

Chapter HSS 197

BED AND BREAKFAST ESTABLISHMENTS

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HSS 197.01 Authority and purpose. Section 50.57, Stats., gives the department authority to prescribe rules for bed and breakfast establishments 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 197.02 Scope of rules. (1) **APPLICABILITY.** The provisions of this chapter apply to the operator of any bed and breakfast establishment.

(2) **APPROVED COMPARABLE COMPLIANCE.** When it appears to the department that strict adherence to a provision of this chapter is impractical for a particular bed and breakfast establishment, 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 197.03 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 bed and breakfast establishments.

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

(3) "Bed and breakfast establishment" means any place of lodging that provides 4 or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

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

(5) "Furnishings" means, in connection with the operation of a bed and breakfast establishment, 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.

(6) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of

infectious or toxigenic microorganisms. "Potentially hazardous food" does not include clean, whole, uncracked, and odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

(7) "Premises means the tract of land on which the bed and breakfast establishment is located.

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

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

HSS 197.04 Permits. (1) **APPLICATION.** Before opening for business, every bed and breakfast establishment shall obtain a permit from the department or 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 complete 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 or its agent shall give the applicant reasons, in writing, for the denial. A permit shall not be issued to an operator of a new bed and breakfast establishment or to a new operator of an existing bed and breakfast establishment 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 bed and breakfast establishment.

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

HSS 197.05 Water supply and waste disposal. (1) **SERVICE AVAILABILITY.** The requirements covering water supply and sewage disposal facilities for all bed and breakfast establishments are based on 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 bed and breakfast establishment, connection and use are required, as specified in chs. ILHR 82 and 83, rules of the department of industry, labor and human relations and ch. NR 112, rules of the department of natural resources.

(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 shall 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. A water sample shall be submitted annually to a certified laboratory for bacterial analysis, and a copy of the report giving the results of the analysis shall be made available to the department or its agent upon request. Whenever safe water cannot be obtained consistently from a well constructed in apparent compliance with ch. NR 112, as evidenced by laboratory

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