

Chapter HSS 195
HOTELS, MOTELS AND TOURIST ROOMING HOUSES

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Note: Chapter HSS 195 as it existed on June 30, 1985, was repealed and a new chapter HSS 195 was created effective July 1, 1985.

HSS 195.01 Authority and purpose. Section 50.57, Stats., gives the department authority to prescribe rules for hotels, including motels, and tourist rooming houses and to enforce these rules for the purpose of protecting public health and safety.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85.

HSS 195.02 Scope of rules. (1) **APPLICABILITY.** The provisions of this chapter apply to the operator of any hotel, motel or tourist rooming house.

(2) **APPROVED COMPARABLE COMPLIANCE.** When it appears to the department that strict adherence to a provision of this chapter is impractical for a particular hotel, motel or tourist rooming house, the department may approve a modification in that rule for that facility if the department is provided with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85.

HSS 195.03 Definitions. In this chapter:

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

(2) "Approved" means acceptable to the department, based on its determination of conformance with this chapter and good public health practices.

(3) "Communicable disease" has the meaning prescribed in s. HSS 145.03 (2).

(4) "Department" means the department of health and social services.

(5) "Easily cleanable" means readily accessible and made of a kind of material and finish and so fabricated that residue may be completely removed by normal cleaning methods.

(6) "Employe" means any person working in a hotel, motel or tourist rooming house.

(7) "Equipment" means, in connection with the operation of a hotel, motel or tourist rooming house, stoves, ranges, hoods, counters, refriger-

ators, ice-making machines, sinks and similar appliances and other items used to prepare or hold foods or to clean utensils.

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

(9) "Facility" means a hotel, motel or tourist rooming house.

(10) "Furnishings" means, in connection with the operation of a hotel, motel or tourist rooming house, linens, beds, bedding, chairs, tables, shelves, drapes, carpeting, curtains, decorations, fixtures and similar items provided in the sleeping rooms and common areas of the facility.

(11) "Hotel" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

(12) "Motel" means a hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

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

(14) "Operator" means the person legally responsible for the operation of the hotel, motel or tourist rooming house.

(15) "Person" means an individual, partnership, association, firm, company, corporation, municipality, county or town, whether tenant, owner, lessee, licensee, or the agent, heir or assignee of any of these.

(16) "Premises" means the tract of land on which a hotel, motel or tourist rooming house is located and all associated buildings on that land.

(17) "Privy" means a structure not connected to a plumbing system, which is used by persons for the disposal of human body wastes.

(18) "Sleeping accommodations offered for pay" means all sleeping rooms on the premises including quarters occupied by permanent guests but excluding sleeping rooms occupied by the operator or owner or his or her immediate family.

(19) "Tourist or transient" means a person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, business or employment.

(20) "Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. HSS 197.

(21) "Utensil" means any kitchenware, tableware, glassware, cutlery, container or similar item with which food or drink comes into contact during storage, preparation or serving.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85.

HSS 195.04 Permits. (1) **APPLICATION.** Before opening for business, every hotel, motel and tourist rooming house shall obtain a permit from the department or its agent by application made upon a form furnished by the department or agent.

Note: To obtain a copy of the application form, write: Bureau of Environmental Health, P.O. Box 309, Madison, Wisconsin 53701.

(2) **ACTION BY THE DEPARTMENT.** Within 30 days after receiving a completed application for a permit, the department or its agent shall either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department shall give the applicant reasons, in writing, for the denial. A permit shall not be issued to an operator of a new hotel, motel, or tourist rooming house or to a new operator of an existing hotel, motel or tourist rooming house without prior inspection of the facility by the department or its agent to ensure that the facility complies with this chapter.

(3) **DISPLAY OF PERMIT.** The permit issued by the department or its agent shall be conspicuously displayed in the hotel, motel or tourist rooming house.

(4) **CHANGE OF OWNERSHIP.** The owner of a hotel, motel or tourist rooming house shall promptly notify the department or agent in writing of an intention to cease operations and shall supply the department with the name and mailing address of any prospective new owner.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85.

HSS 195.05 Water supply and waste disposal. (1) **SERVICE AVAILABILITY.** The requirements covering water supply and sewage disposal facilities for all hotels, motels and tourist rooming houses are based upon the availability of public utilities as well as the practicability of connection to public utilities.

(2) **PUBLIC UTILITIES.** If an approved public water supply and approved public sewerage facilities are available to the premises of a hotel, motel or tourist rooming house, connection and use are required.

(3) **PRIVATE WELLS.** A private well is permitted as a source of water when a public water facility is not available to the premises. The well shall be located on the premises and be constructed and the pump installed in accordance with ch. NR 112, rules of the department of natural resources governing well drilling and pump installation. Whenever safe water cannot be obtained consistently from a well constructed in apparent compliance with ch. NR 112, as evidenced by laboratory reports, the well shall be reconstructed or a new well constructed in accordance with ch. NR 112 except that if the reconstruction or new construction is determined to be impractical or is found to be ineffective, the use of the well shall be discontinued and water shall be transported on a temporary basis from a source and in a manner approved by the department.

(4) **PLUMBING.** All plumbing and fixtures shall meet the requirements contained in ch. ILHR 82 and shall be maintained in good repair and in a sanitary condition.

(5) **PRIVATE SEWAGE DISPOSAL.** (a) A private sewage disposal system as defined in s. 145.01 (12), Stats., is permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and shall be designed, constructed and operated in accordance with chs. ILHR 82 and 83 and s. 144.245, Stats.

(b) Failed on-site private waste disposal systems shall be replaced or rehabilitated. A failed system has the meaning prescribed for "failing private sewage system" in s. 144.245 (4), Stats.

(c) Plans and installation details covering the design and construction, alteration or extension of private sewage disposal systems shall receive the approval of the department of industry, labor and human relations or its designated agent prior to the construction, alteration or extension of the systems.

(d) All plumbing fixtures shall be connected to the building drainage system with discharge to a public sewer or private sewage disposal system.

(e) Privies are only acceptable at existing hotels, motels and tourist rooming houses. They shall be constructed in accordance with the applicable requirements of s. ILHR 52.63 and shall be approved by the department. When a new operator takes over the management of a hotel, motel or tourist rooming house, privies shall be eliminated.

(6) **TOILET FACILITIES.** (a) *Private fixtures.* All toilet facilities in conjunction with each guest room shall include a toilet, lavatory and shower or bathtub.

(b) *Shared fixtures.* 1. All hotels and motels, all new tourist rooming houses and all existing tourist rooming houses changing ownership, which do not have a toilet, lavatory and shower or bathtub in conjunction with each guest room, shall have separate toilet facilities for each sex, except that one toilet, lavatory and shower or bathtub is acceptable in cabins or cottages rented to family units. One toilet, lavatory and shower or bathtub shall be provided for every 10 persons or fraction thereof of each sex accommodated.

2. Existing tourist rooming houses which are not undergoing a change in ownership and do not have toilet facilities in each guest room shall provide at least one toilet, lavatory and shower or bathtub for use by guests.

(c) *Water.* Hot and cold water under pressure shall be available at all sinks and other washing facilities in all employe public and guests toilet rooms.

(d) *Soap and towels.* Soap, single-service towels, or other approved means of drying hands shall be provided in each toilet room.

(e) *Room designations.* The door leading into each toilet room shall be marked to identify whether it is for men or women. Words such as "men" or "women" shall be in letters not less than one inch high. Symbols may be used in place of words.