met within the specified time or after an extension of time as approved by the department, the ~~permit~~ license is void. No person may operate a bed and breakfast establishment after a ~~permit~~ license has been voided under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats. An owner whose ~~permit~~ license is voided under this paragraph may appeal the decision under s. ATCP 73.08.

(c) The department or its agent may refuse to issue or renew a ~~permit~~ license to operate a bed and breakfast establishment under any of the following circumstances:

1. The department or its agent has not conducted a preinspection of the bed and breakfast establishment for which an initial or new ~~permit~~ license is required under sub. (1).

2. The owner of a bed and breakfast establishment has not corrected a condition for which the department or agent has issued a written health or safety–related order.

3. All applicable fees under s. ATCP 73.05 have not been paid, including the ~~permit~~ license fee, preinspection fee, reinspection fee, or other applicable fees.

4. The owner has modified, repaired or maintained the bed and breakfast establishment in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.

5. The owner, applicant, or ~~permit~~ license holder has failed to provide the department or its agent with information required under sub. (4).

6. The owner or applicant has violated ch. 97, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of the bed and breakfast establishment.

(d) If the department or its agent denies an application for a ~~permit~~ license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights under s. ATCP 73.08.

(6) VOIDED ~~PERMIT~~ LICENSE FOR FAILURE TO PAY FEES.. If an applicant or owner fails to pay all applicable fees, late fees and processing charges under s. ATCP 73.05 within 15 days after the applicant or owner receives notice of an insufficiency under s. ATCP 73.05, or within 45 days after the expiration of the ~~permit~~ license, whichever occurs first, the ~~permit~~ license is void. An owner whose ~~permit~~ license is voided under this subsection may appeal the decision under s. ATCP 73.08. In an appeal concerning a voided ~~permit~~ license under this subsection, the burden is on the ~~permit~~ license applicant or owner to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the bed and breakfast establishment is deemed to be operation without a ~~permit~~ license and is subject to the fees under s. ATCP 73.05 (2) in addition to the fees otherwise due, unless the applicant or owner meets its burden of proof under this subsection.

(7) ~~PERMIT~~ LICENSE POSTING. A current ~~permit~~ license issued by the department shall be posted in a place visible to the public. A ~~permit~~ license may not be altered or defaced.

SECTION 46. ATCP 73.05 is amended to read:

ATCP 73.05 Department fees.

(1) FEE SCHEDULES. The fees listed in Table ATCP 73.05 A shall apply to ~~permits~~ licenses issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 73.05 B shall apply to ~~permits~~ licenses issued on or after April 1, 2011.

Note: Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by the local health department. If your establishment was ~~permitted~~ licensed by a local health department, contact the local health department for its ~~permit~~ license fee schedule.

(2) TYPES OF FEES.

(a) *Preinspection fee*. The owner of a bed and breakfast establishment shall, pursuant to sub. (1), pay the applicable preinspection fee listed in Table ATCP 73.05 A or B to the department before an initial or new ~~permit~~ license is issued under s. ATCP 73.04.

(b) *~~Permit~~ License fee*. The owner of a bed and breakfast establishment shall, pursuant to sub. (1), pay the applicable ~~permit~~ license fee listed in Table ATCP 73.05 A or B to the department for each bed and breakfast establishment that the operator applies for a ~~permit~~ license to operate under s. ATCP 73.04 (1) or (2).

(c) *Late fee*. If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the expiration date of the ~~permit~~ license, the owner of the bed and breakfast establishment shall pay to the department a late fee of $85.00 in addition to the renewal ~~permit~~ license fee.

(d) *Reinspection fee*. If the department conducts a reinspection of a bed and breakfast establishment under s. ATCP 73.06 (1) (b) 1. and 2., the owner shall, pursuant to s. sub. (1), pay to the department the applicable reinspection fee listed in Table ATCP 73.05 A or B. The department shall assess an additional fee as specified in Table ATCP 73.05 A or B, whichever is applicable, for any additional reinspection conducted under s. ATCP 73.06 (1) (b) 4.

(e) *Fees for operating without a ~~permit~~ license*. Any bed and breakfast establishment found to be operating without a ~~permit~~ license shall pay to the department an amount of $749.00, in addition to all applicable fees and any processing charges under s. ATCP 73.04 (6).

Note: Anyone operating a bed and breakfast establishment without a ~~permit~~ license is also subject to a fine of not less than $100 nor more than $1,000 under s. 97.72, Stats.

(f) *Duplicate ~~permit~~ license*. The department shall charge the operator of a bed and breakfast establishment $15 for a duplicate ~~permit~~ license.

(g) *Fees for special condition inspections*. For inspection or consultation activities that are not directly related to the department's ~~permitting and~~ licensing responsibilities, the departments shall charge the operator or the entity requesting the inspection or consultation $175.00.

(3) METHOD OF PAYMENT. If the payment for an initial or renewal ~~permit~~ license is by check or other draft drawn upon an account containing insufficient funds, the applicant or owner shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash. - See PDF for table PDF - See PDF for table PDF

SECTION 47. ATCP 73.06 (1) (b) 4. is amended to read:

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess the owner an additional fee as specified in Table ATCP 73.05 A or B as authorized under s. ATCP 73.05 (2) (d), and the department may order the owner to show just cause why the ~~permit~~ license should not be suspended or revoked under s. ATCP 73.07.

SECTION 48. ATCP 73.06 (2) (b) is amended to read:

(b) If the order to correct violations is not carried out by the expiration of the time period stated in the order, or any extension of time granted for compliance, the department or agent may issue an order under s. ATCP 73.07 to suspend or revoke the ~~permit~~ license to operate the bed and breakfast establishment.

SECTION 49. ATCP 73.07 is amended to read:

ATCP 73.07 Suspension or revocation of ~~permit~~ license. The department may, after a hearing under s. ATCP 73.08, suspend or revoke a ~~permit~~ license for violation of ss. 97.603 to 97.65, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 73.08 (1).

SECTION 50. ATCP 73.08 (1) (a) is amended to read:

(a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a ~~permit~~ license, a voided ~~permit~~ license, suspension, revocation, forfeiture, or an order given under s. ATCP 73.06 (1) (b) 4. or (2) shall be submitted in writing to the department of administration's division of hearings and appeals within 15 days after receipt of the notice of the department's action.

SECTION 51. ATCP 73.08 (1) (e) is amended to read:

(e) As a condition for requesting a hearing under this subsection to appeal the voiding of a ~~permit~~ license, an applicant or owner shall comply with sub. (3). In an appeal concerning voiding a permit, the burden is on the applicant or owner to show that the entire applicable fees, late fees and processing charges have been paid.

SECTION 52. ATCP 73.08 (3) is amended to read:

(3) If the department voids a ~~permit~~ license under s. ATCP 73.04 (6), the owner shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

SECTION 53. ATCP 73.09 is amended to read:

ATCP 73.09 Appeals of actions by agent health departments. If an agent issues a ~~permit~~ license under this chapter, the agent shall create enforcement and appeal procedures under ss. 66.0417 and 97.615 (2) (g), Stats.

SECTION 54. ATCP 76, TABLE OF CONTENTS, Subchapter I is amended to read:

Subchapter I — Administration

ATCP 76.01 Authority and purpose.

ATCP 76.02 Applicability.

ATCP 76.03 Approved comparable compliance.

ATCP 76.04 Definitions.

ATCP 76.05 ~~Permits~~ Licenses.

ATCP 76.06 Fees.

ATCP 76.07 Enforcement.

ATCP 76.08 Suspension or revocation of ~~permit~~ license.

ATCP 76.09 Appeals of actions by the department.

ATCP 76.10 Appeals of actions by agent health departments.

SECTION 55. ATCP 76, TABLE OF CONTENTS, Note 2 is repealed.

SECTION 56. ATCP 76.04 (4) is amended to read:

(4) "Agent" means the city, county or village designated by the department under s. 97.615 (2), Stats., and ch. ATCP 74 to issue ~~permits~~ licenses to and make investigations or inspections of public pools and water attractions.

SECTION 57. ATCP 76.05 is amended to read:

ATCP 76.05 ~~Permits~~ Licenses.

(1) ~~PERMIT~~ LICENSE REQUIRED.

(a) No pool may be opened to the public until the owner of the pool has obtained a ~~permit~~ license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified in s. ATCP 76.06. A separate ~~permit~~ license is required for each pool basin.

(b) If any one of the following circumstances applies, a new initial ~~permit~~ license is required, and the pool may not be opened to the public until the department has issued a new ~~permit~~ license:

1. A pool for which a ~~permit~~ license has been issued is later modified into a different pool type.

2. A ~~permit~~ license holder sells or otherwise transfers ownership or operation of a pool to another person, except as provided in sub. (3).

(2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL.

(a) Each ~~permit~~ license issued under this chapter expires on June 30, except that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

(b) Each ~~permit~~ license shall be renewed annually as provided in sub. (4) (b).

(3) TRANSFERABILITY OF ~~PERMITS~~ LICENSES. An individual may transfer a ~~permit~~ license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the pool, and a sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a ~~permit~~ license to the newly formed business entity or sole proprietorship if the pool remains at the location for which the ~~permit~~ license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the ~~permit~~ license was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no ~~permit~~ license issued under this chapter is transferable from one premise to another or from one person or entity to another.

Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under s. 97.605 (4) (a) 1. and s. 179.70 (1), Stats., a "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

(4) ~~PERMIT~~ LICENSE APPLICATION.

(a) *Initial ~~permit~~ license.* Application for an initial or new ~~permit~~ license shall be made on an application form furnished by the department or its agent and shall be accompanied by all of the following:

1. The applicable fees specified under s. ATCP 76.06 and any fees previously due to the department or its agent.

2. Proof that the department of safety and professional services under s. SPS 390.04 (1) has approved plans and specifications for the pool, including modifications.

3. The completed final inspection report and approval from the department of safety and professional services authorized inspector.

4. A statement from an engineer who worked on the pool indicating that it was completed in accordance with the pool's construction plan under s. SPS 390.05 (1) (c).

5. Information, as determined by the department or its agent, indicating that the pool will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the pool that will protect the health, safety, and welfare of the public.

Note: To obtain a copy of the pool operator license application form, or to determine which agent to contact for an application form, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(b) *Renewal ~~permit~~ license.* Application for a renewal ~~permit~~ license shall be made on an application form furnished by the department or its agent and shall be accompanied by all of the following:

1. Payment of the applicable permit fee specified in s. ATCP 76.06 before the expiration date of the ~~permit~~ license.

2. If payment is not made before the expiration date of the ~~permit~~ license, the late fee specified in s. ATCP 76.06 (1) (c) in addition to the ~~permit~~ license fee.

3. Information, as determined by the department or its agent, indicating that the pool will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the pool that will protect the health, safety, and welfare of the public.

(5) DEPARTMENT ACTION ON ~~PERMIT~~ LICENSE APPLICATION.

(a) The department or its agent shall issue or deny a ~~permit~~ license within 30 days after receiving a complete application, all applicable fees, and the other information required under sub. (4).

(b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a ~~permit~~ license issued under this paragraph may be conditioned upon the requirement that the ~~permitee~~ license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not met within the specified time, the ~~permit~~ license is void. No person may operate a pool after a ~~permit~~ license has been voided under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats. An owner whose ~~permit~~ license is voided under this paragraph may appeal the decision under s. ATCP 76.09.

(c) The department or its agent may refuse to issue or renew a ~~permit~~ license to operate a pool under any of the following circumstances:

1. The department or its agent has not conducted a preinspection of a pool for which an initial or new ~~permit~~ license is required under sub. (1).

2. The owner of a pool has not corrected a condition for which the department or agent has issued a written safety–related order.

3. All applicable fees under s. ATCP 76.06 have not been paid, including the ~~permit~~ license fee, preinspection fee, reinspection fee, or other applicable fees.

4. The owner has modified, repaired, or maintained the pool in a manner that is not in accordance with what the department recognizes as safe practice.

5. The owner, applicant, or permit holder has failed to provide the department or its agent with information required under sub. (4).

6. The owner or applicant has violated ch. 97, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of the pool.

(d) If the department or its agent denies an application for a permit, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights under s. ATCP 76.09.

(6) VOIDED ~~PERMIT~~ LICENSE FOR FAILURE TO PAY FEES. If an applicant or owner fails to pay all applicable fees, late fees and processing charges under s. ATCP 76.06 within 15 days after the applicant or owner receives notice of an insufficiency under s. ATCP 76.06 (2), or within 45 days after the expiration of the ~~permit~~ license, whichever occurs first, the ~~permit~~ license is void. An owner whose ~~permit~~ license is voided under this subsection may appeal the decision under s. ATCP 76.09. In an appeal concerning a voided ~~permit~~ license under this subsection, the burden is on the permit applicant or owner to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the pool is deemed to be operation without a ~~permit~~ license and is subject to the fees under s. ATCP 76.06 (1) (e) in addition to the fees otherwise due, unless the applicant or owner meets its burden of proof under this subsection.

(7) ~~PERMIT~~ LICENSE POSTING. A ~~permit~~ license shall be posted in a place visible to the public. A ~~permit~~ license may not be altered or defaced.

SECTION 58. ATCP 76.06 is amended to read:

ATCP 76.06 Fees.

(1) TYPES OF FEES.

(a) *Preinspection fee.* The owner of a pool shall pay the applicable preinspection fee listed in Table ATCP 76.06 to the department before an initial or new ~~permit~~ license is issued under s. ATCP 76.05 (1).

(b) ~~*Permit*~~ *License fee.* The owner of a pool shall pay the applicable ~~permit~~ license fee listed in Table ATCP 76.06 to the department for each pool that the operator applies for a ~~permit~~ license to operate under s. ATCP 76.05 (1) or (2).

(c) *Late fee.* If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the expiration date of the ~~permit~~ license, the owner of the pool shall pay to the department a late fee of $75 in addition to the renewal ~~permit~~ license fee.

(d) *Reinspection fee.* If the department conducts a reinspection of a pool under s. ATCP 76.07 (1) (b) 1. and 2., the owner shall pay to the department the applicable reinspection fee listed in Table ATCP 76.06. The department shall assess an additional $50 fee for any additional reinspection conducted under s. ATCP 76.07 (1) (b) 4.

(e) *Fees for operating without a ~~permit~~ license.* Any pool found to be operating without a ~~permit~~ license shall pay to the department an amount equal to the annual ~~permit~~ license fee, in addition to all applicable fees and any processing charges under s. ATCP 76.05 (6).

Note: Anyone operating a pool without a license is also subject to the penalties in ss. 97.72 and 97.73, Stats.

(f) *Duplicate ~~permit~~ license.* The department shall charge the operator of a pool $10 for a duplicate permit. - See PDF for table 1 Including swimming, whirlpool, wading, therapy, exercise, cold soak, mobile, combination, diving pools, and experimental pools.2 Including

activity pools, interactive play attractions, leisure rivers, plunge, vortex, vanishing edge, and wave pools.

(2) METHOD OF PAYMENT. If the payment for an initial or renewal ~~permit~~ license is by check or other draft drawn upon an account containing insufficient funds, the applicant or owner shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash.

SECTION 59. ATCP 76.07 (1) (b) 4. is amended to read:

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess the owner an additional $50 reinspection fee as authorized under s. ATCP 76.06 (1) (d), and the department may order the owner to show just cause why the ~~permit~~ license should not be suspended or revoked under s. ATCP 76.08.

SECTION 60. ATCP 76.07 (2) (b) is amended to read:

(b) If the order to correct violations is not carried out by the expiration of the time period stated in the order, or any extension of time granted for compliance, the department or agent may issue an order under s. ATCP 76.08 to suspend or revoke the ~~permit~~ license to operate the pool.

SECTION 61. ATCP 76.08 is amended to read:

ATCP 76.08 Suspension or revocation of ~~permit~~ license. The department may, after a hearing under s. ATCP 76.09, suspend or revoke a ~~permit~~ license for violation of s. 97.67, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 76.09 (1).

SECTION 62. ATCP 76.09 (1) (a) is amended to read:

(a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a ~~permit~~ license, a voided ~~permit~~ license, suspension, revocation, forfeiture, or an order given under s. ATCP 76.07 (1) (b) 4. or s. ATCP 76.07 (2) shall be submitted in writing to the department of administration's division of hearings and appeals within 15 days after receipt of the notice of the department's action.

SECTION 63. ATCP 76.09 (1) (e) is amended to read:

(e) As a condition for requesting a hearing under this subsection to appeal the voiding of a ~~permit~~ license, an applicant or owner shall comply with sub. (3). In an appeal concerning voiding a permit, the burden is on the applicant or owner to show that the entire applicable fees, late fees and processing charges have been paid.

SECTION 64. ATCP 76.09 (3) is amended to read:

(3) If the department voids a ~~permit~~ license under s. ATCP 76.05 (6), the owner shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

SECTION 65. ATCP 76.10 is amended to read:

ATCP 76.10 Appeals of actions by agent health departments. If an agent issues a ~~permit~~ license under this chapter, the agent shall create enforcement and appeal procedures under ss. 66.0417 and 97.615 (2) (g), Stats.

SECTION 66. ATCP 78, TABLE OF CONTENTS, is amended to read:

RECREATIONAL AND EDUCATIONAL CAMPS

ATCP 78.01 Authority and purpose.

ATCP 78.02 Scope.

ATCP 78.03 Definitions.

ATCP 78.04 Plan consultation.

ATCP 78.05 ~~Permits~~ Licenses.

ATCP 78.06 Department fees.

ATCP 78.07 Enforcement.

ATCP 78.08 Suspension or revocation of ~~permit~~ license.

ATCP 78.09 Appeals of actions by the department.

ATCP 78.10 Appeals of actions by agent health departments.

ATCP 78.11 Location of the camp.

ATCP 78.12 Water supply.

ATCP 78.13 Sewage disposal system.

ATCP 78.14 Toilet and shower facilities.

ATCP 78.15 Garbage and refuse.

ATCP 78.16 Food preparation and service.

ATCP 78.17 Buildings and grounds.

ATCP 78.18 Safety and supervision.

ATCP 78.19 Health.

ATCP 78.20 Register.

ATCP 78.21 Sleeping quarters.

ATCP 78.22 Primitive camping.

Note: Chapter H 75 as it existed on August 31, 1978, was repealed and a new Chapter H 75 was created effective September 1, 1978. Chapter H 75 was renumbered Chapter HSS 175 effective June 1, 1982; Chapter HSS 175 as it existed on October 31, 1985 was repealed and a new Chapter HSS 175 was created effective November 1, 1985. Chapter HSS 175 was renumbered chapter HFS 175 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January 1997, No. 493. Chapter HFS 175 as it existed on January 31, 2001, was repealed and a new chapter HFS 175 was created effective February 1, 2001. Chapter HFS 175 was renumbered chapter DHS 175 effective February 1, 2009, and

corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 175 was renumbered chapter ATCP 78 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

~~**Note:** Effective 7-1-16, 2015 Wis. Act 55 amended the word "permit" in ch. 254, stats., to become "license" in ch. 97, stats., and all references in this chapter to "permit" mean "license" for the purpose of licensing, regulation, and enforcement of this chapter by the department.~~

SECTION 67. ATCP 78.03 (3) is amended to read:

(3) "Agent" means the city, county or village designated by the department under s. 97.615 (2), Stats., to issue ~~permits~~ licenses to and make investigations or inspections of recreational and educational camps.

SECTION 68. ATCP 78.03 (5) (a) is amended to read:

(a) An overnight planned program of recreation or education for adults or families at an establishment holding a current hotel or motel or restaurant ~~permit~~ license.

SECTION 69. ATCP 78.03 (11) is amended to read:

(11) "Existing camp" means operating with a ~~permit~~ license first issued by the department or an agent before February 1, 2001.

SECTION 70. ATCP 78.03 (16) is amended to read:

"New camp" means operating with a first issued by the department or an agent on or after February 1, 2001.

SECTION 71. ATCP 78.05 is amended to read:

ATCP 78.05 ~~Permits~~ Licenses.

(1) ~~PERMIT~~ LICENSE REQUIRED.

(a) No camp may be opened to the public until the operator of the camp has obtained a ~~permit~~ license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified under s. ATCP 78.06. A separate ~~permit~~ license is required for each camp.

Note: Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by the local health department. If ~~your~~ the establishment was permitted by a local health department, contact the local health department for its ~~permit~~ license fee schedule.

(b) If a ~~permit~~ license holder sells or otherwise transfers ownership or operation of a camp to another person, except as provided in sub. (3), a new initial ~~permit~~ license is required, and the camp may not be opened to the public until the department has issued a new ~~permit~~ license.

(2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL.

(a) Each ~~permit~~ license issued under this chapter expires on June 30, except that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

(b) Each ~~permit~~ license shall be renewed annually as provided in sub. (4) (b).

(3) TRANSFERABILITY OF ~~PERMITS~~ LICENSES.

(a) An individual may transfer a ~~permit~~ license to an immediate family member, as defined in s. 97.605 (4) (a) 2, Stats., if the individual is transferring operation of the camp.

(b) An individual may transfer a ~~permit~~ license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the camp A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a ~~permit~~ license to the newly formed business entity or sole proprietorship if the hotel, motel or tourist rooming house remains at the location for which the ~~permit~~ license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the ~~permit~~ license was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no ~~permit~~ license issued

under this chapter is transferable from one premise to another or from one person or entity to another.

Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under s. 97.605 (4) (a) 1. and s. 179.70 (1), Stats., a "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

(c) Except as provided in this subsection, no ~~permit~~ license issued under this chapter is transferable from one premise to another or from one person or entity to another.

(4) ~~PERMIT~~ APPLICATION.

(a) *Initial ~~permit~~ license*. Application for an initial or new ~~permit~~ license shall be made on an application form furnished by the department or its agent and shall be accompanied by all of the following:

1. The applicable fees specified under s. ATCP 78.06 and any fees previously due to the department or its agent.

2. Documentation that the department of safety and professional services has approved plans and specifications for the camp, if required.

3. Information, as determined by the department or its agent, indicating that the camp will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the camp that will protect the health, safety, and welfare of the public.

Note: To obtain a copy of the camp operator license application form, or to determine which agent to contact for an application form, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(b) *Renewal ~~permit~~ license*. To renew a ~~permit~~ license, the operator shall pay the department~~,~~ the applicable ~~permit~~ license fee specified under s. ATCP 78.06 before the ~~permit~~ license expires. If the payment to renew the ~~permit~~ license is not made to the department before the expiration date of the ~~permit~~ license, the late fee specified under s. ATCP 78.06 (2) (c) shall be paid in addition to the ~~permit~~ license fee.

Note: Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for licenses issued by the local health department. If ~~your~~ the establishment was licensed by a local health department, contact the local health department for its license fee schedule.

(5) DEPARTMENT ACTION ON ~~PERMIT~~ LICENSE APPLICATION.

(a) The department or its agent shall issue or deny a ~~permit~~ license within 30 days after receiving a complete application, all applicable fees, and the other information required under sub. (4).

(b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a ~~permit~~ license issued under this paragraph may be conditioned upon the requirement that the ~~permit~~ license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not met within the specified time or after an extension of time approved by the department, the ~~permit~~ license is void. No person may operate a camp after a ~~permit~~ license has been voided under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats. An operator whose ~~permit~~ license is voided under this paragraph may appeal the decision under s. ATCP 78.09.

(c) The department or its agent may refuse to issue or renew a ~~permit~~ license to operate a camp under any of the following circumstances:

1. The department or its agent has not conducted a preinspection of a camp for which an initial or new ~~permit~~ license is required under sub. (1).

2. The operator of a camp has not corrected a condition for which the department or agent has issued a written health or safety-related order.

3. All applicable fees under s. ATCP 78.06 have not been paid, including the ~~permit~~ license fee, preinspection fee, reinspection fee, or other applicable fees.

4. The operator has modified, repaired or maintained the camp in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.

5. The operator, applicant, or ~~permit~~ license holder has failed to provide the department or its agent with information required under sub. (4).

6. The operator or applicant has violated ch. 97, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of the camp.

(d) If the department or its agent denies an application for a ~~permit~~ license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights under s. ATCP 78.09.

(6) VOIDED ~~PERMIT~~ LICENSE FOR FAILURE TO PAY FEES. If an applicant or operator fails to pay all applicable fees, late fees and processing charges under s. ATCP 78.06 within 15 days after the applicant or operator receives notice of an insufficiency under s. ATCP 78.06 (3), or within 45 days after the expiration of the ~~permit~~ license, whichever occurs first, the ~~permit~~ license is void. An operator whose ~~permit~~ license is voided under this subsection may appeal the decision under s. ATCP 78.09. In an appeal concerning a voided ~~permit~~ license under this subsection, the burden is on the ~~permit~~ license applicant or operator to show that the entire

applicable fees, late fees, and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the camp is deemed to be operation without a ~~permit~~ license and is subject to the fees under s. ATCP 76.06 (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

(7) ~~PERMIT~~ LICENSE POSTING. A current ~~permit~~ license from the department shall be posted in a place visible to the public. A ~~permit~~ license may not be altered or defaced.

SECTION 72. ATCP 78.06 is amended to read:

ATCP 78.06 Department fees.

(1) FEE SCHEDULES. The fees listed in Table ATCP 78.06 A shall apply to ~~permits~~ licenses issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 78.06 B shall apply to ~~permits~~ licenses issued on or after April 1, 2011.

Note: Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by the local health department. If your establishment was permitted by a local health department, contact the local health department for its ~~permit~~ license fee schedule.

(2) TYPES OF FEES.

(a) *Preinspection fee*. The operator of a camp shall, pursuant to sub. (1), pay the applicable preinspection fee listed in Table ATCP 78.06 A or B to the department before an initial or new ~~permit~~ license is issued under s. ATCP 78.05.

(b) ~~*Permit*~~ *License fee*. The operator of a camp shall, sub. (1), pay the applicable ~~permit~~ license fee listed in Table ATCP 78.06 A or B to the department for each camp that the operator applies for a ~~permit~~ license to operate under s. ATCP 78.05.

(c) *Late fee*. If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the expiration date of the ~~permit~~ license, the operator of the camp shall pay to the department a late fee of $85.00 in addition to the renewal ~~permit~~ license fee.

(d) *Reinspection fee*. If the department conducts a reinspection of a camp under s. ATCP 78.07 (1) (b), the operator shall, pursuant to sub. (1), pay to the department the applicable reinspection fee listed in Table ATCP 78.06 A or B. The department shall assess an additional reinspection fee as listed in Table ATCP 78.06 A or B, whichever is applicable, for any additional re-inspection conducted under s. ATCP 78.07 (1) (b) 4.

(e) *Fees for operating without a ~~permit~~ license*. Any camp found to be operating without a ~~permit~~ license shall pay to the department a fee of $749.00, in addition to all applicable fees and any processing charges under section.

Note: Anyone operating a camp without a license is also subject to the penalties in ss. 97.72 and 97.73, Stats.

(f) *Duplicate ~~permit~~ license*. The department shall charge the operator a camp $15 for a duplicate ~~permit~~ license.

(g) *Fees for special condition inspections*. For inspection or consultation activities that are not directly related to the department's ~~permitting and~~ licensing responsibilities, the department shall charge the operator or the entity requesting the inspection or consultation $175.00.

(3) METHOD OF PAYMENT. If the payment for an initial or renewal ~~permit~~ license is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash. - See PDF for table PDF - See PDF for table PDF

SECTION 73. ATCP 78.07 (1) (b) 4 is amended to read:

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess the operator an additional reinspection fee as authorized under s. ATCP 78.06 (2) (d), and the department may order the operator to show just cause why the ~~permit~~ license should not be suspended or revoked under s. ATCP 78.08.

SECTION 74. ATCP 78.07 (2) (b) is amended to read:

(b) If the order to correct violations is not carried out by the expiration of the time period stated in the order, or any extension of time granted for compliance, the department or agent may issue an order under s. ATCP 78.08 to suspend or revoke the ~~permit~~ license to operate the camp.

SECTION 75. ATCP 78.08 is amended to read:

ATCP 78.08 Suspension or revocation of ~~permit~~ license. The department may, after a hearing under s. ATCP 78.09, suspend or revoke a ~~permit~~ license for violation of s. 97.67, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 78.09.

SECTION 76. ATCP 78.09 (1) (a) is amended to read:

(a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a ~~permit~~ license, a voided ~~permit~~ license, suspension, revocation, forfeiture, or an order given under s. ATCP 78.07 (1) (b) 4. or (2) shall be submitted in writing to the department of administration's division of hearings and appeals within 15 days after receipt of the notice of the department's action.

SECTION 77. ATCP 78.09 (1) (e) is amended to read:

(e) As a condition for requesting a hearing under this subsection to appeal the voiding of a ~~permit~~ license, an applicant or operator shall comply with sub. (3). In an appeal concerning

voiding a ~~permit~~ license, the burden is on the applicant or operator to show that the entire applicable fees, late fees and processing charges have been paid.

SECTION 78. ATCP 78.09 (3) is amended to read:

(3) If the department voids a ~~permit~~ license under s. ATCP 78.05 (6), the operator shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

SECTION 79. ATCP 78.10 is amended to read:

ATCP 78.10 Appeals of actions by agent health departments. If an agent issues a ~~permit~~ license under this chapter, the agent shall create enforcement and appeal procedures under ss. 66.0417 and 97.615 (2) (g), Stats.

SECTION 80. ATCP 78.18 (6) is amended to read:

(6) SWIMMING POOLS. Any swimming pool, wading pool, whirlpool or similar structure shall comply with ch. SPS 390 and the camp operator shall obtain a ~~permit~~ license and operate the pool in accordance with ch. ATCP 76.

SECTION 81. ATCP 79, TABLE OF CONTENTS, is amended to read:

CAMPGROUNDS

ATCP 79.01 Authority and purpose.

ATCP 79.02 Scope.

ATCP 79.03 Definitions.

ATCP 79.04 Plans and specifications for campgrounds.

ATCP 79.05 ~~Permit~~ License to operate a campground.

ATCP 79.06 Department fees.

ATCP 79.07 Enforcement.

ATCP 79.08 Suspension or revocation of ~~permit~~ license.

ATCP 79.09 Appeals of actions by the department.

ATCP 79.10 Appeals of actions by agent health departments.

ATCP 79.11 Campsite use, designation, location, and density.

ATCP 79.12 Campground access and road systems.

ATCP 79.13 Camping units.

ATCP 79.14 Water supply; water systems and service connections.

ATCP 79.15 Sewage and wastewater treatment and handling.

ATCP 79.16 Toilet facilities.

ATCP 79.17 Shower building.

ATCP 79.18 Petting zoos.

ATCP 79.19 Fish and game cleaning station.

ATCP 79.20 Garbage and refuse.

ATCP 79.21 Insect and rodent control.

ATCP 79.22 Fire prevention.

ATCP 79.23 Play equipment.

ATCP 79.24 General campground administration.

ATCP 79.25 Mobile or manufactured homes in a campground.

ATCP 79.26 Special event campgrounds.

ATCP 79.27 Rustic campsites.

Note: Chapter H 78 as it existed on August 31, 1978 was repealed and a new chapter H 78 was created effective September 1, 1978. Chapter H 78 was renumbered chapter HSS 178, effective June 1, 1982; chapter HSS 178 as it existed on October 31, 1985 was repealed and a new chapter HSS 178 was created effective November 1, 1985. Chapter HSS 178 was

renumbered chapter HFS 178 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HFS 178 was renumbered chapter DHS 178 effective February 1, 2009, and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 178 was repealed and recreated effective 2-1-16 by CR 15-001. Chapter DHS 178 was renumbered chapter ATCP 79 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

~~**Note:** Effective 7-1-16, 2015 Wis. Act 55 amended the word "permit" in ch. 254, stats., to become "license" in ch. 97, stats., and all references in this chapter to "permit" mean "license" for the purpose of licensing, regulation, and enforcement of this chapter by the department.~~

SECTION 82. ATCP 79.03 (1) is amended to read:

(1) "Agent" means the city, county or village designated by the department under s. 97.615 (2), Stats., and ch. ATCP 74 to issue ~~permits~~ licenses to and make investigations or inspections of public pools and water attractions.

SECTION 83. ATCP 79.03 (24) is amended to read:

(24)"Person" means, for purposes of issuing a ~~permit~~ license, an individual, partnership, association, firm, company, corporation, municipality, county, town or state agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these, as applicable.

SECTION 84. ATCP 79.05 is amended to read:

ATCP 79.05 ~~Permit~~ License to operate a campground.

(1) ~~PERMIT~~ LICENSE REQUIRED.

(a) *Conditions requiring a ~~permit~~ license*. No person may operate a campground without a ~~permit~~ license from the department or its agent if any one of the following applies:

1. A person offers or intends to offer 3 or fewer campsites and advertises or otherwise presents to the public an offer of the campground or specific campsites.

2. A person offers or intends to offer 4 or more campsites, regardless whether the person advertises or otherwise presents to the public an offer of the campground or specific campsites.

Note: Pursuant to s. 97.67 (1g), Stats., a campground ~~permit~~ license is not required for camping at a county or district fair at which 4-H Club members exhibit, for the 4 days preceding the fair, the duration of the fair, and the 4 days following the fair.

3.

a. Except as provided under subd. 3. b., if a ~~permit~~ license holder sells or otherwise transfers ownership or operation of a campground to another person, a new ~~permit~~ license is required under s. 97.67 (2) (a), Stats., and the campground may not be opened to the public until the department or its agent has issued a new ~~permit~~ license.

b. As provided in s. 97.67 (2) (b) and (c), Stats., an individual may transfer a ~~permit~~ license to an immediate family member, if the individual is transferring operation of the campground. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a ~~permit~~ license to the newly formed business entity or sole proprietorship if the campground remains at the location for which the ~~permit~~ license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the ~~permit~~ license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

c. Except as provided in this paragraph, no ~~permit~~ license issued under this chapter is transferable from one premise to another or from one person or entity to another.

d. A person who wishes to transfer a ~~permit~~ license under subd. 3. a. or b. shall notify the department or its agent prior to operation of the campground.

Note: Under s. 97.605 (4) (a) 2., Stats., “Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 179.70 (1), Stats., “business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102

(8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

Note: To notify the department of a transfer of ownership, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(b) *Conditions requiring multiple ~~permits~~ licenses*. If 2 or more campgrounds are located within a tract of land owned by the person who owns or operates both campgrounds and the central registration location of each campground is separated by 5 or more miles, a separate ~~permit~~ license is required for each campground.

(c) *Preinspection required*. Before the department or its agent may issue a ~~permit~~ license to operate a campground under par. (a) or (b), the department or agent shall conduct a preinspection. A preinspection is not required for a transfer to an immediate family member under par. (a) 3. b.

Note: Pursuant to 97.67(1m), Stats., the department or a local health department granted agent status under s. 97.615 (2), Stats., may not, without a preinspection, grant a ~~permit~~ license to a person intending to operate a new public campground or to a person intending to be the new operator of an existing campground.

(2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL.

(a) *Expiration*. Each ~~permit~~ license issued under this chapter expires on June 30, except that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June 30, expires on June 30 of the following year.

(b) *Annual renewal*. Each ~~permit~~ license shall be renewed annually as provided in sub. (4).

(3) NEW ~~PERMIT~~ LICENSE.

(a) *Application*. To apply for a new ~~permit~~ license, the applicant shall apply on an application form provided by the department or its agent. The completed application shall be accompanied by all of the following:

1. The applicable fees specified under s. ATCP 79.06 and any fees previously due to the department or its agent under this chapter.

2. Information, as determined by the department or its agent, including documentation that the campground will be maintained and operated in compliance with this chapter, applicable federal and state laws, as it relates to the health, safety, and welfare of the public.

Note: As provided under s. 97.615 (2) (d), Stats., a local health department can establish and collect fees for ~~permits~~ licenses. If you were issued a ~~permit~~ license by a local health department, contact the local health department for its ~~permit~~ license fee schedule.

(b) *Requests for preinspection*. The operator shall contact the department or its agent and arrange a time for the preinspection required under s. ATCP 79.05 (1) (c), before operating a campground.

Note: To obtain a copy a copy of the campground operator license application form, or to arrange for a preinspection, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(4) ~~PERMIT~~ LICENSE RENEWAL.

(a) To renew a ~~permit~~ license, the operator shall pay the department the applicable ~~permit~~ license fee specified under s. ATCP 79.06 before the ~~permit~~ license expires. If payment to renew a ~~permit~~ license fee is not received by the department before the expiration date of the ~~permit~~ license, the late fee specified under s. ATCP 79.06 (2) (c) shall be paid in addition to the ~~permit~~ license fee. An application for a renewal ~~permit~~ license is not required.

(b)

1. The department may refuse to renew a ~~permit~~ license as provided under sub. (5) (a) 1.

2. The department shall refuse to renew a ~~permit~~ license as provided under sub. (5) (b).

(5) DEPARTMENT OR AGENT ACTION ON A ~~PERMIT~~ LICENSE APPLICATION.

(a) *Department decision on a ~~permit~~ license*.

1. The department or its agent may not issue a new ~~permit~~ license or renew an existing ~~permit~~ license for a campground unless all of the following conditions are met:

a. The operator has corrected a condition for which the department or agent has issued a written health or safety-related order.

b. The operator, applicant, or ~~permit~~ license holder has provided the department or its agent with the information required under sub. (3) (a) 2., or documentation indicating that the campground is designed and constructed in accordance with the state law and regulations stated in this chapter.

c. The department or its agent has determined that the operator, applicant or ~~permit~~ license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s. 227.04 (1) (a)~~, Stats.~~

(b) ~~*Permit*~~ *License prohibited*. The department or its agent shall refuse to issue a new ~~permit~~ license or renew an existing ~~permit~~ license to operate a campground under any of the following circumstances:

1. A fully and accurately completed, signed and dated application has not been received by the department or its agent.

2. The department or its agent has not conducted the preinspection required under s. ATCP 79.05 (1) (c).

3. The department or its agent has not approved the plan for the campground under s. ATCP 79.04.

4. The operator has not paid all of the applicable fees under s. ATCP 79.06.

5. The operator has modified, repaired, or maintained the campground in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.

(c) *Conditional ~~permit~~ license*. Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a ~~permit~~ license may be conditioned upon the requirement that the ~~permit~~ license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a specified period of time. If the condition is not satisfied within the specified time or after an extension of time approved by the department, the ~~permit~~ license is void. No person may operate a campground after a ~~permit~~ license has been voided. Any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats., and fees under s. ATCP 79.06 (2) (e). An operator whose ~~permit~~ license is voided under this paragraph may appeal the decision under s. ATCP 79.09.

(d) *Granting or denial of a license*.

1. The department or its agent shall issue or deny a new ~~permit~~ license or shall renew a ~~permit~~ license for a campground within 30 days after the applicant meets all of the requirements under subs. (3) or (4), as applicable.

2. If the department or its agent denies an application for a ~~permit~~ license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights provided under s. ATCP 79.09.

(6) VOIDED ~~PERMIT~~ LICENSE FOR FAILURE TO PAY FEES.

(a) *Payment time frame*. If an applicant or operator fails to pay all applicable fees, late fees, and processing charges under s. ATCP 79.06, within 45 days after the expiration of the ~~permit~~ license, the ~~permit~~ license is void.

(b) *Notice of insufficiency*. If the department receives a notice of an insufficiency under s. ATCP 79.06 (3), the applicant or operator shall have 15 days after receipt of notice from the department of the insufficiency to pay all applicable fees and processing charges or the ~~permit~~ license is void.

(c) *Appeal rights*. An operator whose ~~permit~~ license is voided under this subsection may appeal the decision as provided under s. ATCP 79.09. The burden is on the ~~permit~~ license applicant or operator to show that all applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the campground is deemed to be operation without a ~~permit~~ license and is subject to the fees under s. ATCP 79.06 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

(7) ~~PERMIT~~ LICENSE POSTING. A current ~~permit~~ license issued by the department shall be posted in a place visible to the public. A ~~permit~~ license may not be altered or defaced.

SECTION 85. ATCP 79.06 is amended to read:

ATCP 79.06 Department fees.

(1) FEE SCHEDULE. Pursuant to s. 97.67 (5), Stats., no permit may be issued until all applicable fees have been paid. Table ATCP 79.06 applies to campground ~~permits~~ licenses issued by the department under this chapter.

Note: As provided in s. 97.615 (2) (d), Stats., a local health department can establish and collect fees for ~~permit~~ license If you were issued a ~~permit~~ license by a local health department, contact the local health department for its ~~permit~~ license fee schedule.

(2) TYPES OF FEES.

(a) *Preinspection fee*. The operator shall pay the applicable preinspection fee listed in Table ATCP 79.06 to the department before a new ~~permit~~ license is issued under s. ATCP 79.05 (3).

(b) ~~*Permit*~~ *License fee*. The operator shall pay the applicable ~~permit~~ license fee listed in Table ATCP 79.06 to the department for each campground for which the operator applies for a new or renewal ~~permit~~ license.

(c) *Late fee*. If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the expiration date of the ~~permit~~ license, the operator shall pay to the department a late fee of $85.00 in addition to the renewal ~~permit~~ license fee.

(d) *Reinspection fee*. If the department conducts a reinspection of a campground under s. ATCP 79.07 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection fee listed in Table ATCP 79.06. The department shall assess an additional fee as listed in Table ATCP 79.06, for any second or subsequent reinspection conducted under s. ATCP 79.07 (1) (b) 4.

(e) *Fees for operating without a* ~~*permit*~~ *license*. If a campground is found to be operating without a ~~permit~~ license, the operator shall pay to the department a fee of $749.00, in addition to all applicable fees and any processing charges under sub. (3).

Note: Anyone operating a campground without a license is also subject to the penalties in ss. 97.72 and 97.73, Stats.

(f) *Duplicate* ~~*permit*~~ *license*. If an operator requests a duplicate ~~permit~~ license, the operator shall pay the department a fee of $15.00.

(g) *Fees for special condition inspections*. For inspection or consultation activities that are not directly related to the department's responsibilities for issuing ~~permits~~ licenses, the

department shall charge the operator or the entity requesting the inspection or consultation $175.00.

(3) PENALTIES FOR INSUFFICIENCY OF PAYMENT. If the payment for a new or renewal ~~permit~~ license is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash.

SECTION 86. ATCP 79.07 (1) (b) 4. is amended to read:

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess a second or subsequent reinspection fee based on Table ATCP 79.06 as authorized under s. ATCP 79.06 (2) (d), and the department may order the operator to show just cause why the ~~permit~~ license should not be suspended or revoked under s. ATCP 79.08.

SECTION 87. ATCP 79.07 (2) (b) 1. is amended to read:

1. If a violation is not corrected by the expiration of the time period stated in the order given under par. (a), or any extension of time granted under par. (c), the department or agent may issue an order under s. ATCP 79.08 to suspend or revoke the ~~permit~~ license to operate the campground. An order for suspension or revocation shall take effect as provided under s. ATCP 79.08.

SECTION 88. ATCP 79.07 (4) (b) is amended to read:

(b) The department or its agent shall void the campground ~~permit~~ license under s. ATCP 79.05 (5) (b), if the operator continues to be out of compliance or fails to meet the objectives.

SECTION 89. ATCP 79.08 is amended to read:

ATCP 79.08 Suspension or revocation of ~~permit~~ license. The department may, after a hearing under s. ATCP 79.09, suspend or revoke a ~~permit~~ license for violation of s. 97.67, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 79.09 (1).

SECTION 90. ATCP 79.09 (1) (a) is amended to read:

(a) Except as provided in sub. (2) or (3), a request for a hearing to contest the denial of a ~~permit~~ license, a voided ~~permit~~ license, suspension, revocation, forfeiture, or the issuance of an order under s. ATCP 79.07 (2) shall be submitted in writing to, and be received by, the department of administration's division of hearings and appeals within 15 calendar days after the date of the department's action.

SECTION 91. ATCP 79.09 (1) (e) is amended to read:

(e) As a condition for requesting a hearing to appeal the voiding of a ~~permit~~ license, an applicant or operator shall comply with sub. (3). In an appeal concerning voiding a ~~permit~~ license, the burden is on the applicant or operator to show that all the applicable fees, late fees and processing charges have been paid.

SECTION 92. ATCP 79.09 (3) is amended to read:

(3) If the department voids a ~~permit~~ license for failure to pay fees under s. ATCP 79.05 (6), the operator shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

SECTION 93. ATCP 79.10 is amended to read:

ATCP 79.10 Appeals of actions by agent health departments. If an agent issues a ~~permit~~ license under this chapter, the operator shall appeal enforcement action to the agent health department.

SECTION 94. ATCP 79.13 (2) (b) is amended to read:

(b) *Camping cabins.* Each camping cabin in the seasonal campsite and any addition or attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall be maintained and equipped in a manner that protects the health and safety of camper in accordance with ~~chs.~~ ch. ~~SPS 320 to 325~~ 327. Camping cabins may not be more than 400 square feet in area. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

SECTION 95. ATCP 79.13 (3) (a) 2. is amended to read:

2. The campground operator shall obtain a ~~permit~~ license for a tourist rooming house and comply with the requirements of ch. ATCP 72 for an operator-provided camping unit that is more than 400 square feet in area, except for a tent, mobile home, manufactured home, or recreational vehicle.

SECTION 96. ATCP 79.13 (3) (d) is amended to read:

(d) Camping cabins; building code requirements. Each operator-provided camping cabin and any addition or attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall be maintained in accordance with ~~chs~~. ~~ch.~~ SPS ~~320~~ ~~to 325~~ 327. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

SECTION 97. ATCP 79.26 (1), (2) and (3) are amended to read:

ATCP 79.26 (1) ~~PERMIT~~ LICENSE REQUIRED.

(a) Before a person may operate a special event campground, the person shall have a ~~permit~~ license issued by the department or its agent. The department or its agent may issue a ~~permit~~ license for a special event campground only in conjunction with a special event, such as a fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

(b) No camping may occur until a ~~permit~~ license is granted by the department or its agent.

(2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL A ~~permit~~ license issued under this section may not exceed 14 days in duration.

(3) APPLICATION. The application for a ~~permit~~ license for a special event campground shall be made to the department or its agent at least 30 days before the special event. The application for a ~~permit~~ license shall be made on an application form provided by the department or its agent and shall include all of the following:

SECTION 98. ATCP 90.01 (15g) and (Note) are amended to read:

(15g) "*NIST Handbook 44*" means *NIST Handbook 44* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 99. ATCP 90.01 (15r) and (Note) are amended to read:

(15r) "*NIST Handbook 133"* means *NIST Handbook 133* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 100. ATCP 90.03 (1) (b) is amended to read:

(b) Business address. The business address of the responsible person under par. (a). The business address shall include street address, city, state, and ZIP code, except that the street address may be omitted ~~if the address can be found under the name of the responsible person in a current city directory or telephone directory~~ if it is listed in any readily accessible, well-known, widely published, and publicly available resource, such as a printed directory, electronic database or website. If a person manufactures, packs, or distributes a consumer commodity at a place of business other than the person's principal place of business, the label may disclose the address of that principal place of business rather than the actual place of manufacture, packing, or distribution, provided that the substitute disclosure is not deceptive or misleading.

SECTION 101. ATCP 90.04 (7) (Note) is amended to read:

Note: The above symbols need not be followed by periods or expressed as plurals. For example, "oz: is the symbol for both "ounce" and "ounces." Both upper and lower case letters and exponents are acceptable.

SECTION 102. ATCP 91.01 (4) and (Note) are amended to read:

(4) "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 130* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, or at www.nist.gov.

SECTION 103. ATCP 91.03 (3) (L) is repealed.

SECTION 104. ATCP 92.01 (10h) and (Note) are amended to read:

(10h) "*NIST Handbook 44*" means *NIST Handbook 44* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 44,* Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 105. ATCP 92.01 (10p) and (Note), and (10t) and (Note) are amended to read:

(10p) "*NIST Handbook 130"* means *NIST Handbook 130* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 130,* Uniform Laws and Regulation in the Areas of Legal Metrology and Engine Fuel Quality (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 106. ATCP 92.01 (10t) and (Note) are amended to read

(10t) "*NIST Handbook 133"* means *NIST Handbook 133* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 133,* Checking the Net Contents of Packaged Goods (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 107. ATCP 92.30 (9) Intro and (Note) are amended to read:

ATCP 92.30 (9) EXEMPTIONS. Subsections (1) to (~~7~~6) do not apply to any of the following:

Note: Scales identified under sub. (~~8~~9) are not exempt from s. ATCP 92.02, from licensing requirements under s. 98.16, Stats., or from the testing requirement under s. 98.16 (3m), Stats.

SECTION 108. ATCP 94.200 (1) is amended to read:

ATCP 94.200 (1) The following standards of the ~~*2015*~~ *2018 Annual Book of ASTM Standards* of ~~the American society for testing and materials~~ ASTM International are incorporated by reference into this chapter:

(a) ASTM ~~396-15e~~ D396-18, standard specification for fuel oils.

(b) ASTM ~~D910-15~~ D910-18, standard specification for aviation gasolines.

(c) ASTM ~~D975-15c~~ D975-18, standard specification for diesel fuel oils.

(d) ASTM ~~D1655-15c~~ D1655-18a, standard specification for aviation turbine fuels.

(e) ASTM D3699-13be1, standard specification for kerosine.

(f) ASTM ~~D4806-15c~~ D4806-17, standard specification for denatured fuel ethanol for blending with gasolines for use as automotive spark-ignition engine fuel.

(g) ASTM ~~D4814-15c~~ D4814-18b, standard specification for automotive spark-ignition engine fuel.

(h) ASTM ~~D5798-15c~~ D5798-17, standard specification for ethanol fuel blends for flexible-fuel for automotive spark-ignition engines.

(i) ASTM ~~D6227-14~~ D6227-17, standard specification for unleaded aviation gasoline containing a non-hydrocarbon component.

(j) ASTM D6751-15c[e1], standard specification for biodiesel fuel blend stock (B100) for middle distillate fuels.

(k) ASTM ~~D7467-15c~~ D7467-17, standard specification for diesel fuel oil, biodiesel blend (B6 to B20).

(L) ASTM ~~D7547-15~~ D7547-17a, standard specification for hydrocarbon unleaded aviation gasoline.

SECTION 109. ATCP 99.22 (2) is repealed.

SECTION 110. ATCP 105.23 (2) (bm) is created to read:

ATCP 105.23 (2) (bm) Electronically, by transmitting a web-based notification to a website specified by the department. Notice under this paragraph is presumed to be timely under

sub. (1), if the department receives it by midnight of the day on which the person is required to give the notice, but this presumption may be rebutted.

SECTION 111. ATCP 118.02 (2) (b) is amended to read:

(b) Contain the following information in the following format.

NOTICE ABOUT LIABILITY FOR DAMAGE TO THE RENTAL CAR

The State of Wisconsin requires us to provide the following information about your liability for damage to a rental car and the purchase of a damage waiver.

LIABILITY FOR DAMAGE TO THE RENTAL CAR

The rental agreement makes you and any authorized driver liable for any damage to the rental car caused by an accident, or by intentional, reckless or wanton misconduct, or by theft that you may have intentionally caused. Total liability for any damage is limited to:

1) reasonable repair costs, less discounts available to us, or the fair market value of the car, whichever is less, and

2) actual and reasonable towing costs, and for storage costs during the period before you notify the rental company of the damage to the vehicle or for 14 days after the damage occurs, whichever period is shorter.

LIABILITY FOR DAMAGE AFTER THE RENTAL CAR HAS BEEN STOLEN

If a person who drives the rental car without your authorization causes damage to the car, you may be liable for the damage as though you or an authorized person was driving the car unless you do all of the following:

1) Refrain from leaving the ignition key in the car when you are not in the car.

2) Always keep the ignition key in your possession.

3) Immediately report to the local police if you learn the car has been stolen, or that an unauthorized person is driving the car.

4) Cooperate fully with the local police by providing any information you know that may be helpful.

INSURANCE OR CREDIT CARD COVERAGE

Liability for any damage may be covered by your personal insurance policy or credit card agreement. Check your insurance policy or credit card agreement about coverage.

DAMAGE WAIVER COVERAGE

A damage waiver is **not** insurance coverage. If you purchase a damage waiver for $__ per day, we will waive our right to hold you or any authorized driver liable for damage. Even if you buy a damage waiver, you and any authorized driver will remain liable for damage if any of the following apply:

1) You cause, or any authorized driver causes, the damage intentionally or by reckless or wanton misconduct.

2) The damage occurs while you, or any authorized driver, operates the car in this state while under the influence of an intoxicant or other drug, as described by the laws of this state.

3) The damage occurs while you, or any authorized driver, operates the car in another state while under the influence of an intoxicant or other drug, as described by the laws of that state.

4) The damage occurs while you, or any authorized driver, is engaged in a race, speed, or endurance contest.

5) The damage occurs while you or any authorized driver is using, or has directed another to use, the car in the commission of a misdemeanor, or a felony, as defined by s. 939.60, Stats.

6) The damage occurs while you are using, or any authorized driver is using, the car to carry persons or property for hire.

7) The damage occurs while you are using, or any authorized driver is using, the car outside the United States and Canada, except as is permitted under the rental agreement.

8) The damage occurs while the car is operated on a surface not intended for use by private passenger vehicles.

9) You provide us misleading or false information in order to rent the car, which causes us to rent you the car when we would not have otherwise done so, or on terms to which we would not have otherwise agreed.

10) You, or an authorized driver who was operating the car when an accident occurred, fail to promptly report, to us and the police, the accident resulting in damage to the car.

11) The damage is caused by an unauthorized driver if you did not report a theft to the police within 24 hours after you learned the unauthorized driver took possession of the car, did not cooperate with the police in providing information about the theft, or left the ignition key in the car at the time of the theft.

NOTICE OF RIGHT TO INSPECT DAMAGE

If the car is damaged, we may not collect any amount for the damage unless you, or an authorized driver against whom we claim liability, have been promptly notified of your and your insurers' right to inspect the unrepaired car within two working days after we were notified of the damage. If you request, we must also give you a copy of any estimate we have obtained from a repair shop regarding any damage claim. Within 2 working days after receiving that estimate, you may request a second estimate from a competing repair shop and we must give you a copy of the second estimate.

COMPLAINTS

If you have any complaints about our attempt to hold you liable for damages or would like a copy of the state law that fully sets forth your rights and obligations, contact:

~~Wisconsin~~ Bureau of Consumer Protection ~~Bureau~~
P.O. Box 8911, Madison, WI 53708-8911
~~608-224-4960 (Madison area) or~~ Call toll-free: 1-800-422-7128

SECTION 112. ATCP 118.12 (2) (a) is amended to read:

(a) Include the following verbatim notice, in 16-point ~~bold-face~~ boldface type in the following format, immediately adjacent to the renter signature line in the rental agreement:

SECTION 113. ATCP 118.12 (2) (c) is amended to read:

(c) The notice under par. (b) shall be printed in 11-point type, except that capitalized portions shall be in 13-point type ~~bold-face~~ boldface type. If the notice is contained on a separate document, it shall be printed on 8 ½ by 11 inch paper.

SECTION 114. EFFECTIVE DATE: This rule takes effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this _____ day of _____, 2019.

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Bradley M. Pfaff, Secretary