

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Determining Room Numbers for Permitting Category – Addendum

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

DEADLINE FOR SUBMISSION

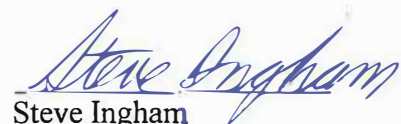
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 97 Subchapter III, Wis. Admin. Code, ch. 72.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Steve Ingham

Administrator

Division of Food and Recreational Safety



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GUIDANCE DOCUMENT

Guidance Document Title: Determining Room Numbers Permitting Addendum

This guidance document is based on Wis. Stat. 97 Subchapter III and chapter ATCP 72 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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Click or tap here to enter text.

Steven Ingham

November 12, 2019

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

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Lodging Policy

Effective Date: 07/01/2016

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This policy supersedes the Department of Health Services policy put forward on 4/8/2013

Determining Room Numbers for Permitting Category Policy Addendum- Permits issued to each separate physical address or each separate parcel\tract of land.

Question

Is a permit issued for each separate physical address or for each separate tract of land?

Discussion

The Department of Health Services, October 22, 2012 policy – Counting Room Numbers for Permit Category states that “a separate lodging permit is still required for each establishment with a separate physical address.” DFRS has been made aware that there may be several instances where the above quoted statement may not hold true.

Code interpretation

The instances where lodging facilities with separate physical addresses would not require separate permits are as follows:

1. When for emergency management and response purposes a resort that had one physical address has been provided with an address for each individual resort cabin. In this case only one permit is required as long as all of the cabins are on the same tract of land. ATCP 72 establishes that a tract of land is the deciding factor in determining when a separate permit is required for a lodging facility. Keep in mind that as a general rule each tract of land with an establishment located on it will have a separate physical address. This general rule applies in most instances. Ultimately, the deciding factor is whether or not the establishments being permitted are located on separate tracts of land. Contact DFRS central office if you encounter unique circumstances that make it difficult to determine the number of licenses which may be required at a particular location.
2. Another instance involves issuing lodging permits to condominium establishments. When a condominium association is the licensee, one lodging permit would be required even though the individual condominium units have separate physical addresses.

***Additional note on licensing Condos:** In order for a condominium association to be the licensee, the association must accept responsibility for ATCP 72 specifically in its by-laws. Always request a copy of the by-laws to verify that the association is indeed accepting responsibility for meeting ATCP 72. When the condominium does not accept responsibility for meeting ATCP 72, the individual condominium owner becomes the licensee.