

1983 Senate Bill 10

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1983 Wisconsin Act 163

AN ACT to renumber 50.51 (1); to amend 50.50 (2), 50.50 (3), 50.50 (8) and (10), 50.53 (5) and (7) (a), 50.54 (1), 50.55, 50.57 and 101.05; and to create 50.50 (2) (b) and (c), 50.50 (2m), 50.50 (3) (d), 50.51 (1) (b), 50.53 (2m) and 50.53 (7) (cm) of the statutes, relating to not requiring that certain small lodging homes offering meals be licensed as tourist rooming houses or as restaurants and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 50.50 (2) of the statutes is amended to read:

50.50 (2) "Tourist rooming house" means ~~and includes~~ all lodging places and tourist cabins and cottages, ~~other than hotels, wherein in which~~ sleeping accommodations are offered for pay to tourists or transients. ~~It~~ "Tourist rooming house" does not include ~~private:~~

(a) Private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients.

SECTION 2. 50.50 (2) (b) and (c) of the statutes are created to read:

50.50 (2) (b) Hotels.

(c) Bed and breakfast establishments.

SECTION 3. 50.50 (2m) of the statutes is created to read:

50.50 (2m) "Bed and breakfast establishment" means any place of lodging that provides 4 or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

SECTION 4. 50.50 (3) of the statutes is amended to read:

50.50 (3) "Restaurant" means any building, room or place wherein meals ~~or lunches~~ are prepared or served or sold to transients or the general public, and all places used in connection therewith. ~~"Meals or lunches" shall~~ "Meals" does not include soft drinks, ice cream, milk, milk drinks, ices and confections. ~~The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. The term "restaurant" "Restaurant"~~ "Restaurant" does not apply to ~~churches:~~

(a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.

(b) Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare or, serve or sell meals or lunches to transients or the general public nor shall it include any.

(c) Any public or private school lunchroom or private individual selling foods from a movable or temporary stand at public farm sales.

SECTION 5. 50.50 (3) (d) of the statutes is created to read:

50.50 (3) (d) Any bed and breakfast establishment that serves meals only to its lodgers.

SECTION 6. 50.50 (8) and (10) of the statutes are amended to read:

50.50 (8) "Public health and safety" means the highest degree of protection against infection, contagion or disease and freedom from the danger of fire or accident that can be reasonably maintained in the operation of a hotel, restaurant, tourist rooming house, bed and breakfast establishment, vending machine or vending machine commissary.

(10) "Establishment" means a hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary.

SECTION 7. 50.51 (1) of the statutes is renumbered 50.51 (1) (a).

SECTION 8. 50.51 (1) (b) of the statutes is created to read:

50.51 (1) (b) No person may maintain, manage or operate a bed and breakfast establishment for more than 10 nights in a year without having first obtained a biennial permit from the department.

SECTION 9. 50.53 (2m) of the statutes is created to read:

50.53 (2m) The biennial fee for a bed and breakfast establishment is \$25.

SECTION 10. 50.53 (5) and (7) (a) of the statutes are amended to read:

50.53 (5) An additional penalty fee of \$20 shall be required for each permit whenever the annual or biennial fee for renewal is not paid prior to expiration of the permit.

(7) (a) The department shall not grant a permit to a person intending to operate a new hotel, tourist rooming house, bed and breakfast establishment or restaurant or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment or restaurant without a preinspection.

SECTION 11. 50.53 (7) (cm) of the statutes is created to read:

50.53 (7) (cm) The preinspection fee for a bed and breakfast establishment is \$18.

SECTION 12. 50.54 (1) of the statutes is amended to read:

50.54 (1) An applicant for a hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary, vending machine operator or vending machine permit shall complete an application furnished by the department and provide such information as it requires.

SECTION 13. 50.55 of the statutes is amended to read:

50.55 Rules of health and safety. Every hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary and vending machine shall be operated and maintained with a strict regard to the public health and safety and in conformity with this chapter and the rules and orders of the department.

SECTION 14. 50.57 of the statutes is amended to read:

50.57 Powers of department. The department shall appoint assistants with such qualifications as it deems necessary and fix their compensation, administer and enforce the rules and the laws relating to the public health and safety in hotels, tourist rooming houses, bed and breakfast establishments, restaurants, vending machine commissaries, vending machines and vending machine locations, ascertain and prescribe what alterations, improvements or other means or methods are necessary to protect the public health and safety therein, prescribe rules and fix standards, including rules covering the general sanitation and cleanliness of the vending machine commissary and vending machines and their location and servicing, and enforce such rules and laws. The rules relating to the public health and safety in bed and breakfast establishments may not be stricter than is reasonable for the operation of a bed and breakfast establishment.

SECTION 15. 101.05 of the statutes is amended to read:

101.05 Exempt buildings. No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes. A bed and breakfast establishment, as defined under s. 50.50 (2m), is not subject to rules on residential occupancy or to other building codes adopted by the department under this subchapter.

SECTION 16. **Nonstatutory provisions.** On or before the first day of the 6th month commencing after the publication of this act, the department of health and social services shall submit rules establishing reasonable health and safety standards for the operation of bed and breakfast establishments to the presiding officer of each house of the legislature in final draft form under section 227.018 (2) of the statutes.

SECTION 17. **Initial applicability.** The treatment of sections 50.50 (2) and (2) (b) and (c), (2m), (3) and (3) (d), (8) and (10), 50.51 (1) and (1) (b), 50.53 (2m), (5) and (7) (a) and (cm), 50.54 (1), 50.55, 50.57 and 101.05 of the statutes by this act applies to bed and breakfast establishments maintained, managed or operated on or after the first day of the 6th month following publication of this act.
