

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

1 The Wisconsin department of agriculture, trade and consumer protection proposes the
2 following order *to repeal* ATCP 21 Appendix A; 76 Table of Contents Note 2, 91.03(3) (L) and
3 99.22(2); *to amend* ATCP 21.16(1); 21.21 (1) (c) 1. and (Note); 40.04 (1) and (4) (b) and (c);
4 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
5 (Note); 40.16(2) and (Note); 40.18 (2) and (Note); 40.20 (1); 40.22 (1), (1) (a), and (4); 40.26 (5)
6 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
7 (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);
8 71.02 (11) (a), (b) and (c); 72 Table of Contents; 72.03 (1), (8) and (13); 72.04; 72.05; 72.06 (1)
9 (b) 4. and (2) (b); 72.07; 72.08 (1) (a) and (e) and (3); 72.09; 72.12 (1); 73 Table of Contents;
10 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
11 Contents, Subchapter I; 76.04 (4); 76.05; 76.06; 76.07(1) (b) 4. and (2) (b); 76.08; 76.09 (1) (a)
12 and (e) and (3); 76.10; 78 Table of Contents; 78.03 (3), (5) (a), (11) and (16); 78.05; 78.06; 78.07
13 (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;
14 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
15 (e) and (3); 79.10; 79.13 (2) (b), (3) (a) 2 and (3) (d); 90.01 (15g) and (Note) and (15r) and
16 (Note); 90.03 (1) (b); 90.04 (7) (Note); 91.01 (4) and (Note) ; 92.01 (10h) and (Note), (10p) and
17 (Note), and (10t) and (Note); 92.30 (9) and (Note); 94.200 (1); 118.02 (2) (b); 118.12 (2) (a) and
18 (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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19 **SECTION 1.** ATCP 21.16(1) is amended to read:
20 **(1)** HEMLOCK IMPORTS RESTRICTED. Except as provided in sub. (2), no person may import any
21 of the following items to this state from California, Connecticut, Delaware, Georgia, Idaho, Kentucky,
22 Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina,
23 Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington,
24 West Virginia, the District of Columbia, British Columbia, Nova Scotia, and any of the infested areas
25 identified in Appendix A state or country, or any delineated area within a state or country, which the
26 responsible state agency has declared to be infested with hemlock woolly adelgid:

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

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

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

32
33 **SECTION 3.** ATCP 21 Appendix A is repealed.

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

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

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

41 (b) Except as adjusted under 94.73(15), a ~~\$11.20~~ agricultural chemical cleanup surcharge
42 for each business location and each mobile unit at which the applicant proposes to manufacture
43 fertilizer in this state, other than a business location or mobile unit licensed under s. 94.685 or s.
44 94.703, Stats. If the applicant distributes but does not manufacture fertilizer in this state, the
45 applicant shall pay a single agricultural chemical cleanup surcharge of ~~\$11.20~~.

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

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

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

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

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

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

57 **(5) PENALTIES FOR LATE FILING.** A person who fails to comply with sub. (1) by ~~August 14~~
58 September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than
59 \$10.

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

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

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

69
70 **SECTION 10.** ATCP 40.10 (4) (b) 2. and (Note) are amended to read:

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

73 **Note:** The *Official Publication of the Association of American Plant Food Control*
74 *Officials, No. ~~68~~ 71 (~~2015~~2018)* is on file with the department and the legislative reference
75 bureau. Copies may be obtained from the treasurer of the Association of American Plant Food
76 Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC
77 33636-3508, or online at <http://www.aapfco.org>.

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

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

81 **Note:** The *Official Publication of the Association of American Plant Food Control*
82 *Officials, No. 68 71 (20152018)* is on file with the department and the legislative reference
83 bureau. Copies may be obtained from the treasurer of the Association of American Plant Food
84 Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC
85 33636-3508, or online at <http://www.aapfco.org>.

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

87
88 (2) TEST METHODS. The department may test official fertilizer samples to determine
89 compliance with nutrient guarantees. The department shall test official samples using applicable
90 methods from the "Official Methods of Analysis of AOAC International," ~~volume I, 17 20th~~
91 edition ~~as updated by the 2nd revision (2003 2016)~~.

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

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

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

101 **Note:** ~~Statement of uniform interpretation and policy number 25, from the~~ The *Official*
102 *Publication of the Association of American Plant Food Control Officials, No. 68 71 (20152018)*,
103 which contains the statement of uniform interpretation and policy number 25, is on file with the
104 department and the legislative reference bureau. Copies may be obtained from the treasurer of
105 the Association of American Plant Food Control Officials, Inc., North Carolina Department of
106 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at <http://www.aapfco.org>.

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

108 **(1) ANNUAL LICENSE REQUIRED.** Except as provided in sub. (2), no person may
109 manufacture or distribute a soil or plant additive in this state without an annual license from the
110 department. A license is not transferable between persons. A license expires on ~~March 31~~
111 September 30 of each year.

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

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

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

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

119 **(4) PENALTIES FOR LATE FILING.** A person who fails to comply with sub. (1) by ~~March 31~~
120 September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than
121 \$10.

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

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

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

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

131 1. A method contained in the "Official Methods of Analysis of AOAC International",
132 ~~volume I, 17th 20th edition, as updated by the 2nd revision (200316).~~

133 **Note:** The "Official Methods of Analysis of AOAC International", "~~volume I, 17th 20th~~
134 ~~edition, as updated by the 2nd revision (20032016)~~ is on file with the department and the
135 legislative reference bureau.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

166 (a) A grade A dairy plant that is a qualified facility shall comply with the requirements of
167 21 CFR 117 Subparts A, B and E, and 21 CFR 117.201.

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

169 (a) A grade B dairy plant that is a qualified facility shall comply with the requirements of
170 21 CFR 117 Subparts A, B, E and F, and 21 CFR 117.201.

171 (b) A grade B dairy plant that is a facility shall comply with the requirements of 21 CFR
172 117 Subparts A, B, C, F, and G.

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

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

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

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

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

183 **HOTELS, MOTELS, AND TOURIST ROOMING HOUSES**

184 ATCP 72.01 Authority and purpose.

185 ATCP 72.02 Scope of rules.

186 ATCP 72.03 Definitions.

187 ATCP 72.04 ~~Permits~~-Licenses.

188 ATCP 72.05 Department fees.

189 ATCP 72.06 Enforcement.

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

191 ATCP 72.08 Appeals of actions by the department.

192 ATCP 72.09 Appeals of actions by agent health departments.

193 ATCP 72.10 Water supply and waste disposal.

194 ATCP 72.11 Furnishings, equipment and utensils.

195 ATCP 72.12 Food.

196 ATCP 72.13 Employee health.

197 ATCP 72.14 Building structure and safety.

198 ATCP 72.145 Carbon monoxide detectors.

199 ATCP 72.15 Maintenance.

200 ATCP 72.16 Registration of guests.

201 **Note:** Chapter HSS 195 as it existed on June 30, 1985, was repealed and a new chapter
202 HSS 195 was created effective July 1, 1985. Chapter HSS 195 was renumbered chapter HFS 195
203 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats.,
204 Register, January, 1997, No. 493. Chapter HFS 195 was renumbered chapter DHS 195 effective
205 February 1, 2009, under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7.,
206 Stats., Register January 2009 No. 637. Chapter DHS 195 was renumbered chapter ATCP 72
207 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

208
209 ~~**Note:** Effective 7-1-16, 2015 Wis. Act 55 amended the word "permit" in ch. 254, stats.,~~
210 ~~to become "license" in ch. 97, stats., and all references in this chapter to "permit" mean "license"~~
211 ~~for the purpose of licensing, regulation, and enforcement of this chapter by the department.~~
212

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

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

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

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

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

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

223 **SECTION 33.** ATCP 72.04 is amended to read:

224 **ATCP 72.04 Permits Licenses.**

225 (1) ~~PERMIT~~ LICENSE REQUIRED.

226 (a) No hotel, motel, or tourist rooming house may be opened to the public until the
227 operator of the facility has obtained a ~~permit~~ license from the department or its agent by

228 submitting an application under sub. (4) and paying the applicable fee specified in s. ATCP
229 72.05. A separate ~~permit~~ license is required for each hotel, motel, or tourist rooming house.

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

234 (2) PERMIT LICENSE DURATION AND RENEWAL.

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

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

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

250 **Note:** Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse,
251 grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent,

252 parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 179.70 (1), Stats.,
253 a "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability
254 company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as
255 defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102
256 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9),
257 Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

258
259 (4) ~~PERMIT~~ LICENSE APPLICATION.

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

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

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

269 **Note:** To obtain a copy of the hotel, motel or tourist rooming house operator license
270 application form, or to determine which agent to contact for an application form, call (608) 224-
271 4923 or send an e-mail to datcpdfslicensing@wi.gov.

272
273 (b) *Renewal ~~permit~~ license.* To renew the ~~permit~~ license of a facility, the operator shall
274 pay the department, the applicable establishment ~~permit~~ license fee specified under s. ATCP
275 72.05 before the permit expires. If the payment to renew the ~~permit~~ license of an establishment is
276 not made to the department before the expiration date of the establishment ~~permit~~ license, the
277 late fee specified under s. ATCP 72.05 (2) (c) shall be paid in addition to the license fee.

278 **Note:** Local health department that are agents for the department have authority under s.
279 97.41 (4) (a), Stats., to establish and collect fees for licenses issued by the local health
280 department. If ~~you~~ the establishment was licensed by a local health department, contact the local
281 health department for its license fee schedule.

282

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

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

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

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

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

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

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

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

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

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

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

316 (6) **VOIDED ~~PERMIT LICENSE~~ FOR FAILURE TO PAY FEES.** If an applicant or operator fails
317 to pay all applicable fees, late fees and processing charges under s. ATCP 72.05 within 15 days
318 after the applicant or operator receives notice of an insufficiency under s. ATCP 72.05, or within
319 45 days after the expiration of the ~~permit~~ license, whichever occurs first, the ~~permit~~ license is
320 void. An operator whose ~~permit~~ license is voided under this subsection may appeal the decision
321 under s. ATCP 72.08. In an appeal concerning a voided ~~permit~~ license under this subsection, the
322 burden is on the ~~permit~~ license applicant or operator to show that the entire applicable fees, late
323 fees and processing charges have been paid. During any appeal process concerning a payment
324 dispute, operation of the hotel, motel, or tourist rooming house is deemed to be operation without
325 a ~~permit~~ license and is subject to the fees under s. ATCP 72.05 (2) (e) in addition to the fees
326 otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

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

329 **SECTION 34.** ATCP 72.05 is amended to read:

330 **ATCP 72.05 Department fees.**

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

334 (2) TYPES OF FEES.

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

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

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

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

349 whichever is applicable, for any additional reinspection conducted under s. ATCP 72.06 (1) (b)
350 4.

351 (e) *Fees for operating without a ~~permit~~ license.* Any hotel, motel, or tourist rooming
352 house found to be operating without a ~~permit~~ license shall pay to the department an amount of
353 \$749.00, in addition to all applicable fees and any processing charges under s. ATCP 72.04 (6).

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

356
357 (f) *Duplicate ~~permit~~ license.* The department shall charge the operator of a hotel, motel,
358 or tourist rooming house \$15 for a duplicate ~~permit~~ license.

359 (g) *Fees for special condition inspections.* For inspection or consultation activities that
360 are not directly related to the department's ~~permitting and~~ licensing responsibilities, the
361 department shall charge the operator or the entity requesting the inspection or consultation
362 \$175.00.

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

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

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

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

374 (b) If the order to correct violations is not carried out by the expiration of the time period
375 stated in the order, or any extension of time granted for compliance, the department or agent may
376 issue an order under s. ATCP 72.07 to suspend or revoke the ~~permit~~ license to operate the hotel,
377 motel, or tourist rooming house.

378 **SECTION 37.** ATCP 72.07 is amended to read:

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

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

385 **(1)** (a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a permit,
386 a voided ~~permit~~ license, suspension, revocation, forfeiture, or an order given under s. ATCP
387 72.06 (1) (b) 4. or (2) shall be submitted in writing to the department of administration's division
388 of hearings and appeals within 15 days after receipt of the notice of the department's action.

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

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

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

395 **(3)** If the department voids a ~~permit~~ license under s. ATCP 72.04 (6), the operator shall
396 submit, within 15 days after receipt of the notice of the department's action, documentary

397 evidence that all applicable fees, late fees and processing charges have been paid and that there
398 are no outstanding payments due to the department.

399 **SECTION 41.** ATCP 72.09 is amended to read:

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

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

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

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

408 **BED AND BREAKFAST ESTABLISHMENTS**

409 ATCP 73.01 Authority and purpose.

410 ATCP 73.02 Scope.

411 ATCP 73.03 Definitions.

412 ATCP 73.04 ~~Permits~~ Licenses.

413 ATCP 73.05 Department fees.

414 ATCP 73.06 Enforcement.

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

416 ATCP 73.08 Appeals of actions by the department.

417 ATCP 73.09 Appeals of actions by agent health departments.

418 ATCP 73.10 Water supply and waste disposal.

419 ATCP 73.11 Toilet, handwashing and bathing facilities.

420 ATCP 73.12 Furnishings, equipment and utensils.

421 ATCP 73.13 Food.

422 ATCP 73.14 Building safety.

423 ATCP 73.145 Carbon monoxide detectors.

424 ATCP 73.15 Maintenance.

425 **Note:** Chapter HSS 197 was renumbered chapter HFS 197 under s. 13.93 (2m) (b) 1.,
426 Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No.
427 493. Chapter HFS 197 was renumbered chapter DHS 197 effective February 1, 2009, and
428 corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. **Chapter DHS**
429 **197 was renumbered chapter ATCP 73 under s. 13.92 (4) (b) 1., Stats., Register June 2016**
430 **No. 726.**

431

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

435

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

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

439 **SECTION 45.** ATCP 73.04 is amended to read

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

441 **(1) ~~PERMIT~~ LICENSE REQUIRED.**

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

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

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

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

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

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

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

473 (4) ~~PERMIT~~ LICENSE APPLICATION.

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

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

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

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

485 Note: To obtain a copy of the a bed and breakfast establishment operator license
486 application form, or to determine which agent to contact for an application form, call (608) 224-
487 4923 or send an e-mail to datcpdfslicensing@wi.gov.

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

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

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

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

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

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

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

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

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

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

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

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

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

531 (6) ~~VOIDED PERMIT LICENSE FOR FAILURE TO PAY FEES.~~ If an applicant or owner fails to
532 pay all applicable fees, late fees and processing charges under s. ATCP 73.05 within 15 days
533 after the applicant or owner receives notice of an insufficiency under s. ATCP 73.05, or within
534 45 days after the expiration of the ~~permit~~ license, whichever occurs first, the ~~permit~~ license is
535 void. An owner whose ~~permit~~ license is voided under this subsection may appeal the decision
536 under s. ATCP 73.08. In an appeal concerning a voided ~~permit~~ license under this subsection, the
537 burden is on the ~~permit~~ license applicant or owner to show that the entire applicable fees, late
538 fees and processing charges have been paid. During any appeal process concerning a payment
539 dispute, operation of the bed and breakfast establishment is deemed to be operation without a
540 ~~permit~~ license and is subject to the fees under s. ATCP 73.05 (2) in addition to the fees otherwise
541 due, unless the applicant or owner meets its burden of proof under this subsection.

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

544 **SECTION 46.** ATCP 73.05 is amended to read:

545 **ATCP 73.05 Department fees.**

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

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

553 (2) TYPES OF FEES.

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

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

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

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

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

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

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

577 (g) *Fees for special condition inspections.* For inspection or consultation activities that
578 are not directly related to the department's ~~permitting and~~ licensing responsibilities, the
579 departments shall charge the operator or the entity requesting the inspection or consultation
580 \$175.00.

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

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

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

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

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

597 **SECTION 49.** ATCP 73.07 is amended to read:

598 **ATCP 73.07 Suspension or revocation of ~~permit~~ license.** The department may, after
599 a hearing under s. ATCP 73.08, suspend or revoke a ~~permit~~ license for violation of ss. 97.603 to
600 97.65, Stats., this chapter or an order issued by the department. The suspension or revocation
601 order shall take effect 15 days after the date of issuance unless a hearing is requested under s.
602 ATCP 73.08 (1).

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

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

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

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

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

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

619 **SECTION 53.** ATCP 73.09 is amended to read:

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

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

624 **Subchapter I — Administration**

625 ATCP 76.01 Authority and purpose.

626 ATCP 76.02 Applicability.

627 ATCP 76.03 Approved comparable compliance.

628 ATCP 76.04 Definitions.

629 ATCP 76.05 ~~Permits~~ Licenses.

630 ATCP 76.06 Fees.

631 ATCP 76.07 Enforcement.

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

633 ATCP 76.09 Appeals of actions by the department.

634 ATCP 76.10 Appeals of actions by agent health departments.

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

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

637 (4) "Agent" means the city, county or village designated by the department under s.
638 97.615 (2), Stats., and ch. ATCP 74 to issue ~~permits~~ licenses to and make investigations or
639 inspections of public pools and water attractions.

640 **SECTION 57.** ATCP 76.05 is amended to read:

641 **ATCP 76.05 ~~Permits~~ Licenses.**

642 **(1) ~~PERMIT LICENSE~~ REQUIRED.**

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

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

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

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

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

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

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

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

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

678

679 (4) ~~PERMIT~~ LICENSE APPLICATION.

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

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

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

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

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

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

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

698
699 (b) *Renewal ~~permit~~ license*. Application for a renewal ~~permit~~ license shall be made on an
700 application form furnished by the department or its agent and shall be accompanied by all of the
701 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

737 (d) If the department or its agent denies an application for a permit, the applicant shall be
738 given reasons, in writing, for the denial and information regarding appeal rights under s. ATCP
739 76.09.

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

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

753 **SECTION 58.** ATCP 76.06 is amended to read:

754 **ATCP 76.06 Fees.**

755 (1) TYPES OF FEES.

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

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

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

765 (d) *Reinspection fee.* If the department conducts a reinspection of a pool under s. ATCP
766 76.07 (1) (b) 1. and 2., the owner shall pay to the department the applicable reinspection fee
767 listed in Table ATCP 76.06. The department shall assess an additional \$50 fee for any additional
768 reinspection conducted under s. ATCP 76.07 (1) (b) 4.

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

772 **Note:** Anyone operating a pool without a license is also subject to the penalties in ss.
773 97.72 and 97.73, Stats.

774
775 (f) *Duplicate ~~permit~~ license.* The department shall charge the operator of a pool \$10 for a
776 duplicate permit. - See PDF for table 1 Including swimming, whirlpool, wading, therapy,
777 exercise, cold soak, mobile, combination, diving pools, and experimental pools.2 Including

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

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

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

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

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

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

794 **SECTION 61.** ATCP 76.08 is amended to read:

795 **ATCP 76.08 Suspension or revocation of ~~permit~~ license.** The department may, after
796 a hearing under s. ATCP 76.09, suspend or revoke a ~~permit~~ license for violation of s. 97.67,
797 Stats., this chapter or an order issued by the department. The suspension or revocation order shall
798 take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 76.09
799 (1).

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

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

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

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

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

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

816 **SECTION 65.** ATCP 76.10 is amended to read:

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

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

821 **RECREATIONAL AND EDUCATIONAL CAMPS**

822 ATCP 78.01 Authority and purpose.

823 ATCP 78.02 Scope.

824 ATCP 78.03 Definitions.

- 825 ATCP 78.04 Plan consultation.
- 826 ATCP 78.05 ~~Permits~~ Licenses.
- 827 ATCP 78.06 Department fees.
- 828 ATCP 78.07 Enforcement.
- 829 ATCP 78.08 Suspension or revocation of ~~permit~~ license.
- 830 ATCP 78.09 Appeals of actions by the department.
- 831 ATCP 78.10 Appeals of actions by agent health departments.
- 832 ATCP 78.11 Location of the camp.
- 833 ATCP 78.12 Water supply.
- 834 ATCP 78.13 Sewage disposal system.
- 835 ATCP 78.14 Toilet and shower facilities.
- 836 ATCP 78.15 Garbage and refuse.
- 837 ATCP 78.16 Food preparation and service.
- 838 ATCP 78.17 Buildings and grounds.
- 839 ATCP 78.18 Safety and supervision.
- 840 ATCP 78.19 Health.
- 841 ATCP 78.20 Register.
- 842 ATCP 78.21 Sleeping quarters.
- 843 ATCP 78.22 Primitive camping.

844 **Note:** Chapter H 75 as it existed on August 31, 1978, was repealed and a new Chapter H 75 was created effective
845 September 1, 1978. Chapter H 75 was renumbered Chapter HSS 175 effective June 1, 1982; Chapter HSS 175 as it existed on
846 October 31, 1985 was repealed and a new Chapter HSS 175 was created effective November 1, 1985. Chapter HSS 175 was
847 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.,
848 Stats., Register, January 1997, No. 493. Chapter HFS 175 as it existed on January 31, 2001, was repealed and a new chapter HFS
849 175 was created effective February 1, 2001. Chapter HFS 175 was renumbered chapter DHS 175 effective February 1, 2009, and

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

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

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

856 (3) "Agent" means the city, county or village designated by the department under s.
857 97.615 (2), Stats., to issue ~~permits~~ licenses to and make investigations or inspections of
858 recreational and educational camps.

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

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

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

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

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

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

868 **SECTION 71.** ATCP 78.05 is amended to read:

869 **ATCP 78.05 Permits Licenses.**

870 (1) ~~PERMIT~~ LICENSE REQUIRED.

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

875 **Note:** Local health departments that are agents for the department have authority under s.
876 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by the local health
877 department. If ~~you~~ the establishment was permitted by a local health department, contact the
878 local health department for its ~~permit~~ license fee schedule.

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

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

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

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

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

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

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

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

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

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

912 (4) ~~PERMIT~~ APPLICATION.

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

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

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

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

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

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

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

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

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

940 (b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued
941 validity of a ~~permit~~ license issued under this paragraph may be conditioned upon the requirement
942 that the ~~permit~~ license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances
943 adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not
944 met within the specified time or after an extension of time approved by the department, the
945 ~~permit~~ license is void. No person may operate a camp after a ~~permit~~ license has been voided
946 under this paragraph, and any person who does so shall be subject to the penalties under ss.
947 97.72 and 97.73, Stats. An operator whose ~~permit~~ license is voided under this paragraph may
948 appeal the decision under s. ATCP 78.09.

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

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

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

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

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

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

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

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

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

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

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

980 **SECTION 72.** ATCP 78.06 is amended to read:

981 **ATCP 78.06 Department fees.**

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

985 **Note:** Local health departments that are agents for the department have authority under s.
986 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by the local health
987 department. If your establishment was permitted by a local health department, contact the local
988 health department for its ~~permit~~ license fee schedule.

989 (2) TYPES OF FEES.

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

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

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

999 (d) *Reinspection fee.* If the department conducts a reinspection of a camp under s. ATCP
1000 78.07 (1) (b), the operator shall, pursuant to sub. (1), pay to the department the applicable
1001 reinspection fee listed in Table ATCP 78.06 A or B. The department shall assess an additional
1002 reinspection fee as listed in Table ATCP 78.06 A or B, whichever is applicable, for any
1003 additional re-inspection conducted under s. ATCP 78.07 (1) (b) 4.

1004 (e) *Fees for operating without a ~~permit~~ license.* Any camp found to be operating without
1005 a ~~permit~~ license shall pay to the department a fee of \$749.00, in addition to all applicable fees
1006 and any processing charges under section.

1007 **Note:** Anyone operating a camp without a license is also subject to the penalties in ss.
1008 97.72 and 97.73, Stats.

1009 (f) *Duplicate ~~permit~~ license.* The department shall charge the operator a camp \$15 for a
1010 duplicate ~~permit~~ license.

1011 (g) *Fees for special condition inspections.* For inspection or consultation activities that
1012 are not directly related to the department's ~~permitting~~ and licensing responsibilities, the
1013 department shall charge the operator or the entity requesting the inspection or consultation
1014 \$175.00.

1015 (3) **METHOD OF PAYMENT.** If the payment for an initial or renewal ~~permit~~ license is by
1016 check or other draft drawn upon an account containing insufficient funds, the applicant or
1017 operator shall, within 15 days after receipt of notice from the department of the insufficiency,
1018 pay all applicable fees under sub. (1) and the financial institution's processing charges by
1019 cashier's check or other certified draft, money order, or cash. - See PDF for table PDF - See PDF
1020 for table PDF

1021 **SECTION 73.** ATCP 78.07 (1) (b) 4 is amended to read:

1022 4. If an additional reinspection is required because a violation has not been corrected in
1023 the scheduled time, the department shall assess the operator an additional reinspection fee as
1024 authorized under s. ATCP 78.06 (2) (d), and the department may order the operator to show just
1025 cause why the ~~permit~~ license should not be suspended or revoked under s. ATCP 78.08.

1026 **SECTION 74.** ATCP 78.07 (2) (b) is amended to read:

1027 (b) If the order to correct violations is not carried out by the expiration of the time period
1028 stated in the order, or any extension of time granted for compliance, the department or agent may
1029 issue an order under s. ATCP 78.08 to suspend or revoke the ~~permit~~ license to operate the camp.

1030 **SECTION 75.** ATCP 78.08 is amended to read:

1031 **ATCP 78.08 Suspension or revocation of ~~permit~~ license.** The department may, after a
1032 hearing under s. ATCP 78.09, suspend or revoke a ~~permit~~ license for violation of s. 97.67, Stats.,
1033 this chapter or an order issued by the department. The suspension or revocation order shall take
1034 effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 78.09.

1035 **SECTION 76.** ATCP 78.09 (1) (a) is amended to read:

1036 (a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a ~~permit~~
1037 license, a voided ~~permit~~ license, suspension, revocation, forfeiture, or an order given under s.
1038 ATCP 78.07 (1) (b) 4. or (2) shall be submitted in writing to the department of administration's
1039 division of hearings and appeals within 15 days after receipt of the notice of the department's
1040 action.

1041 **SECTION 77.** ATCP 78.09 (1) (e) is amended to read:

1042 (e) As a condition for requesting a hearing under this subsection to appeal the voiding of
1043 a ~~permit~~ license, an applicant or operator shall comply with sub. (3). In an appeal concerning

1044 voiding a ~~permit~~ license, the burden is on the applicant or operator to show that the entire
1045 applicable fees, late fees and processing charges have been paid.

1046 **SECTION 78.** ATCP 78.09 (3) is amended to read:

1047 **(3)** If the department voids a ~~permit~~ license under s. ATCP 78.05 (6), the operator shall
1048 submit, within 15 days after receipt of the notice of the department's action, documentary
1049 evidence that all applicable fees, late fees and processing charges have been paid and that there
1050 are no outstanding payments due to the department.

1051 **SECTION 79.** ATCP 78.10 is amended to read:

1052 **ATCP 78.10 Appeals of actions by agent health departments.** If an agent issues a
1053 ~~permit~~ license under this chapter, the agent shall create enforcement and appeal procedures under
1054 ss. 66.0417 and 97.615 (2) (g), Stats.

1055 **SECTION 80.** ATCP 78.18 (6) is amended to read:

1056 **(6) SWIMMINGPOOLS.** Any swimming pool, wading pool, whirlpool or similar structure
1057 shall comply with ch. SPS 390 and the camp operator shall obtain a ~~permit~~ license and operate
1058 the pool in accordance with ch. ATCP 76.

1059 **SECTION 81.** ATCP 79, TABLE OF CONTENTS, is amended to read:

1060 **CAMPGROUNDS**

1061 ATCP 79.01 Authority and purpose.

1062 ATCP 79.02 Scope.

1063 ATCP 79.03 Definitions.

1064 ATCP 79.04 Plans and specifications for campgrounds.

1065 ATCP 79.05 ~~Permit~~ License to operate a campground.

1066 ATCP 79.06 Department fees.

- 1067 ATCP 79.07 Enforcement.
- 1068 ATCP 79.08 Suspension or revocation of ~~permit~~ license.
- 1069 ATCP 79.09 Appeals of actions by the department.
- 1070 ATCP 79.10 Appeals of actions by agent health departments.
- 1071 ATCP 79.11 Campsite use, designation, location, and density.
- 1072 ATCP 79.12 Campground access and road systems.
- 1073 ATCP 79.13 Camping units.
- 1074 ATCP 79.14 Water supply; water systems and service connections.
- 1075 ATCP 79.15 Sewage and wastewater treatment and handling.
- 1076 ATCP 79.16 Toilet facilities.
- 1077 ATCP 79.17 Shower building.
- 1078 ATCP 79.18 Petting zoos.
- 1079 ATCP 79.19 Fish and game cleaning station.
- 1080 ATCP 79.20 Garbage and refuse.
- 1081 ATCP 79.21 Insect and rodent control.
- 1082 ATCP 79.22 Fire prevention.
- 1083 ATCP 79.23 Play equipment.
- 1084 ATCP 79.24 General campground administration.
- 1085 ATCP 79.25 Mobile or manufactured homes in a campground.
- 1086 ATCP 79.26 Special event campgrounds.
- 1087 ATCP 79.27 Rustic campsites.

1088 **Note:** Chapter H 78 as it existed on August 31, 1978 was repealed and a new chapter H
1089 78 was created effective September 1, 1978. Chapter H 78 was renumbered chapter HSS 178,
1090 effective June 1, 1982; chapter HSS 178 as it existed on October 31, 1985 was repealed and a
1091 new chapter HSS 178 was created effective November 1, 1985. Chapter HSS 178 was

1092 renumbered chapter HFS 178 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93
1093 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HFS 178 was renumbered
1094 chapter DHS 178 effective February 1, 2009, and corrections made under s. 13.92 (4) (b) 7.,
1095 Stats., Register January 2009 No. 637. Chapter DHS 178 was repealed and recreated effective 2-
1096 1-16 by CR 15-001. Chapter DHS 178 was renumbered chapter ATCP 79 under s. 13.92 (4) (b)
1097 1., Stats., Register June 2016 No. 726.

1098
1099 ~~Note: Effective 7-1-16, 2015 Wis. Act 55 amended the word "permit" in ch. 254, stats.,~~
1100 ~~to become "license" in ch. 97, stats., and all references in this chapter to "permit" mean "license"~~
1101 ~~for the purpose of licensing, regulation, and enforcement of this chapter by the department.~~
1102

1103 **SECTION 82.** ATCP 79.03 (1) is amended to read:

1104 (1) "Agent" means the city, county or village designated by the department under s.
1105 97.615 (2), Stats., and ch. ATCP 74 to issue ~~permits~~ licenses to and make investigations or
1106 inspections of public pools and water attractions.

1107 **SECTION 83.** ATCP 79.03 (24) is amended to read:

1108 (24) "Person" means, for purposes of issuing a ~~permit~~ license, an individual, partnership,
1109 association, firm, company, corporation, municipality, county, town or state agency, whether
1110 tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these, as applicable.

1111 **SECTION 84.** ATCP 79.05 is amended to read:

1112 **ATCP 79.05 ~~Permit~~ License to operate a campground.**

1113 (1) ~~PERMIT~~ LICENSE REQUIRED.

1114 (a) *Conditions requiring a ~~permit~~ license.* No person may operate a campground without
1115 a ~~permit~~ license from the department or its agent if any one of the following applies:

1116 1. A person offers or intends to offer 3 or fewer campsites and advertises or otherwise
1117 presents to the public an offer of the campground or specific campsites.

1118 2. A person offers or intends to offer 4 or more campsites, regardless whether the person
1119 advertises or otherwise presents to the public an offer of the campground or specific campsites.

1120 **Note:** Pursuant to s. 97.67 (1g), Stats., a campground ~~permit~~ license is not required for
1121 camping at a county or district fair at which 4-H Club members exhibit, for the 4 days preceding
1122 the fair, the duration of the fair, and the 4 days following the fair.

1123
1124

3.

1125 a. Except as provided under subd. 3. b., if a ~~permit~~ license holder sells or otherwise
1126 transfers ownership or operation of a campground to another person, a new ~~permit~~ license is
1127 required under s. 97.67 (2) (a), Stats., and the campground may not be opened to the public until
1128 the department or its agent has issued a new ~~permit~~ license.

1129 b. As provided in s. 97.67 (2) (b) and (c), Stats., an individual may transfer a ~~permit~~
1130 license to an immediate family member, if the individual is transferring operation of the
1131 campground. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70
1132 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of
1133 business entity may transfer a ~~permit~~ license to the newly formed business entity or sole
1134 proprietorship if the campground remains at the location for which the ~~permit~~ license was issued
1135 and at least one individual who had an ownership interest in the sole proprietorship or business
1136 entity to which the ~~permit~~ license was issued has an ownership interest in the newly formed sole
1137 proprietorship or business entity.

1138 c. Except as provided in this paragraph, no ~~permit~~ license issued under this chapter is
1139 transferable from one premise to another or from one person or entity to another.

1140 d. A person who wishes to transfer a ~~permit~~ license under subd. 3. a. or b. shall notify the
1141 department or its agent prior to operation of the campground.

1142 **Note:** Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse,
1143 grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent,
1144 parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 179.70 (1), Stats.,
1145 "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability
1146 company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as
1147 defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102

1148 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9),
1149 Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

1150

1151 **Note:** To notify the department of a transfer of ownership, call (608) 224-4923 or send
1152 an e-mail to datcpdfslicensing@wi.gov.

1153 (b) *Conditions requiring multiple ~~permits~~ licenses.* If 2 or more campgrounds are located
1154 within a tract of land owned by the person who owns or operates both campgrounds and the
1155 central registration location of each campground is separated by 5 or more miles, a separate
1156 ~~permit~~ license is required for each campground.

1157 (c) *Preinspection required.* Before the department or its agent may issue a ~~permit~~ license
1158 to operate a campground under par. (a) or (b), the department or agent shall conduct a
1159 preinspection. A preinspection is not required for a transfer to an immediate family member
1160 under par. (a) 3. b.

1161 **Note:** Pursuant to 97.67(1m), Stats., the department or a local health department granted
1162 agent status under s. 97.615 (2), Stats., may not, without a preinspection, grant a ~~permit~~ license
1163 to a person intending to operate a new public campground or to a person intending to be the new
1164 operator of an existing campground.

1165 (2) ~~PERMIT~~ LICENSE DURATION AND RENEWAL.

1166 (a) *Expiration.* Each ~~permit~~ license issued under this chapter expires on June 30, except
1167 that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June
1168 30, expires on June 30 of the following year.

1169 (b) *Annual renewal.* Each ~~permit~~ license shall be renewed annually as provided in sub.
1170 (4).

1171 (3) NEW ~~PERMIT~~ LICENSE.

1172 (a) *Application.* To apply for a new ~~permit~~ license, the applicant shall apply on an
1173 application form provided by the department or its agent. The completed application shall be
1174 accompanied by all of the following:

1175 1. The applicable fees specified under s. ATCP 79.06 and any fees previously due to the
1176 department or its agent under this chapter.

1177 2. Information, as determined by the department or its agent, including documentation
1178 that the campground will be maintained and operated in compliance with this chapter, applicable
1179 federal and state laws, as it relates to the health, safety, and welfare of the public.

1180 **Note:** As provided under s. 97.615 (2) (d), Stats., a local health department can establish
1181 and collect fees for ~~permits~~ licenses. If you were issued a ~~permit~~ license by a local health
1182 department, contact the local health department for its ~~permit~~ license fee schedule.

1183 (b) *Requests for preinspection.* The operator shall contact the department or its agent and
1184 arrange a time for the preinspection required under s. ATCP 79.05 (1) (c), before operating a
1185 campground.

1186 **Note:** To obtain a copy a copy of the campground operator license application form, or
1187 to arrange for a preinspection, call (608) 224-4923 or send an e-mail to
1188 datcpdfslicensing@wi.gov.

1189
1190 (4) ~~PERMIT LICENSE~~ RENEWAL.

1191 (a) To renew a ~~permit~~ license, the operator shall pay the department the applicable ~~permit~~
1192 license fee specified under s. ATCP 79.06 before the ~~permit~~ license expires. If payment to renew
1193 a ~~permit~~ license fee is not received by the department before the expiration date of the ~~permit~~
1194 license, the late fee specified under s. ATCP 79.06 (2) (c) shall be paid in addition to the ~~permit~~
1195 license fee. An application for a renewal ~~permit~~ license is not required.

1196 (b)

1197 1. The department may refuse to renew a ~~permit~~ license as provided under sub. (5) (a) 1.

1198 2. The department shall refuse to renew a ~~permit~~ license as provided under sub. (5) (b).

1199 (5) DEPARTMENT OR AGENT ACTION ON A ~~PERMIT LICENSE~~ APPLICATION.

1200 (a) *Department decision on a ~~permit~~ license.*

1201 1. The department or its agent may not issue a new ~~permit~~ license or renew an existing
1202 ~~permit~~ license for a campground unless all of the following conditions are met:

1203 a. The operator has corrected a condition for which the department or agent has issued a
1204 written health or safety-related order.

1205 b. The operator, applicant, or ~~permit~~ license holder has provided the department or its
1206 agent with the information required under sub. (3) (a) 2., or documentation indicating that the
1207 campground is designed and constructed in accordance with the state law and regulations stated
1208 in this chapter.

1209 c. The department or its agent has determined that the operator, applicant or ~~permit~~
1210 license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s.
1211 227.04 (1) (a), ~~Stats.~~

1212 (b) *Permit License prohibited.* The department or its agent shall refuse to issue a new
1213 ~~permit~~ license or renew an existing ~~permit~~ license to operate a campground under any of the
1214 following circumstances:

1215 1. A fully and accurately completed, signed and dated application has not been received
1216 by the department or its agent.

1217 2. The department or its agent has not conducted the preinspection required under s.
1218 ATCP 79.05 (1) (c).

1219 3. The department or its agent has not approved the plan for the campground under s.
1220 ATCP 79.04.

1221 4. The operator has not paid all of the applicable fees under s. ATCP 79.06.

1222 5. The operator has modified, repaired, or maintained the campground in a manner that is
1223 not in accordance with what the department recognizes as safe practice as outlined in this
1224 chapter.

1225 (c) *Conditional ~~permit~~ license*. Except as provided in s. 93.135, Stats., the initial
1226 issuance, renewal, or continued validity of a ~~permit~~ license may be conditioned upon the
1227 requirement that the ~~permit~~ license holder correct a violation of this chapter, s. 97.67, Stats., or
1228 ordinances adopted under s. 97.615 (2) (g), Stats., within a specified period of time. If the
1229 condition is not satisfied within the specified time or after an extension of time approved by the
1230 department, the ~~permit~~ license is void. No person may operate a campground after a ~~permit~~
1231 license has been voided. Any person who does so shall be subject to the penalties under ss. 97.72
1232 and 97.73, Stats., and fees under s. ATCP 79.06 (2) (e). An operator whose ~~permit~~ license is
1233 voided under this paragraph may appeal the decision under s. ATCP 79.09.

1234 (d) *Granting or denial of a license*.

1235 1. The department or its agent shall issue or deny a new ~~permit~~ license or shall renew a
1236 ~~permit~~ license for a campground within 30 days after the applicant meets all of the requirements
1237 under subs. (3) or (4), as applicable.

1238 2. If the department or its agent denies an application for a ~~permit~~ license, the applicant
1239 shall be given reasons, in writing, for the denial and information regarding appeal rights
1240 provided under s. ATCP 79.09.

1241 **(6) VOIDED ~~PERMIT~~ LICENSE FOR FAILURE TO PAY FEES.**

1242 (a) *Payment time frame*. If an applicant or operator fails to pay all applicable fees, late
1243 fees, and processing charges under s. ATCP 79.06, within 45 days after the expiration of the
1244 ~~permit~~ license, the ~~permit~~ license is void.

1245 (b) *Notice of insufficiency.* If the department receives a notice of an insufficiency under
1246 s. ATCP 79.06 (3), the applicant or operator shall have 15 days after receipt of notice from the
1247 department of the insufficiency to pay all applicable fees and processing charges or the ~~permit~~
1248 license is void.

1249 (c) *Appeal rights.* An operator whose ~~permit~~ license is voided under this subsection may
1250 appeal the decision as provided under s. ATCP 79.09. The burden is on the ~~permit~~ license
1251 applicant or operator to show that all applicable fees, late fees and processing charges have been
1252 paid. During any appeal process concerning a payment dispute, operation of the campground is
1253 deemed to be operation without a ~~permit~~ license and is subject to the fees under s. ATCP 79.06
1254 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of
1255 proof under this subsection.

1256 (7) ~~PERMIT LICENSE~~ POSTING. A current ~~permit~~ license issued by the department shall
1257 be posted in a place visible to the public. A ~~permit~~ license may not be altered or defaced.

1258 **SECTION 85.** ATCP 79.06 is amended to read:

1259 **ATCP 79.06 Department fees.**

1260 (1) **FEE SCHEDULE.** Pursuant to s. 97.67 (5), Stats., no permit may be issued until all
1261 applicable fees have been paid. Table ATCP 79.06 applies to campground ~~permits~~ licenses
1262 issued by the department under this chapter.

1263 **Note:** As provided in s. 97.615 (2) (d), Stats., a local health department can establish
1264 and collect fees for ~~permit~~ license If you were issued a ~~permit~~ license by a local health
1265 department, contact the local health department for its ~~permit~~ license fee schedule.

1266
1267 (2) **TYPES OF FEES.**

1268 (a) *Preinspection fee.* The operator shall pay the applicable preinspection fee listed in
1269 Table ATCP 79.06 to the department before a new ~~permit~~ license is issued under s. ATCP 79.05
1270 (3).

1271 (b) *Permit License fee.* The operator shall pay the applicable ~~permit~~ license fee listed in
1272 Table ATCP 79.06 to the department for each campground for which the operator applies for a
1273 new or renewal ~~permit~~ license.

1274 (c) *Late fee.* If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the
1275 expiration date of the ~~permit~~ license, the operator shall pay to the department a late fee of \$85.00
1276 in addition to the renewal ~~permit~~ license fee.

1277 (d) *Reinspection fee.* If the department conducts a reinspection of a campground under s.
1278 ATCP 79.07 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection
1279 fee listed in Table ATCP 79.06. The department shall assess an additional fee as listed in Table
1280 ATCP 79.06, for any second or subsequent reinspection conducted under s. ATCP 79.07 (1) (b)
1281 4.

1282 (e) *Fees for operating without a ~~permit~~ license.* If a campground is found to be operating
1283 without a ~~permit~~ license, the operator shall pay to the department a fee of \$749.00, in addition to
1284 all applicable fees and any processing charges under sub. (3).

1285 Note: Anyone operating a campground without a license is also subject to the penalties
1286 in ss. 97.72 and 97.73, Stats.

1287 (f) *Duplicate ~~permit~~ license.* If an operator requests a duplicate ~~permit~~ license, the
1288 operator shall pay the department a fee of \$15.00.

1289 (g) *Fees for special condition inspections.* For inspection or consultation activities that
1290 are not directly related to the department's responsibilities for issuing ~~permits~~ licenses, the

1291 department shall charge the operator or the entity requesting the inspection or consultation
1292 \$175.00.

1293 **(3) PENALTIES FOR INSUFFICIENCY OF PAYMENT.** If the payment for a new or renewal
1294 ~~permit~~ license is by check or other draft drawn upon an account containing insufficient funds, the
1295 applicant or operator shall, within 15 days after receipt of notice from the department of the
1296 insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing
1297 charges by cashier's check or other certified draft, money order, or cash.

1298 **SECTION 86.** ATCP 79.07 (1) (b) 4. is amended to read:

1299 4. If an additional reinspection is required because a violation has not been corrected in
1300 the scheduled time, the department shall assess a second or subsequent reinspection fee based on
1301 Table ATCP 79.06 as authorized under s. ATCP 79.06 (2) (d), and the department may order the
1302 operator to show just cause why the ~~permit~~ license should not be suspended or revoked under s.
1303 ATCP 79.08.

1304 **SECTION 87.** ATCP 79.07 (2) (b) 1. is amended to read:

1305 1. If a violation is not corrected by the expiration of the time period stated in the order
1306 given under par. (a), or any extension of time granted under par. (c), the department or agent may
1307 issue an order under s. ATCP 79.08 to suspend or revoke the ~~permit~~ license to operate the
1308 campground. An order for suspension or revocation shall take effect as provided under s. ATCP
1309 79.08.

1310 **SECTION 88.** ATCP 79.07 (4) (b) is amended to read:

1311 (b) The department or its agent shall void the campground ~~permit~~ license under s. ATCP
1312 79.05 (5) (b), if the operator continues to be out of compliance or fails to meet the objectives.

1313 **SECTION 89.** ATCP 79.08 is amended to read:

1314 **ATCP 79.08 Suspension or revocation of ~~permit~~ license.** The department may, after
1315 a hearing under s. ATCP 79.09, suspend or revoke a ~~permit~~ license for violation of s. 97.67,
1316 Stats., this chapter or an order issued by the department. The suspension or revocation order shall
1317 take effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 79.09
1318 (1).

1319 **SECTION 90.** ATCP 79.09 (1) (a) is amended to read:

1320 (a) Except as provided in sub. (2) or (3), a request for a hearing to contest the denial of a
1321 ~~permit~~ license, a voided ~~permit~~ license, suspension, revocation, forfeiture, or the issuance of an
1322 order under s. ATCP 79.07 (2) shall be submitted in writing to, and be received by, the
1323 department of administration's division of hearings and appeals within 15 calendar days after the
1324 date of the department's action.

1325 **SECTION 91.** ATCP 79.09 (1) (e) is amended to read:

1326 (e) As a condition for requesting a hearing to appeal the voiding of a ~~permit~~ license, an
1327 applicant or operator shall comply with sub. (3). In an appeal concerning voiding a ~~permit~~
1328 license, the burden is on the applicant or operator to show that all the applicable fees, late fees
1329 and processing charges have been paid.

1330 **SECTION 92.** ATCP 79.09 (3) is amended to read:

1331 (3) If the department voids a ~~permit~~ license for failure to pay fees under s. ATCP 79.05
1332 (6), the operator shall submit, within 15 days after receipt of the notice of the department's
1333 action, documentary evidence that all applicable fees, late fees and processing charges have been
1334 paid and that there are no outstanding payments due to the department.

1335 **SECTION 93.** ATCP 79.10 is amended to read:

1336 **ATCP 79.10 Appeals of actions by agent health departments.** If an agent issues a
1337 ~~permit~~ license under this chapter, the operator shall appeal enforcement action to the agent health
1338 department.

1339 **SECTION 94.** ATCP 79.13 (2) (b) is amended to read:

1340 (b) *Camping cabins.* Each camping cabin in the seasonal campsite and any addition or
1341 attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall
1342 be maintained and equipped in a manner that protects the health and safety of camper in
1343 accordance with ~~chs. ch. SPS 320 to 325~~ 327. Camping cabins may not be more than 400 square
1344 feet in area. The department or its agent may refer health and safety related construction
1345 concerns to the local zoning department or the department of safety and professional services.

1346 **SECTION 95.** ATCP 79.13 (3) (a) 2. is amended to read:

1347 2. The campground operator shall obtain a ~~permit~~ license for a tourist rooming house and
1348 comply with the requirements of ch. ATCP 72 for an operator-provided camping unit that is
1349 more than 400 square feet in area, except for a tent, mobile home, manufactured home, or
1350 recreational vehicle.

1351 **SECTION 96.** ATCP 79.13 (3) (d) is amended to read:

1352 (d) *Camping cabins; building code requirements.* Each operator-provided camping cabin
1353 and any addition or attachment to a camping cabin, whether used for habitation or means of
1354 ingress or egress, shall be maintained in accordance with ~~chs. ch. SPS 320 to 325~~ 327. The
1355 department or its agent may refer health and safety related construction concerns to the local
1356 zoning department or the department of safety and professional services.

1357 **SECTION 97.** ATCP 79.26 (1), (2) and (3) are amended to read:

1358 **ATCP 79.26 (1) ~~PERMIT~~ LICENSE REQUIRED.**

1359 (a) Before a person may operate a special event campground, the person shall have a
1360 ~~permit~~ license issued by the department or its agent. The department or its agent may issue a
1361 ~~permit~~ license for a special event campground only in conjunction with a special event, such as a
1362 fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

1363 (b) No camping may occur until a ~~permit~~ license is granted by the department or its
1364 agent.

1365 (2) ~~PERMIT LICENSE~~ DURATION AND RENEWAL A ~~permit~~ license issued under this section
1366 may not exceed 14 days in duration.

1367 (3) APPLICATION. The application for a ~~permit~~ license for a special event campground
1368 shall be made to the department or its agent at least 30 days before the special event. The
1369 application for a ~~permit~~ license shall be made on an application form provided by the department
1370 or its agent and shall include all of the following:

1371 **SECTION 98.** ATCP 90.01 (15g) and (Note) are amended to read:

1372 (15g) “*NIST Handbook 44*” means *NIST Handbook 44* (~~2016~~ 2018 edition) published by
1373 the National Institute of Standards and Technology, United States department of commerce.

1374 **Note:** Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical*
1375 *Requirements for Weighing and Measuring Devices* (~~2016~~ 2018 edition) are on file with the
1376 department and the legislative reference bureau. Copies may be obtained from the U.S.
1377 Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website:
1378 www.nist.gov.
1379

1380 **SECTION 99.** ATCP 90.01 (15r) and (Note) are amended to read:

1381 (15r) “*NIST Handbook 133*” means *NIST Handbook 133* (~~2016~~ 2018 edition) published
1382 by the National Institute of Standards and Technology, United States department of commerce.

1383 **Note:** Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods*
1384 (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies

1385 may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C.
1386 20102-0001, website: www.nist.gov.

1387 **SECTION 100.** ATCP 90.03 (1) (b) is amended to read:

1388 (b) Business address. The business address of the responsible person under par. (a). The
1389 business address shall include street address, city, state, and ZIP code, except that the street
1390 address may be omitted ~~if the address can be found under the name of the responsible person in a~~
1391 ~~current city directory or telephone directory~~ if it is listed in any readily accessible, well-known,
1392 widely published, and publicly available resource, such as a printed directory, electronic
1393 database or website. If a person manufactures, packs, or distributes a consumer commodity at a
1394 place of business other than the person's principal place of business, the label may disclose the
1395 address of that principal place of business rather than the actual place of manufacture, packing,
1396 or distribution, provided that the substitute disclosure is not deceptive or misleading.

1397 **SECTION 101.** ATCP 90.04 (7) (Note) is amended to read:

1398 **Note:** The above symbols need not be followed by periods or expressed as plurals. For
1399 example, “oz: is the symbol for both “ounce” and “ounces.” Both upper and lower case letters
1400 and exponents are acceptable.

1401 **SECTION 102.** ATCP 91.01 (4) and (Note) are amended to read:

1402 (4) "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition) published by
1403 the National Institute of Standards and Technology, United States department of commerce.

1404 **Note:** Copies of *NIST Handbook 130* (~~2016~~ 2018 edition) are on file with the department
1405 and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing
1406 Office, Stop SSOP, Washington, D.C. 20102-0001, or at www.nist.gov.

1407 **SECTION 103.** ATCP 91.03 (3) (L) is repealed.

1408 **SECTION 104.** ATCP 92.01 (10h) and (Note) are amended to read:

1409 (10h) "*NIST Handbook 44*" means *NIST Handbook 44* (~~2016~~ 2018 edition) published by
1410 the National Institute of Standards and Technology, United States department of commerce.

1411 **Note:** Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical*
1412 *Requirements for Weighing and Measuring Devices* (~~2016~~ 2018 edition) are on file with the
1413 department and the legislative reference bureau. Copies may be obtained from the U.S.
1414 Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website:
1415 www.nist.gov.

1416 **SECTION 105.** ATCP 92.01 (10p) and (Note), and (10t) and (Note) are amended to read:

1417 **(10p)** "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition) published
1418 by the National Institute of Standards and Technology, United States department of commerce.

1419 **Note:** Copies of *NIST Handbook 130, Uniform Laws and Regulation in the Areas of*
1420 *Legal Metrology and Engine Fuel Quality* (~~2016~~ 2018 edition) are on file with the department
1421 and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing
1422 Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.
1423

1424 **SECTION 106.** ATCP 92.01 (10t) and (Note) are amended to read

1425 **(10t)** "*NIST Handbook 133*" means *NIST Handbook 133* (~~2016~~ 2018 edition) published by
1426 the National Institute of Standards and Technology, United States department of commerce.

1427 **Note:** Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods*
1428 (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies
1429 may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C.
1430 20102-0001, website: www.nist.gov.

1431 **SECTION 107.** ATCP 92.30 (9) Intro and (Note) are amended to read:

1432 ATCP 92.30 (9) EXEMPTIONS. Subsections (1) to (~~7~~6) do not apply to any of the
1433 following:

1434 **Note:** Scales identified under sub. (89) are not exempt from s. ATCP 92.02, from
1435 licensing requirements under s. 98.16, Stats., or from the testing requirement under s. 98.16
1436 (3m), Stats.

1437 **SECTION 108.** ATCP 94.200 (1) is amended to read:

1438 ATCP 94.200 (1) The following standards of the ~~2015~~ 2018 *Annual Book of ASTM*
1439 *Standards of the American society for testing and materials* ASTM International are
1440 incorporated by reference into this chapter:

- 1441 (a) ASTM ~~396-15e~~ D396-18, standard specification for fuel oils.
- 1442 (b) ASTM ~~D910-15~~ D910-18, standard specification for aviation gasolines.
- 1443 (c) ASTM ~~D975-15e~~ D975-18, standard specification for diesel fuel oils.
- 1444 (d) ASTM ~~D1655-15e~~ D1655-18a, standard specification for aviation turbine fuels.
- 1445 (e) ASTM D3699-13be1, standard specification for kerosine.
- 1446 (f) ASTM ~~D4806-15e~~ D4806-17, standard specification for denatured fuel ethanol for
- 1447 blending with gasolines for use as automotive spark-ignition engine fuel.
- 1448 (g) ASTM ~~D4814-15e~~ D4814-18b, standard specification for automotive spark-ignition
- 1449 engine fuel.
- 1450 (h) ASTM ~~D5798-15e~~ D5798-17, standard specification for ethanol fuel blends for
- 1451 flexible-fuel for automotive spark-ignition engines.
- 1452 (i) ASTM ~~D6227-14~~ D6227-17, standard specification for unleaded aviation gasoline
- 1453 containing a non-hydrocarbon component.
- 1454 (j) ASTM D6751-15c^{e1}, standard specification for biodiesel fuel blend stock (B100) for
- 1455 middle distillate fuels.
- 1456 (k) ASTM ~~D7467-15e~~ D7467-17, standard specification for diesel fuel oil, biodiesel
- 1457 blend (B6 to B20).
- 1458 (L) ASTM ~~D7547-15~~ D7547-17a, standard specification for hydrocarbon unleaded
- 1459 aviation gasoline.
- 1460 **SECTION 109.** ATCP 99.22 (2) is repealed.
- 1461 **SECTION 110.** ATCP 105.23 (2) (bm) is created to read:
- 1462 ATCP 105.23 (2) (bm) Electronically, by transmitting a web-based notification to a
- 1463 website specified by the department. Notice under this paragraph is presumed to be timely under

1464 sub. (1), if the department receives it by midnight of the day on which the person is required to
1465 give the notice, but this presumption may be rebutted.

1466 **SECTION 111.** ATCP 118.02 (2) (b) is amended to read:

1467 (b) Contain the following information in the following format.

1468 **NOTICE ABOUT LIABILITY FOR DAMAGE TO THE RENTAL CAR**

1469 The State of Wisconsin requires us to provide the following information about your
1470 liability for damage to a rental car and the purchase of a damage waiver.

1471 **LIABILITY FOR DAMAGE TO THE RENTAL CAR**

1472 The rental agreement makes you and any authorized driver liable for any damage to
1473 the rental car caused by an accident, or by intentional, reckless or wanton misconduct, or by
1474 theft that you may have intentionally caused. Total liability for any damage is limited to:

1475 1) reasonable repair costs, less discounts available to us, or the fair market
1476 value of the car, whichever is less, and

1477 2) actual and reasonable towing costs, and for storage costs during the period
1478 before you notify the rental company of the damage to the vehicle or for 14 days after the
1479 damage occurs, whichever period is shorter.

1480 **LIABILITY FOR DAMAGE AFTER THE RENTAL CAR HAS BEEN STOLEN**

1481 If a person who drives the rental car without your authorization causes damage to the
1482 car, you may be liable for the damage as though you or an authorized person was driving the
1483 car unless you do all of the following:

1484 1) Refrain from leaving the ignition key in the car when you are not in the car.

1485 2) Always keep the ignition key in your possession.

1486 3) Immediately report to the local police if you learn the car has been stolen, or that an
1487 unauthorized person is driving the car.

1488 4) Cooperate fully with the local police by providing any information you know that
1489 may be helpful.

1490 **INSURANCE OR CREDIT CARD COVERAGE**

1491 Liability for any damage may be covered by your personal insurance policy or credit
1492 card agreement. Check your insurance policy or credit card agreement about coverage.

1493 **DAMAGE WAIVER COVERAGE**

1494 A damage waiver is **not** insurance coverage. If you purchase a damage waiver for \$
1495 per day, we will waive our right to hold you or any authorized driver liable for damage. Even
1496 if you buy a damage waiver, you and any authorized driver will remain liable for damage if
1497 any of the following apply:

1498 1) You cause, or any authorized driver causes, the damage intentionally or by reckless
1499 or wanton misconduct.

1500 2) The damage occurs while you, or any authorized driver, operates the car in this
1501 state while under the influence of an intoxicant or other drug, as described by the laws of this
1502 state.

1503 3) The damage occurs while you, or any authorized driver, operates the car in another
1504 state while under the influence of an intoxicant or other drug, as described by the laws of that
1505 state.

1506 4) The damage occurs while you, or any authorized driver, is engaged in a race,
1507 speed, or endurance contest.

1508 5) The damage occurs while you or any authorized driver is using, or has directed
1509 another to use, the car in the commission of a misdemeanor, or a felony, as defined by s.
1510 939.60, Stats.

1511 6) The damage occurs while you are using, or any authorized driver is using, the car
1512 to carry persons or property for hire.

1513 7) The damage occurs while you are using, or any authorized driver is using, the car
1514 outside the United States and Canada, except as is permitted under the rental agreement.

1515 8) The damage occurs while the car is operated on a surface not intended for use by
1516 private passenger vehicles.

1517 9) You provide us misleading or false information in order to rent the car, which
1518 causes us to rent you the car when we would not have otherwise done so, or on terms to
1519 which we would not have otherwise agreed.

1520 10) You, or an authorized driver who was operating the car when an accident
1521 occurred, fail to promptly report, to us and the police, the accident resulting in damage to the
1522 car.

1523 11) The damage is caused by an unauthorized driver if you did not report a theft to
1524 the police within 24 hours after you learned the unauthorized driver took possession of the
1525 car, did not cooperate with the police in providing information about the theft, or left the
1526 ignition key in the car at the time of the theft.

1527 **NOTICE OF RIGHT TO INSPECT DAMAGE**

1528 If the car is damaged, we may not collect any amount for the damage unless you, or
1529 an authorized driver against whom we claim liability, have been promptly notified of your
1530 and your insurers' right to inspect the unrepaired car within two working days after we were
1531 notified of the damage. If you request, we must also give you a copy of any estimate we have
1532 obtained from a repair shop regarding any damage claim. Within 2 working days after
1533 receiving that estimate, you may request a second estimate from a competing repair shop and
1534 we must give you a copy of the second estimate.

1535 **COMPLAINTS**

1536 If you have any complaints about our attempt to hold you liable for damages or would
1537 like a copy of the state law that fully sets forth your rights and obligations, contact:

1538 ~~Wisconsin~~ Bureau of Consumer Protection Bureau
1539 P.O. Box 8911, Madison, WI 53708-8911
1540 ~~608-224-4960 (Madison area)~~ or Call toll-free: 1-800-422-7128

1541 **SECTION 112.** ATCP 118.12 (2) (a) is amended to read:

1542 (a) Include the following verbatim notice, in 16-point ~~bold-face~~ boldface type in the
1543 following format, immediately adjacent to the renter signature line in the rental agreement:

1544 **SECTION 113.** ATCP 118.12 (2) (c) is amended to read:

1545 (c) The notice under par. (b) shall be printed in 11-point type, except that capitalized
1546 portions shall be in 13-point type ~~bold-face~~ boldface type. If the notice is contained on a separate
1547 document, it shall be printed on 8 ½ by 11 inch paper.

1548 **SECTION 114. EFFECTIVE DATE:** This rule takes effect on the first day of the month
1549 following publication in the Wisconsin administrative register, as provided in s. 227.22 (2)
1550 (intro.), Stats.

Dated this _____ day of _____, 2019.

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Bradley M. Pfaff, Secretary